

# Human Rights Report April 1998

## SUMMARY

- Destruction of property and violence in places such as Drvar, Stolac, and Travnik, continues to impede return of refugees and displaced persons.
- Religious celebrations proceed largely without incident.
- Continued allegations of police ill-treatment and failure of police to act.
- Three Bosnian Serb Indictes transferred to Hague.
- Claims process started under new property legislation in Federation.

### Annexes:

1. Instruction on the application of article 4 of the Law on the Cessation of the Application of the Law on Abandoned Apartments
2. Claim Form for Repossession of an Apartment with the Occupancy Right (PDF file – use Acrobat Reader to view)

## RIGHT TO RETURN

2. On 16 April, an elderly Bosnian Serb couple who had recently returned to **Drvar** (Fed) were killed. The house in which they were temporarily living (their own home was occupied by Bosnian Croats) was set on fire. Police investigations into the incident continue. Following the incident, the High Representative dismissed the Deputy Mayor of Drvar, with immediate effect. The UN Special Representative of the Secretary-General called for the dismissal of the Chief of Police and the Minister of Internal Affairs of Canton 10.
3. On 23 April, a Catholic ceremony in **Derventa** (RS) was disrupted by a crowd of approximately 1,500 to 2,000 demonstrators. Two road blocks were set up between Derventa and Slavonski Brod, preventing around 600 Bosnian Croats from reaching Derventa. Cardinal Puljic and approximately 30 Bosnian Croats were trapped in the church for six hours prior to their evacuation by SFOR. The ceremony had been planned and organised in conjunction with the RS authorities, in particular the Derventa municipal authorities and Chief of Police. A prior guarantee of security had been given by the RS authorities.
4. On 24 April, an organised crowd stormed the municipality building in **Drvar** (Fed). Drvar's Bosnian Serb Mayor Mile Marceta was injured during the incident. Several buildings were set on fire, including the former HVO cantonment site which had been vacated by HVO soldiers on 9 April and was then housing recent Bosnian Serb returnees. UNMIBH's office, including the International Police Task Force station (IPTF), and a number of other international offices were also set alight. International monitors reported the presence of HVO soldiers in civilian clothing in the crowd, and noted that the event appeared to have been carefully orchestrated. UNMIBH (IPTF) is investigating the incidents, including the failure by local police to respond appropriately. Approximately 225 Bosnian Serbs temporarily left Drvar following the riots.
5. On 25 April, a crowd of 200 displaced Bosnian Serbs prevented displaced Bosnian Croats from Slavonski Brod from attending a mass at **Plehan** monastery, located near Derventa (RS). SFOR reported the presence of four more road blocks between Dugo Polje and Plehan.
6. On 22 April, two Bosnian Croats were seriously injured by an explosive device after they entered an abandoned house in Velika Bukovica, near **Travnik** (Fed). The injured were part of a group of 30 displaced Bosnian Croats carrying out assessment visits to their pre-war homes. On

26 April, in Svjetlica village, near **Doboj** (RS), five Bosnian Serbs were wounded, including one serious injury, by hand-grenade(s), during a confrontation with Bosniaks who had returned to their pre-war homes on 22 April. Roadblocks were set up a few hours later on either side of the inter-entity boundary line in Stanic Rijeka. UNMIBH reported groups of up to 150 Bosniaks on the Federation side and up to 70 Bosnian Serbs on the RS side. The road blocks were dismantled the following day.

7. **Stolac, Prozor, Mostar town:** Since the end of March, UNMIBH reports 18 incidents targeting Bosniak property in **Stolac** municipality, including seven cases of fires, eight explosions and the stoning of several vehicles. Some 25 houses belonging to Bosniaks were reported to have been damaged or destroyed in the course of these incidents. UNMIBH reports that initial investigations carried out by the local police were inadequate. Further Bosniak minority returns occurred to several villages in Stolac and Caplijna municipalities.
8. OSCE reports that 70 Bosniak heads of families returned to the village of Here, **Prozor** (Fed) on 18 April, from Bugojno and Konjic, and approximately 30 have stayed overnight since their return. These initial return activities were strongly contested by local authorities. To date, however, the returns have proceeded without incidents.
9. On 16 April, an agreement for returns to the six municipalities of **Mostar** (Fed) was signed by the Bosniak Mayor and the Bosnian Croat Deputy Mayor at the Federation Forum session on 16 April. Approximately 500 houses are to be made available for returns to all six municipalities. By the end of April, no returns to the centre of Mostar had occurred under the return plan.

## **FREEDOM OF MOVEMENT**

### **10. Illegal Checkpoints on Sarajevo/Pale road:**

UNMIBH (IPTF) reports the continued failure of the Sarajevo Cantonal police to abide by the checkpoint policy. After having issued several non-compliance reports against the ordering officers, UNMIBH raised its concerns with the Minister of Internal Affairs of Canton 9 and requested full compliance with the checkpoint policy.

### **11. Prijedor-Sanski Most:**

UNMIBH (Civil Affairs) reports an improvement in freedom of movement along the Prijedor-Sanski Most axis, leading to a marked increase in the number of assessment visits of Bosniak and Bosnian Serb DPs. OSCE reports that 500 Bosniaks from Sanski Most visited Trnopolje on 4 April, without incident.

### **12. Religious Celebrations Proceed Largely Without Incident:**

UNMIBH (Civil Affairs) reports that more Bosniaks and Bosnian Croats were able to celebrate Kurban Bajram and Easter in their pre-war towns in the RS than in any year since the outbreak of hostilities. UNMIBH reports that hundreds of Bosnian Croats traveled from outside and within BiH to churches in the RS to celebrate Easter. In the Posavina area, 400 Bosnian Croats attended an Easter mass in a village in Brcko, and a group of 200 Bosnian Croats held mass in a destroyed village in the zone of separation near Pelagicevo. In the Federation, approximately 1,100 Bosnian Croats attended Easter mass in Bosniak-controlled areas without incident. Over 1,000 Bosniaks traveled into the RS in organised visits to their pre-war towns for Kurban Bajram. An exception to the peaceful visits was a visit to Novi Grad (western RS) on 8 April, where approximately 100 Serbs prevented 500 Bosniaks from visiting their pre-war towns, despite the presence of local police, UNMIBH and SFOR.

## **RIGHT TO LIBERTY AND SECURITY OF PERSON**

### **13. Allegations of Human Rights Violations by Police:**

UNMIBH (Human Rights Office) reports continued allegations of ill-treatment by local police combined with a failure of police to respond, in both the Federation and the RS. UNMIBH has

issued non-compliance reports against officers involved in some of these cases. UNMIBH (Human Rights Office) is currently investigating allegations that local police in Stolac and Prozor are inadequately investigating serious crimes allegedly involving Bosnian Croats. UNMIBH met with Tuzla-Podrinje Interior Ministry to discuss allegations of police misconduct, including two cases alleged abuse in Teocak and Ravne-Brcko stations.

**14. Ill-treatment by Police in Teslic Update:**

Following interventions by UNMIBH, the Teslic Chief of Police was replaced on 14 April, although the former chief continues on active duty as the Chief of Criminal Investigations pending the outcome of investigations into allegations of ill-treatment by police in Teslic. A special police investigation team, including three RS senior police officers, is working in close cooperation with UNMIBH (IPTF) to investigate cases of alleged beatings.

## **RULE OF LAW**

**15. Three Bosnian Serb Indictees Transferred to the Hague:**

On 8 April, SFOR troops detained Miroslav KVOCKA and Mladen RADIC who were transferred to the Hague the next day. Both accused have been indicted for atrocities allegedly committed at the Omarska camp near Prijedor between May and August 1992. On 16 April, acting on information that **Zoran ZIGIC** (also indicted for offences allegedly committed at the Omarska and Keraterm camps between May and August 1992) was prepared to surrender voluntarily, investigators from the Office of the Prosecutor of ICTY went to the prison of Banja Luka where the accused was in custody for offenses unrelated to those for which he was indicted by the ICTY. The prison authorities released ZIGIC into the custody of the ICTY Investigators. Two persons subject to publicly-disclosed indictments remain at large in the Federation, while some 30 Bosnian Serbs publicly indicted by ICTY are not in custody.

**16. Zenica Hidden Detention Case:**

On 28 and 29 April, the criminal investigation in the case of two Bosnian Serbs detainees (discovered in Zenica military prison more than one and a half years ago after prisoner releases were required under the GFAP) started before the Municipal Court in Zenica. Two suspects have been interviewed. This investigation follows an internal investigation within the Ministry of Defence, which international monitors disputed as insufficient to ensure those responsible were apprehended and prosecuted. Further sessions are scheduled for May and June.

**17. Miodrag ANDRIC Retrial:**

On 28 April, the retrial of Miodrag ANDRIC began at the Sarajevo Cantonal Court. ANDRIC was convicted of war crimes by the Sarajevo Cantonal Court on 22 August 1997 and sentenced to twenty years imprisonment. On 20 February 1998, the Federation Supreme Court decided to return the case to the Sarajevo Cantonal Court for retrial.

**18. Use of Force in Arrest of Goran VASIC Update:**

Recommendations contained in UNMIBH's report on the use of force in the arrest of Goran VASIC, arrested on war crimes charges, were accepted by the Minister of Internal Affairs, Sarajevo Canton. The Minister has carried out special training sessions on arrest techniques and use of force, with the assistance of UNMIBH.

**19. Zvornik 7 Retrial Update:**

On 23 April, the retrial of the Zvornik 7 defendants was once again adjourned by the District Court in Bijeljina (RS). The reason given was the absence of one of the defendants reportedly undergoing medical treatment abroad. The trial was postponed to 19 May, when the court is to decide whether to try the defendant in absentia or whether to separate the proceedings.

## PROPERTY AND HOUSING LEGISLATION

### 20. **Federation:**

Three laws which will enable persons to reclaim their pre-war homes came into force on 4 April.

- The Law Regulating the Application of the Law on Temporarily Abandoned Real Property Owned by Citizens entitles persons to file a claim for the return to their real property. Persons may file this claim at any time.
- The Law on the Cessation of the Application of the Law on Abandoned Apartments entitles persons to file a claim to return to the socially owned apartment they occupied before the war if it was declared abandoned during the war. Claims must be filed before 4 October 1998 or rights to the apartment will be lost. Claims are to be filed on a standard claim form, in accordance with an Instruction passed by the Ministry of Urban Planning. The Instruction and claim form are attached to this Report as Annex "A".
- The Law on Taking Over the Law on Housing Relations also applies to socially owned apartments. It provides that occupancy rights can not be canceled for failure to use an apartment since 30 April 1991, if the occupancy right holder is a person with the right to return under Annex 7 of the GFAP.

### 21. **Republika Srpska:**

The RS property working group is in the process of finalising amendments to the property laws for submission to the RS government. OHR is working with the RS authorities to ensure that the proposed laws comply with Annex 7 of the GFAP and are consistent with laws adopted within the Federation. [Ed. Note: Drafts have now been submitted to the RS government and will be considered by the RS Assembly this week. The drafts are largely consistent with the Federation laws, however, some amendments are still needed before the laws will be deemed acceptable to OHR. The RS authorities have agreed to ensure the necessary additional changes are made before the laws are presented to the RS Assembly for adoption in June].

## INSTITUTIONAL AND POLICY DEVELOPMENTS

22. **A Round Table on Constitutional Justice** was held on 4 and 5 April in Sarajevo, organised by the Constitutional Court of BiH, OHR, EU/Phare, Council of Europe/Venice Commission and ABA/CEELI. The Round Table was the first meeting to be attended by representatives from both entities. Proceedings of the seminar will be published by the Venice Commission.
23. The **reform of criminal law** is moving forward in both Entities. Drafts of revised criminal code and criminal procedure codes acceptable to OHR have been submitted to the Federation Parliament and should be adopted in May. The RS expert team for criminal law reform was finally constituted and held its first session on 27 and 28 April in Banja Luka. The session was chaired by the OHR and the Council of Europe.
24. The **Agreement on Police Restructuring in Canton 10** was signed on 28 April. The agreement stipulates that a certain number of police officers of Serb and Bosniak ethnicity will be employed by the Canton 10 police force. The inauguration date of the Canton 10 police force was due to take place on 9 May, but has been postponed until further notice.

## HUMAN RIGHTS INSTITUTIONS

### 25. **Human Rights Ombudsperson:**

On 9 April, the Office of the Human Rights Ombudsperson issued a Special Report on the conformity of Article 17 of the RS Law on the Use of Abandoned Property with the European Convention on Human Rights and its Protocols (ECHR). Article 17 states that refugees and displaced persons can be given temporary accommodation in private homes where there is surplus housing space over 15m<sup>2</sup> for each member of the family.. The Ombudsperson found the

content and application of Article 17 in violation of the ECHR and issued recommendations, including the immediate cessation of the application of Article 17 and a re-assessment of all decisions issued in pursuance of Article 17.

**26. Human Rights Chamber:**

On 6 April, the Human Rights Chamber delivered its decisions in two cases. In the case of *Marceta v. Federation*, the applicant was arrested in October 1996 and indicted on war crimes charges although the case had not been reviewed and found sufficient by the ICTY Prosecutor. In August 1997, the ICTY Prosecutor decided that there was insufficient evidence for prosecution for war crimes, and Marceta was released shortly after. The Human Rights Chamber concluded that Marceta's arrest and detention were in violation of the "Rules of the Road" and a violation of the ECHR. In the case of *Cegar v. Federation*, the applicant was arrested in June 1996 by Bosnian Croat police and informed that he was being held for a prisoner exchange with the RS authorities. He was released in July 1996 after intervention by the ICRC. The Human Rights Chamber held that the Federation had violated the ECHR by illegally detaining Cegar.

NOTE: The HRCC Human Rights Monthly Report is based on the regular and special reporting of inter-governmental and non-governmental organisations. The aim of the Report is to provide a concise overview of human rights issues, cases and trends affecting the overall human rights situation in Bosnia and Herzegovina during the reporting period. Questions on specific items should be directed to the reporting organisation or to the HRCC. Please send information for inclusion in the report to 387-71-447-420 to the attention of Michelle Morris or by e-mail to [michelle.morris@ohr.int](mailto:michelle.morris@ohr.int).

## **Office of the High Representative**