

Human Rights Report March 1998

SUMMARY

- Four cross-IEBL arrests occurred during March, including two detentions on war crimes charges (with the eventual release of one of the detainees) as well as two arrests on common crimes charges related to incidents pre-dating the conflict.
- Obstacles to return continue to be recorded in Drvar and Stolac with minority houses targeted with explosions and arsons.
- Housing and property legislation has been passed by the Federation House of Representatives and negotiations continue with the Republika Srpska authorities.

PROPERTY AND HOUSING LEGISLATION

I. Federation

On 12 March, the Federation House of Representatives adopted the property and housing legislation which had been agreed upon by the Office of the High Representative in consultation with other relevant international organisations. Efforts to coordinate the difficult task of implementing these laws are underway including the preparation of detailed instructions on the claims process and criteria for decision-making in certain cases, a broad public information campaign to ensure that all persons are informed of their rights under the laws, as well as effective monitoring of the implementation of the laws to ensure that any breaches or inconsistencies in application of the laws are promptly redressed. An explanation of the substance of the laws which have been adopted in the Federation may be obtained from the HRCC.

II. Republika Srpska

Property laws in the Republika Srpska also violate international standards and obstruct return. Since the establishment of the new government, however, a working group has been established to develop property and housing law amendments for submission to the Republika Srpska government. Initial drafts have been prepared, and OHR is working with Republika Srpska authorities to ensure that the proposed laws comply with Annex 7 and are consistent with laws adopted within the Federation.

THREATS TO LIBERTY AND SECURITY

I. UNMIBH Completes Special Report on Police Abuse in Teslic

On 30 March, UNMIBH submitted a special report on three incidents of beatings in police custody in Teslic (RS) to the Chief of the Public Security Centre Dobo. Together with OHR and OSCE, UNMIBH Human Rights Office (HRO) will demand that an independent internal investigation be conducted into these incidents, into any other incidents of police abuse which may be uncovered during the course of the investigation, and that proper disciplinary actions be taken in accordance with the findings. Any such investigation will be closely monitored by UNMIBH HRO.

II. Harassment and Intimidation During Assessment Visits

UN IPTF reports that during an assessment visit of approximately 70 Bosnian Croats to **Velika Bukovica** (Fed) on 21 March, five individuals reported being assaulted while approaching one of the returnees' pre-war home. The night prior to the visit, a house had been set on fire which was still burning when the visit started. On 22 March, two Bosnian Croat houses and a barn

were also set on fire in Bukovica. Four people have been charged by local police in relation to the assault and UN IPTF is monitoring the response to these incidents.

RIGHT TO RETURN

I. Police Refuse to Issue ID cards to Returnees

In the first week of March, UNMIBH reported six new cases in **Gradiska** (RS) involving local police refusing to issue ID cards to returnees and a seventh case was reported in mid-March. These incidents occurred despite assurances given by the Banja Luka Chief of Police in February that the problem would be addressed, following UN IPTF intervention in four cases in which Bosniaks returning from Norway were denied ID cards. UN IPTF met with local police in Gradiska to warn that noncompliance letters would be issued if minorities continued to face problems in obtaining IDs. Under the threat of noncompliance, the local police in Gradiska issued ID cards to Bosniak returnees in two of the cases under investigation. In cooperation with OSCE, UN IPTF will continue its intervention in these cases.

II. Bosniak Houses Targeted in Stolac Municipality

Since the beginning of the return process to **Stolac** (Fed) on 25 March under the Cantonal Return Plan, 14 incidents involving damage to Bosniak houses through explosions or arson were reported by UNMIBH prior to 4 April. These incidents include five Bosniak houses in areas designated for return being damaged in explosions on the night of 25 March. Incidents continued over the weekend when several unoccupied Bosniak houses were burned in one of the return villages. On 28 March, a bus carrying returnees was stoned and during the same night three additional Bosniak homes were burned. These incidents follow events during the months of January and February which led to the eventual removal of the former Mayor of Stolac, Pero Raguz, by the High Representative on 4 March upon Raguz's consistent failure **to take decisive steps** to enable the return of Bosniaks to their pre-war homes.

III. Arsons Continue in Drvar

Eight additional house fires have been reported by UN IPTF during March in **Drvar** (Fed); an additional 25 cases involving destruction of Bosnian Serb-owned private property had been previously reported by UN IPTF. Despite strong and repeated intervention by the international community, only two persons have been arrested in connection with these incidents, both involving juveniles. Charges have been laid against six additional individuals on grounds of careless grass burning.

OHR and SFOR are continuing negotiations with Cantonal authorities regarding the removal of approximately 2000 HVO soldiers of the 1st Brigade occupying socially owned and private property in the centre of the municipality, including a series of apartment blocks which the soldiers have surrounded with barbed wire. The more than 200 occupied properties constitute a significant portion of the total housing stock in the municipal centre, thereby preventing the return of many pre-war occupants. **[Ed. Note - substantial movements have occurred during April, and will be described in the next monthly report].**

FREEDOM OF MOVEMENT

I. Illegal Checkpoints on Sarajevo/Pale Road

According to UNMIBH, between 30 October and 29 March, UN IPTF dismantled 50 checkpoints established by the Sarajevo Cantonal police in or near the Zone of Separation on the road between **Sarajevo** (Fed) and **Pale** (RS). In 43 of these 50 cases, UN IPTF issued noncompliance reports either against the officer(s) conducting the checkpoint or the superior officer who issued the order.

RULE OF LAW: Special Focus

I. CROSS-IEBL ARRESTS

Detention on War Crimes Charges: Pejic and Tepes

Dragan Pejic

Dragan Pejic was arrested by Sarajevo Canton police on 20 March. Mr. Pejic's file had been submitted to the ICTY prosecutor for review under the Rules of the Road, and the Prosecutor found sufficient evidence for Mr. Pejic to be detained on war crimes charges. Mr. Pejic was released from Sarajevo Centar prison on 30 March, however, following the acceptance by the investigating judge in the case of Mr. Pejic's contention of mistaken identity. When the relevant witness was unable to identify Mr. Pejic, the Prosecutor dropped all charges against Mr. Pejic.

Milomir Tepes

On 21 March, Sarajevo police arrested Milomir Tepes after his file had been reviewed by the ICTY Prosecutor under the Rules of the Road and found to contain sufficient evidence for detention. UN IPTF has expressed concern that UN IPTF learned of Tepes' arrest six hours after the arrest occurred. Mr. Tepes' first examination took place on 23 March and investigative interviews of witnesses are scheduled to begin on 9 April. Mr. Tepes has been appointed defense counsel by the court, but is attempting to secure counsel of his own choice with the assistance of UNMIBH.

Two Bosnian Serb Men arrested on Common Crimes

Charges Pre-Dating Conflict In one case, UNMIBH HRO reports that the detained man was stopped by local police in **Gorazde** (Fed) on 20 March for suspected drunk driving and detained after his name was found on the list of outstanding detention orders. He faces murder charges pertaining to an incident on 23 October 1991. A number of concerns have been noted in this case. According to UNMIBH HRO, the detained man was first interviewed on 24 March without defense counsel present. UNMIBH HRO is actively monitoring this case and has intervened with the Investigative Judge on several issues.

A second Bosnian Serb man was arrested during traffic control by Sarajevo Canton police in **Lapisnica** (Fed) on 28 March when his name was found on the list of outstanding detention orders. He faces charges arising from a vehicle collision on 24 September 1990 which resulted in two fatalities. The detention decision was originally issued on 26 December 1994 by the Basic Court II of Sarajevo (now Municipal Court II) and given effect as of 28 March 1998. The trial is scheduled to begin on 9 April 1998. The detained man is represented by defense counsel of his own choice. **[Ed. Note - individual was convicted of vehicular manslaughter, sentenced to 6 months, and has been released on bail pending appeal].**

II. UN IPTF Releases Special Report on Use of Force in Arrest of Goran Vasic

On 2 April, UNMIBH released its special report to the Minister of Internal Affairs, Sarajevo Canton, concerning the arrest of Goran Vasic, a Bosnian Serb arrested on 6 February by Federation police in **Dobrinje** (Fed). The report notes that from evidence available to UN IPTF, the police officers involved committed serious breaches of directives and procedures in terms of deployment of long barrelled weapons, as well as breaching human rights standards with respect to use of force during Vasic's arrest, police interrogation and initial detention. Four letters of noncompliance were also issued as a result of the findings of the report.

The arrest of Goran Vasic was in violation of the Rules of the Road as his file had not been reviewed by ICTY prior to the arrest. Federation authorities explained this violation by contending that they had not understood review was necessary since the arrest was made on a charge of common crimes, rather than war crimes. When informed that any case which appears to involve war crimes must be submitted for review, regardless of the charge, Federation authorities rectified this breach by sending the file regarding Vasic to ICTY. The ICTY Prosecutor subsequently found that there was sufficient evidence for an arrest on war crimes charges. OHR has emphasised with Federation authorities that the Rules of the Road must be followed to the letter in future cases, and that a repeat of this scenario will not be permitted.

III. Amnesty Case in Banja Luka

In a case holding serious implications for return, OSCE, UN IPTF and UNHCHR intervened in the arrest by **Banja Luka** (Fed) police of a Bosniak returnee from Germany on 10 March for desertion from service with the JNA. International monitors sought the man's release on the basis that his detention on desertion charges is prohibited under Annex 7 of the Peace Agreement. The RS Amnesty Law itself does not comply with Annex 7, in that it excludes draft evaders and deserters. The returnee was released on 16 March by the President of the RS High Court who decided to defer the sentence for six months.

IV. **Zvornik 7 Retrial Postponed**

On 22 January 1998, the District court in **Bijeljina** (RS) accepted the appeal by Ahmo Harbas, Behudin Husic, and Nedzad Hasic, ruling that the verdict of the Municipal Court in Zvornik from 22 April 1997 would be abolished and the case returned to the first instance court (District Court Bijeljina) for retrial. Although the retrial began as scheduled on 26 March in Bijeljina, the trial was adjourned until 23 April because Samir Avdic, one of the four original Zvornik 7 defendants convicted on weapons charges but released for time served, had not been served with a summons and two of the other defendants who had been released failed to appear despite having been served. As a result, the judge held that all the legal preconditions had not been fulfilled and the hearing could not proceed.

The defence counsel for the three detained defendants requested that the trial proceed despite the absence of the other defendant. The judge indicated that if the other defendants did not appear on 23 April, he would consider proceeding on that date and trying the missing defendants in absentia.

NOTE: Information contained in the HRCC Monthly Report is based on the regular and special reporting of inter-governmental and nongovernmental organisations. 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 Lori Galway or by e-mail to lori.galway@ohr.int.

Office of the High Representative