

## **Human Rights Report 3-9 August 97**

### **THREATS TO LIBERTY AND SECURITY**

#### **Missing Men Found in Zenica Prison**

On 4 August, two Serb men who had been registered by the ICRC as missing since September 1995 were freed from the Zenica military prison where they had been held for 1" years in clear violation of the prisoner release provision of Annex 1-A of the Peace Agreement. Based on reports from a number sources that the two men were still alive and being held in Zenica military prison, during the past 1" years UN IPTF and other organisations repeatedly attempted to locate them through inquiries and searches, but were told by various authorities that their whereabouts were unknown. On 3 August, UN IPTF and SFOR conducted a search of the Zenica facility in which they found the two men detained in a room away from the main detention blocks, indicating that they were being purposefully hidden. They were released the following day. UN IPTF and Federation authorities are conducting special investigations.

### **FREEDOM OF MOVEMENT**

#### **Serb Man Attacked While Visiting Cemetery**

UN IPTF reported that on 3 August, a Serb man visiting family graves at a cemetery near Ilijas (Fed) was attacked by a crowd of about people (mostly women) and sustained bruises to his face and body. Federation police responded promptly and brought the man to the police station to get him away from the crowd. UN IPTF is following the local police's investigations into the incident, which follows a violent demonstration by Bosniak displaced persons (mostly from Srebrenica) on 1 August in Vogosca (Fed). The incident is nearly identical to one that occurred in March in which a Serb man died after he was severely beaten by a crowd of displaced persons from Srebrenica while visiting family graves near Visoko (Fed).

### **RIGHT TO RETURN**

#### **Response Demanded to Vogosca Violence**

The High Representative Carlos Westendorp wrote to the Federation authorities on 2 August to express his grave concern about an incident that occurred in Vogosca (Fed) on 1 August in which a violent crowd of 50-100 Bosniaks, primarily women, attacked the municipality building where a group of Serb displaced persons were meeting with local authorities and international officials to discuss assessment visits to their homes. The crowd, which the High Representative noted was "clearly organised and had been forewarned of the visit", menaced UN IPTF monitors outside the building with clubs and rocks, damaged several vehicles, tried to forcibly enter the premises, and stoned the building when prevented from doing so. Westendorp said that the "criminal incident will certainly have negative repercussions as regards returns to Vogosca and to the Canton", all the more unfortunate given Vogosca's participation in the Open Cities initiative and the Canton's importance to resolving the problem of Bosniak returns to Brcko and the RS. He said that he found it "especially shameful that some members of the community are willing to manipulate the emotions of Bosniak victims of Srebrenica and Zepa living in Vogosca to victimise others in a criminal manner" and appealed to the Federation authorities to take measures against the demonstration's organizers, who have also organised other attacks against Serbs in the area. Federation Prime Minister Bicakcic wrote to the High Representative on 4 August pledging the authorities' commitment to investigating and punishing the organisers of the incident, and their determination to fully implement Annex 7 of the

## Peace Agreement. **Principals Protest Jajce Incidents**

The Principals of the OHR, SFOR, UNMIBH/UN IPTF, UNHCR and OSCE wrote to the Federation President and Vice President on 3 August to express their dismay about the demonstrations against returns to the municipality of Jajce (Fed) over the weekend of 2-3 August and the burning of four Bosniak houses which led several hundred Bosniak returnees to flee in fear. The body of a Bosniak man was found in one of the burned houses; investigations are underway to determine the cause of death. Several days prior, a young Bosniak returnee was badly maimed after he stepped on a mine on a road that was supposedly mine-free. The Principals noted that Jajce police may have been involved in the incidents and that "certain actions were orchestrated by persons as yet identified." They also said that the local authorities, if not directly involved in the events, did not live up to their responsibility to maintain law and order, and demanded that (1) the Canton authorities re-establish law and order and prevent people from unlawful and retaliatory actions, (2) conditions be established within 48 hours that would enable families who left Jajce to return to their homes with full guarantees for their safety, and (3) a full investigation be conducted to identify those responsible for the incidents. UN IPTF will also investigate and identified perpetrators are to be punished. On 5 August, senior Federation and Central Bosnia Canton officials met with the Principals and decided that the Central Bosnia Canton will declare its intention to welcome back all former inhabitants regardless of their nationality, and that it will give priority to returns. Canton officials also signed an agreement constituting the canton police force and decided to accelerate its implementation, and will immediately provide premises to the Federation Ombudsmen to open a regional office in Travnik. In a negative development, UN IPTF reported that five Bosniak houses and a barn were burned in two different villages in the Jajce area on the nights of 4 and 5 August. SFOR troops have increased their patrols in these villages to prevent further incidents.

## **INSTITUTIONAL AND POLICY DEVELOPMENTS**

### **Chamber Issues Decision on Missing Priest and Parents**

On 6 August, the Human Rights Chamber for BiH delivered a decision on the merits of a case submitted on behalf of Josip and Bozana Matanovic and their son Tomislav Matanovic (a Roman Catholic priest) against the Republika Srpska. The Chamber found that Father Matanovic was arrested at his home in Prijedor on 24 August 1995 by RS police officers, and that he and his parents were held under house arrest until they were taken to an unknown destination in September 1995. All three have been missing ever since. The Chamber further established that after the Peace Agreement entered into force, the RS authorities had offered to exchange Father Matanovic and his parents for prisoners held by the Federation, though no exchanges or releases ever occurred. The Chamber concluded that the respondent Party had failed to secure the applicants' rights to liberty and security of person as guaranteed under Article 5 of the European Convention, and was therefore in breach of its obligations under Annex 6 of the Peace Agreement. The Chamber has ordered the RS authorities to take immediate steps to ascertain the whereabouts or fate of the Matanovic family and to secure their release if they are still alive. Two members of the Chamber issued dissenting opinions.

### **Judicial Selection Group Formed**

The Working Group on the Judicial Appointment Process held its first meeting on 21 July in Sarajevo. The group, chaired at its first session by the President of the Judges Association for the Federation, had been invited by the Federation Minister of Justice to propose rules and regulations for the election and appointment of judges serving in the Federation. In addition to drafting proposals for the harmonisation of the existing Laws on the Courts, the participating judges (from various courts of all levels) discussed the need to define transparent and verifiable selection criteria. The group was formed following public criticism of the judicial selection process in Sarajevo and Tuzla.

**NOTE:** *The HR Report is based on the most recent information available to the OHR from inter-governmental and non-governmental 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, attention Leah Melnick*

([leah.melnick@ohr.int](mailto:leah.melnick@ohr.int)), Kristina Koch ([kristina.koch@ohr.int](mailto:kristina.koch@ohr.int)), or Vladimir Stanisic([vladimir.stanisic@ohr.int](mailto:vladimir.stanisic@ohr.int)).

## **Office of the High Representative**