

Human Rights Report 09-14 April 97

FREEDOM OF MOVEMENT

Progress on Movement in Gorazde. UN IPTF reports that in the month of March, 87 people participated in cross-IEBL graveyard visits organized in the Gorazde (Fed) area. There were no incidents during any of the visits. UN IPTF believes that these visits have become fairly routine in the area, with local police in both the RS and the Federation demonstrating cooperation in providing security to prevent confrontations. UN IPTF has also increased its patrols on the Sarajevo – Gorazde road in response to recent security incidents, including the armed robbery of a bus earlier in the week.

PROTECTION OF MINORITIES

Bosniaks Attacked in Vrbanja. International organisations report that a Bosniak family was forced to flee their home after they were menaced by an angry crowd in the Banja Luka (RS) suburb of Vrbanja on 9 April. The crowd reportedly smashed windows of the house and threatened the family and two of their visiting relatives who have been living abroad since being forcibly evicted from the town last year. Of the 11 Bosniak families evicted in Vrbanja last summer, the family that fled their home on Wednesday was the only one that had been successfully reinstated. RS police will reportedly help the family move back into their home and also took action to disperse the crowd at the scene when it became violent.

Minority Reinstatements Blocked in Banja Luka. International organisations have been intervening with the RS authorities concerning their failure to enforce court decisions providing for the reinstatement of some 11 minority families to their homes in Banja Luka in the past week. Twenty-nine of the approximately 300 minority families who were forcibly evicted from their homes during the war but have remained in the Banja Luka area have received favourable reinstatement decisions from the courts. However, the reinstatements of the first 11 families that were scheduled for this month could not be carried out due to the police's failure to show up. International observers note that in a number of these cases, the current occupants of the properties are RS police officers and their families.

RIGHT TO RETURN

BiH Ombudsperson Reports on Vares Property Case. The Human Rights Ombudsperson for BiH issued a report concerning a case of a Bosnian Croat man in Vares whose occupancy rights were annulled under the Law on Abandoned Apartments. In late 1996, the Vares Municipality had declared that the man, who had been living abroad during the war, had permanently lost his occupancy rights because he did not state his intention to reclaim his flat within the time limit required under the law. He was subsequently evicted. The Ombudsperson stated that she is of the opinion that the Law on Abandoned Apartments is not in compliance with the European Convention on Human Rights and that the time limits for return to one's property under this law are arbitrarily short, and are therefore not foreseeable or accessible. Several hundred similar decisions were issued by the Vares municipal authorities at the end of 1996, which international officials have raised with the authorities.

OTHER HUMAN RIGHTS ISSUES

Labour Discrimination Alleged in Eastern RS OSCE learned that after RS authorities sent the director of a Zvornik (RS) company a list of 15 alleged army deserters employed there, the workers were dismissed shortly thereafter. At least one of the dismissed workers claims he is not a “deserter,” and alleges that his dismissal is politically-motivated. OSCE also reports that RS television announced on 21 March that all municipal employers in Srebrenica (RS) should hire family members of fallen and wounded soldiers, a policy which OSCE believes could be used to fire alleged deserters to give jobs to family members of veterans and war widows. OSCE is following up these cases.

BiH Ombudsperson Reports on Illegal Detention. The Human Rights Ombudsperson for BiH recently issued a report on a case of a man who was held for more than four months in HVO-controlled prisons in 1996, finding that he had been illegally deprived of his liberty and subjected to inhumane treatment. The Ombudsperson reported that the authorities had not told the man why he was being detained, and also found that his further two-month detention in a civil prison in Mostar was arbitrary and without reasonable suspicion. The Ombudsperson established that the Bosnian Croat authorities had illegally detained the applicant for the purpose of exchanging him as a prisoner of war and had denied him an effective remedy with respect to the ill-treatment he suffered and the labour he was forced to perform in prison. The Ombudsperson concluded that the Federation acted in contravention to the European Convention and recommended inter alia that these authorities provide him financial compensation.

IHF Requests Croatia to Use Influence in Mostar. The International Helsinki Federation for Human Rights (IHF) wrote an open letter to Croatian President Franjo Tudjman on 8 April asking him to use his “personal and official influence” to bring about improvements in the human rights situation in Mostar, and to help ensure that correct legal proceedings based on new indictments and proper criminal investigations are undertaken by the Federation authorities in the cases of the west Mostar policemen identified in the UN IPTF report as having fired at the backs of retreating marchers on 10 February. IHF told President Tudjman that “without the support and encouragement of your government, it is unlikely that justice will prevail in this case ... [and] in view of the role the Republic of Croatia continues to exercise in so-called Herzeg-Bosna, as shown by your recent visit to Mostar, you have a duty and responsibility in this regard.”

Nomination Procedures Questioned in Tuzla. On 5 April, the Tuzla Citizen’s Forum hosted a roundtable discussion on the independence of the judiciary attended by representatives of the Office of the Federation Ombudsmen, the Federation Ministry of Justice, the Constitutional Court, the Tuzla-Podrinje Cantonal Minister of Justice, Cantonal legal advisors, NGOs, and international organizations. A major point of contention was the nomination of judges and prosecutors in the Canton. The Federation Ombudsmen issued a report on 3 April noting illegal aspects of some of the nomination procedures, including that Federation and Cantonal law requires that personnel of the court and public prosecutors office reflect the ethnic composition of the Canton. Thus far, only Croats and Bosniaks have been nominated, thereby excluding the quota of “other nationalities.”

Language Restrictions Contravene ECHR. The Human Rights Ombudsperson for BiH issued a Special Report on 2 April addressing freedom of the print and broadcast media in the RS. The Ombudsperson concluded that parts of the Law on Official Use of the Language and Alphabet prohibiting private publishers and broadcasters from using the Latin alphabet, as well as dictating restrictions on the use of Serbian dialects, are in contravention of the European Convention on Human Rights. She recommended that the Minister of Information inform all print and broadcast media editors not to impose the sanctions provided for in the law and for the RS Assembly to initiate action to bring the law into compliance with international human rights standards.

INSTITUTIONAL AND POLICY DEVELOPMENTS

Public Human Rights Lectures to be Held in Tuzla and Sarajevo Law Faculty. The Human Rights Centre of the University of Sarajevo together with the Council of Europe is organising three days of lectures on instruments for the protection of human rights in Europe and in Bosnia and Herzegovina. The lectures will be held from 14 – 16 April starting at 10.00 hrs at the Faculty of Law in Sarajevo and are open to the public. Speakers will include professors from the University of Sarajevo’s

Law Faculty, the Head of the Minorities Section of the Council of Europe's Directorate for Human Rights, and the Deputy Ombudsperson for Bosnia and Herzegovina. In Tuzla, OSCE organized a training programme with experts from the International Service for Human Rights Training on the application of international human rights instruments for 30 Bosnian human rights activists from the Federation and Republika Srpska on 29-30 March.

MEC Given Stronger Mandate. On 3 April, the Provisional Elections Commission (PEC) issued the new Rules and Regulations for the Media Experts Commission (MEC), which strengthen its ability to ensure that the basic freedoms of journalists are respected, and that governments and authorities recognize journalism as an important service to the public, especially prior to the elections. The MEC's enhanced powers enable it to sanction violators by obliging them to broadcast materials of its choosing and in the manner that it prescribes.

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), Kristina Koch (kristina.koch@ohr.int), or Vladimir Stanisic (vladimir.stanisic@ohr.int).*

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