

Human Rights and the Bosnian Peace Agreement

Carl Bildt, the High Representative responsible for civilian implementation of the Bosnian Peace Agreement, told the Peace Implementation Conference in Florence today (13 June) that the Bosnian Parties must take immediate steps to address human rights shortcomings in all parts of the country.

Introducing a report on human rights prepared by the Office of the High Representative's Human Rights Coordination Centre, he stressed that the Parties had failed to take certain concrete steps which are fundamental to the peace process and which could be accomplished immediately with sufficient political will. These included adopting comprehensive amnesty laws consistent with the Peace Agreement; bringing property legislation into compliance with the right to return; permitting freedom of movement and releasing persons who are arbitrarily detained.

Essential points contained in the 24-page report, which can be obtained in full from the Office of the High Representative, are as follows:

Everyday life for the vast majority of people in Bosnia and Herzegovina has improved dramatically in the last six months – the implementation of the military provisions of the Peace Agreement has provided a stable environment in which people have begun to resume their lives;

Creation of the Human Rights Commission, including its component parts of the Human Rights Chamber and the Ombudsperson's Office, is a substantial step towards making the protections set forth in the Peace Agreement a reality;

The security situation for vulnerable populations remains precarious in many parts of the country: human rights monitors reports a high number of incidents involving overt discrimination and violence based on ethnicity, including instances of forced eviction and beatings and in too many cases the authorities are either unresponsive or directly involved in committing such abuses;

Fundamental impediments to freedom of movement remain, including violent disruption of approved visits to pre-war places of residence and arrests on vague suspicions of war crimes;

Administrative and technical barriers to the expansion of independent media remain in place, and the programme content of state-run electronic media is still heavily skewed in favour of the ruling parties.

Police continue to arbitrarily arrest and detain individuals, sometimes with the stated purpose of having someone to "exchange".

The continuing enforcement of property laws contrary to the rights enunciated in the Peace Agreement and the failure to create conditions for persons to return and live in safety are fundamental obstacles to large-scale return of displaced persons and refugees to their pre-war homes.

Specific recommendations include calls for the Parties to:

Repeal or suspend property laws which do not respect the rights to return and property enumerated in the Peace Agreement, along with expeditious steps to implement legislation which is consistent with those rights;

Adopt amnesty legislation in the Republika Srpska which is consistent with the Peace Agreement, amend the existing legislation in the Federation to comply with the Peace Agreement, and implement the amnesty laws effectively throughout Bosnia and Herzegovina, including a board public information campaign concerning the amnesty;

Take steps to facilitate freedom of movement by

1. instructing local police to protect persons travelling to their pre-war places of residence,
2. supporting UNHCR's efforts to establish inter-Entity bus services,

3. investigating persons actively involved in civil disturbances to infringe upon freedom of movement to the fullest extent possible, and
4. halting administrative policies that punish persons attempting to move freely (e.g. confiscation of identification documents);

Encourage the development of independent media by removing technical and other barriers that currently block the ability of independent media to expand their audiences and take steps to allow circulation of print media throughout the country;

Take all necessary steps to accelerate and intensify efforts to determine the fate of the thousands of persons who remain unaccounted for, in particular by reporting on the cases submitted within the ICRC Working Group;

Investigate and prosecute cases involving abuse of minority residents, including those involving local authorities, to the fullest extent of the law. The Parties should provide effective protection for vulnerable persons who wish to remain in their homes and take immediate steps, including public statements and instructions to local authorities. They should send a clear message that harassment, intimidation and discrimination of minority populations will not be tolerated.