

Federation Ombudsmen's Report on Stolac and Capljina

Today, the Federation Ombudsmen released an investigative report on property matters in Stolac and Capljina at a press conference attended by Senior Deputy High Representative Matei Hoffmann. The Ombudsmen's investigation was conducted this summer at the request of the Senior Deputy High Representative, and supported by the OSCE.

The Ombudsmen's report reveals a disturbing lack of property law implementation in the two municipalities as well as a high number of dubious land re-allocations for the construction of new settlements. The investigation team concludes that in both municipalities "the main political aim is obviously to preserve the Croat population as the majority population" and that the authorities have marginalized the rule of law and violated Annex 7 of the Dayton Peace Agreement.

The investigation team found that, in the first 15 months since the adoption of the Federation laws concerning repossession of apartments and private property, more than 2,000 claims had been submitted for return to Stolac and Capljina. Not a single claim had been processed in either municipality. In Capljina, the municipal administrative body responsible for processing the claims had not been established.

The report also discloses that, according to the records of the two municipalities, more than 1,500 plots of municipal land had been prepared for the construction of new housing settlements. Many decisions on reallocation of land had been taken without regard to the rights of displaced persons from Capljina and Stolac, who have lost agricultural land, as well as the pending restitution process.

During their investigation, the Federation Ombudsmen encountered documents that indicate the possibility of fraudulent transactions with commercial property in both municipalities. In addition, the documents suggest that there may have been abuses of procedures in the local courts. These matters should be investigated by the responsible authorities.

Senior Deputy High Representative Matei Hoffmann thanked the Federation Ombudsmen for the investigation, the results of which he considers to be of great concern. They added to findings that the OHR and other international organizations have come to, and which, among other things, led to the dismissals of the mayors of Stolac and Capljina by the High Representative last week.

Ambassador Hoffmann stressed that the enforcement of citizens' rights to return, to their homes and property is one of the OHR's priorities. Neither in Stolac, nor in Capljina have the property and housing laws been implemented so far. He also said he expected the High Representative's Decision on Socially-Owned Land of May 26, 1999, to be respected. That means that municipalities must not re-allocate land that, before the war – on April 6, 1992 -, was used for residential, religious or cultural purposes, or for private agricultural and private business activities. Ambassador Hoffmann appealed on the authorities in the two municipalities to start respecting the law and citizens' rights and stated that the OHR would do everything in its power to ensure compliance.

Ambassador Hoffmann also emphasized the important role of the Federation Ombudsmen. Under the Federation Constitution, the Ombudsmen are an independent institution tasked "to act to protect human dignity, rights and liberties" and "to reverse the consequences of the violations of these rights and liberties and especially of ethnic cleansing," by drawing the attention of the authorities to such violations, so that they can act. Last year alone, the Federation Ombudsmen issued some 100 reports on the human rights situation in the Federation,

pointing to various violations and shortcomings.

Ambassador Hoffmann stressed that the institution of the Ombudsmen is an indigenous institution and as such a good example for “ownership”: the self-organization of society in a responsible manner. However, what is still missing is that the authorities take their reports and recommendations seriously and follow up on them. In that context, the OHR hopes that the Law on the Federation Ombudsmen, once it is passed by the Federation Parliament, will clarify and regulate their role.

Bosnia and Herzegovina will not have a future if basic human rights are not respected. The institution of the Ombudsmen is designed, among other things, to disclose relevant violations and call them to the attention of the authorities, who are supposed to take the appropriate measures in response. That is a mechanism that, if followed, can lead to a great improvement of the human rights situation in the Federation.