

Human Rights Working Group Press Release

The Human Rights Working Group, comprised of OHR, OSCE, UNHCR, UNCA, IPTF, SFOR, UN HIGH COMMISSION FOR HUMAN RIGHTS, based in Banja Luka expresses deep concern over the failure of Republika Srpska police authorities to enforce the law by reinstating 38 families to their legally owned homes. Each of the families had sought and won decisions from the Banja Luka courts which provided court orders for the legal reinstatement to their respective properties. In the past year the Human Rights Working Group has documented 38 cases in total, where Banja Luka courts have upheld applications for reinstatement.

In April, the Ombudsperson for Bosnia Herzegovina, in a special report to the RS Minister of Interior and the Minister of Justice, concluded that the RS authorities had a clear responsibility to enforce the orders of the Banja Luka courts and by 7 June begin actions to restore all of the families to their respective homes.

The 38 cases that the Human Rights Working Group chose to monitor are significant in that, despite being displaced in the course of the war, the Bosniak and Croat families concerned decided to remain in the Banja Luka area rather than flee to other parts of Bosnia or abroad. Many paid war-time contributions to RS authorities, with some serving in RS wartime organisations. Between 1993 and 1995 their homes were taken over and occupied illegally by Serb families, the majority of which had been forced from their own homes in Bosnia and the Krajina region of Croatia.

The Banja Luka authorities have failed to implement the court orders providing for the lawful reinstatement of these families to their homes through the eviction of the current

occupants. Contrary to earlier assurances from senior police officials in Banja Luka that they would support the court decisions, local police officers have failed to assist in reinstating the families and have refused to execute any of the legal evictions concerned. Furthermore the police have failed to appear at the sites of intended reinstatements as requested by the court. Under the RS constitution, Article 69 makes clear that judicial authority rests with the courts of law, and not with the police.

The explanations of local police station commanders for their failure to attend was that they were under orders from senior police officials in Banja Luka. The failure by police to provide any presence also jeopardised public safety at at least three of the scheduled evictions. Groups of civilians, who gathered at those particular properties, endangered the safety not only of the families to be re-instated, but also court bailiffs who notably did attend, but could not act owing to the absence of the police. The fact that families still living in the Banja Luka area who possess court orders for their reinstatement cannot return to their homes raises grave doubts concerning prospects for a wider return to the city .The decision by Banja Luka police authorities to disregard not only the provisions of the Dayton Agreement, and the findings of the Ombudsperson's report, but also the laws and courts of Republika Srpska itself, is viewed by the Human Rights Working Group as deplorable. The inactivity of the RS police must not go unchallenged, we call upon the relevant authorities to respect all court decisions.