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BiH State-related Issues

BiH Ombudsman to look into Human Rights Chamber's Decision on military apartments, political parties and associations call the ruling shocking and unacceptable

BiH Ombudsman for Human Rights, Frank Orton, announced on Monday that he will look into the recent decision of the BiH Human Rights Chamber which grants right to officers of the former JNA (Yugoslav National Army) to repossess their apartments in the Federation. "We will analyse this decisions and determine whether it requires any further action by our office," Orton said at yesterday's press conference. He, however, refused to provide any further comments on the ruling.

Safet Halilovic of the Party for BiH, (S BiH) told Oslobodjenje that his party will, in the coming days, evaluate the role of all local institutions and individuals who were involved in the controversial case before the Human Rights Chamber and demand adequate penalty for those who failed to properly protect the interest of the Federation. Halilovic said that the latest decision of the HRC is a true precedent which is directed against those who defended BiH. "Not a single state on the territory of the former Yugoslavia has allowed former JNA officers to repossess their apartments. These people do not even have BiH citizenship, because they remained in the service of the Yugoslav Army, and a number of them was even directly or indirectly involved in the aggression against BiH," he said, adding that this decision will have the greatest effect on the most vulnerable segment of the population – war veterans and invalids of war and their families. Halilovic also expressed concern about "dubious circumstances surrounding this decision", alluding to the fact that this is the first instance that some institution overturned a decision of the High Representative. "We need to see whether this happened accidentally or with a silent agreement between the two," said Halilovic.

Congress Council of Bosniak Intellectuals (VKBI) also expressed its dissatisfaction with the Human Rights Chamber ruling, saying that this decision is one aspect of an overall anti-Bosnian policy. "We believe that the ruling is the most recent reflection of the post-war policy which is detrimental to BiH, and which seeks to "relativize" the responsibility for the heavy crimes of urbicide and genocide committed by the so-called JNA," said VKBI in a statement.

BiH Delegation visits Russia

On a second day of a three day visit to the Russian Federation, BiH delegation headed by the chairman of the Council of Ministers, Zlatko Lagumdžija, met with the country's deputy Minister of Interior, Vladimir Vasilij and

the deputy speaker of the Russian Duma, Lukin Vladimir Petrovic. In his talks, Lagumdzija informed the Russian officials about the role of BiH in the international fight against terrorism and the urged the signing of a bilateral agreement between BiH and Russia on the fight against the organised crime. Petrovic, on his part, assured Lagumdzija that the Russian Duma is interested in strengthening relations exclusively with the BiH state, and rejected all allegations suggesting otherwise.

RS and FBiH Constitutional Commissions Failed to Agree

Both RS dailies report on the meeting of the RS Constitutional Commission (NN write about the meeting of the two RS and FBiH Commissions in BL) at which they failed to agree on adequate participation of constituent peoples in executive and law-making authorities. The session was postponed until December 20th by which time additional consultations should be carried out in attempt to reach compromise solution, as stated President of the RS Commission Miroslav Mikes.

Inter-state Council between BiH and Croatia to decide on outstanding issues between the two states

Chairman of the BiH Presidency Jozo Krizanovic and the BiH delegation arrived yesterday in Zagreb, where they are to take part in the fifth meeting of the Inter-state council for cooperation between BiH and Croatia. The agenda includes the contract on property-legal relations, dual citizenship, state border and border traffic.

Federation

Federation government issues guarantees for temporary release of indicted Bosniak general

The Federation government and the Prime Minister, Alija Behmen, issued on Monday guarantees for the temporary release of one of the indicted Bosniak war criminals, Sefer Halilovic. Behmen said yesterday that the government would do the same for all other indictees from this entity, regardless of their nationality. The ICTY Prosecution asked only for written guarantees in the case of Halilovic, but it requested additional oral assurances as well for the release of other three senior officers of the former BiH Army Almir Kubura, Mehmed Alagic and Enver Hadzihasanovic, report most media in the Federation, and Oslobodjenje carries on its front page.

Central Bosnia Canton teachers go on general strike

The educational workers in 70 primary and secondary schools in the Central Bosnia Canton went on general strike on Monday at 1100 hrs, requesting the signing of collective agreements, equalization of salary base with other budget's users and the payment of unpaid salaries. The Government of the Central Bosnia Canton has made a decision on the payment of August contributions, compensation for launch and material costs for September to education workers. The cantonal Ministry of Education has been ordered to propose at the next session of the cantonal government a new way of paying salaries to the education workers. The government also offered to the trade unions annex of the collective agreement, and expect their opinion in order that the agreement be adopted at the next session.

Federation government sets re-balance of budgeted, proposal to be discussed by both chambers of the

Federation parliament

Federation Television reported that the BiH Federation government on Monday set the draft re-balance of the budget for this year, which is to be discussed by both houses of the BiH Federation Parliament this week. Federation Finance Minister and Deputy Prime Minister Nikola Grabovac said that the government included the payment of two late pensions. The budget also foresees "significant" increase of funds for cantons, the increase of aid for displaced Srebrenica citizens and returnees and citizens of Zlokuće, settlement destroyed by landslides. He noted that this year's budget has been realized by November 30, and the government "is working on the re-balance which foresees additional allocation of around 190 million KM.

President of Panel of Judges of Cantonal Court (Mostar), refutes media writings: HDZ re-registered and can take part in elections

The HDZ BiH, with its offices in Mostar and Sarajevo, registered itself in the Register of the Cantonal Court Mostar (CCM) on September 3, 2001. Dnevni List reports that this and other data are written in the decision made at a session of the panel of judges of the CCM, with Judge Nada Dalipagic presiding and Kata Zovko and Dragan Mijanovic as panel members. Since no appeals to the decision were made, it became valid on September 23. With this act, the HDZ has apparently been re-registered, which, writes the daily, dismisses the media speculations about the HDZ BiH not being able to take part in the next general and presidential elections because of the location of the seat of the party. "The Secretary General of the HDZ, Perica Jurkovic, approached the CCM on September 1, 2001, with a request to register status changes within the HDZ BiH in the register of the political parties, so that the changes regarding the seat of the party should be registered in the register of the political organizations of the CCM, the

CCM being competent in the matter, and with a request to verify the party's documents enacted at the 6th Congress of the HDZ BiH held in Sarajevo on July 15, 2001", said Nada Dalipagic.

She explained that the request included the minutes from the 6th Congress, the program declaration of the HDZ BiH, the Statute HDZ BiH, the registration of the party from 1990 and the decision from June 15, 1998. Nada Dalipagic also stressed that the reporting judge in the matter Kata Zovko requested (the HDZ) on July 12 – pursuant to article 15, paragraph 2 of the Law on Political Organizations with regards to article 11 of the Law on Procedure of Registration of Legal Entities into the Court Register and provisions of article 104 of the decision on court registration of legal entities that perform economic activities – to submit the registration and registration-related documents of the HDZ BiH to the CCM, so the Court could decide on the request for the change of the seat. Nada Dalipagic concluded that the CCM was acting according to the law when it decided on re-registration of the HDZ BiH, reads Dnevni List.

Slobodna Dalmacija: Jelavic cannot run in elections and HDZ to be banned?

Slobodna Dalmacija carries a summary of the HDZ-related developments since 7 March, when the High Representative dismissed Ante Jelavic from the position of HDZ President, including Marko Tokic's statements about the dismissals and the most recent re-registration affair.

The daily next says according to sources close to the international organizations in BiH, international officials have come up with two options regarding the HDZ BiH issue.

One option would entail a ban of the HDZ BiH and a temporary isolation of the party from political life until the undesirable party leaders that do not suit the international

community have been removed from the party.

Advocates of this option are of the opinion that the only way of conveying a clear message to the HDZ is banning the party from participating in the next elections.

The international officials that advocate the other, so called moderate option, think it would be enough to ban the HDZ leaders, dismissed by a valid decision of the High Representative, from running in the next elections. Those officials would be left in a political isolation, and after pushing for the HDZ moderates such as Bozo and Mariofil Ljubic, Miro Grabovac Titan as well as party officials in Posavina, the removal of the current party leadership would come by itself and from within.

The daily says it is important to say that the latest two opinion polls in BiH are not in favor of the HDZ because the rating of this party among BiH Croats has never been lower.

The HDZ BiH may as well use the registration dispute for raising their popularity, as they have done on numerous occasions so far when certain dubious decisions by international officials against the HDZ had the counter effect of raising the popularity of this party.

According to the most recent opinion poll that the Prism Agency conducted at the request of the Canadian organization Ideation Group, if the elections were to be held at this time, the HDZ would win 39% of Croat votes. The SDP is on the second place since their rating among Croats has noted a rise in the past years. The Croat Party of Rights (HSP) and the People's Party 'Working for Prosperity' would share the third and fourth place, whereas 19% of the Croats polled have not yet decided which party to vote for, says Slobodna Dalmacija.

Merdzo instead of Jelavic?

HDZ officials, who wanted to stay anonymous, confirmed in

Mostar on Monday that in future Josip Merdzo, an HDZ Secretary General, will officially represent the party instead of Ante Jelavic, an unrecognized HDZ President, in order to make possible the registration of the HDZ BiH for the elections planned for September next year.

Croat MPs will act together in blocking amendments if they entail abolishment of House of Peoples

Slobodna Dalmacija carries an interview with Niko Susac, a delegate in the BiH House of Peoples and a member of the SDP Main Board. Answering the question as to what was disputable in the amendments produced by the Constitutional Commission of the BiH House of Representatives or in the amendments proposed by Croat Caucuses in the Houses of Peoples, Susac said there are a few disputable things in the Constitutional Commission's amendments. "In our opinion, there is no dilemma, the institution of House of Peoples must stay. The category of 'Others' in the House of Peoples is unacceptable because that would be a fourth people in BiH! Croat Caucuses, regardless of their party affiliation, are in favor of equality of all constituent peoples across BiH. We are sure that our amendments provide for that in all aspects," said Susac.

He says some amendments could have certain technical changes, but the their essence cannot be changed. If that should happen, says Susac, Croat delegates in the Federation House of Peoples will block the passing of constitutional amendments by referring to the vital interest clause.

Hercegovacka Bank depositors in Mostar receive their funds (provided by OHR Mostar)

People who were waiting in front of the bank were not very friendly towards us, because they were waiting for the payment of their money for over 8 months. Many of them were impatient, writes Vecernji List's journalist. Gordana Coric, a manager of the branch office stated: 'We have planned to pay out 500

depositors a day, and according to our information, there are between 8000 and 8500 of them. It is important to stress that we pay out the small depositors exclusively, and we make payments per depositor and not per deposit. If someone has over 5000 Marks of outstanding debts does not belong to the category of the small depositors Believe me, people do not understand it and it is difficult to explain it to them. If the total amount of unpaid debt per loan was less than 5000 Marks and if the total amount on deposit accounts of a client amounts to 5000 Marks and more, the remaining amount up to 5000 Marks, on which the client has a right after the total amount of the loan is paid back, will be paid out. The payment of deposit accounts in the Hercegovacka Bank branch office refers only to savings books, which were opened in Mostar. All payments are in Convertible Marks.

Ilija Bevanda, one of the clients standing in the queue, stated: 'If some embezzlements or crimes were committed in the bank than it should be investigated. Perpetrators should be identified. In that respect I approve the procedure. However, I do not approve the way that SFOR raided the bank. It should have been resolved in a different way.'

We have received the information that during our visit Toby Robinson, the Provisional Administrator, was also in this bank, and together with her team she was supervising the payment. However, Mrs Coric is the only person in charge of contacts with journalists.

Petritsch's amendments to Property laws and Human Rights Chamber ruling to have negative impact on return in Sarajevo Canton

At an extraordinary session on Monday, the Sarajevo Canton Government concluded that the implementation of amendments to the property laws (imposed by the High Representative) and the ruling of the Human Rights Chamber on military apartments would have fatal consequences for the program of the Alliance

at the cantonal level. At a press conference held following the session, and which was widely covered by the Federation Television and the Cantonal Television in Sarajevo, the Prime Minister Huso Hadzidedic told reporters that the two decisions will significantly slow down the return process in this Canton. The High Representative, Wolfgang Petritsch, on last Tuesday issued a package of thirteen decisions comprehensively amending the property laws of both entities in order to accelerate the implementation of the laws in question. "The implementation of these decisions would jeopardize the program of return of the displaced persons and property," Hadzidedic said, adding that the cantonal Assembly will also hold an extraordinary session this week at which the Government and coordination of the Alliance, whose representatives attended today's session, will ask the Alliance officials to solve these issues.

Republika Srpska

RS Prime Minister says RS authorities started searching for Karadzic and Mladic

The RS Prime Minister, Mladen Ivanic, reiterated on Monday that the RS had started searching for the locations at which people named in The Hague Tribunal's public indictments are thought to be residing, and announced that any contact with those persons on the ground would mean their arrest and extradition to The Hague. Following his return from an official visit to China, Ivanic said at a news conference that his earlier invitation to Radovan Karadzic and Ratko Mladic to surrender to the Hague Tribunal of their own will was still valid. Commenting on the statement by Jovan Mitrovic, an official of the Democratic National Alliance (DNS), that this is the first step towards the arrest of Karadzic and Mladic, Ivanic said that "Mitrovic is known by his opposition to cooperation with the Hague tribunal, but most arrests in the

Serb Republic occurred precisely at the time when he was deputy chairman of the National Assembly.”

RS Prime Minister: Changes in the RS government in January; Micic remains Minister of Refugees

At Monday’s press conference, the RS Prime Minister, Mladen Ivanic, confirmed the ever more frequent speculations about the reshuffle in the entity government. Oslobođenje quotes Ivanic as saying that the reshuffle is a necessary result of the implementation of the Constitutional Court’s decision on the constituent status of all peoples on the entire territory of BiH. He, however, stressed that he could not accept the suggestion by the OHR to have the number of non-Serb representatives in the government which would correspond to the census results from 1991. “Such ratio in the executive branch would not be good. I believe that we need to stick to the elections results and it is, of course, certain that representatives of other people would be represented in the RS government, however not on the basis of the 1991 census,” Ivanic said. He also denied allegations that the Minister of Refugees, Mico Micic, would be asked to resign from his post because of the poor results in this sphere. “Micic will not resign,” Ivanic stressed, adding that he is satisfied with the results this Ministry achieved in the past period. “The return in the RS is satisfactory and significantly higher than in previous years,” Ivanic concluded.

International Community

Slobodan Milosevic refuses to plead to charges of genocide in BiH

By Reuters

Slobodan Milosevic refused on Tuesday to plead to charges of orchestrating genocide by Serb forces in the 1992-95 war in

BiH, deriding the indictment as a "supreme absurdity" from the dock of the U.N. war crimes court. Reuters reported that the the court's presiding judge Richard May entered a "not guilty" plea on behalf of Milosevic, confronted with 29 counts of genocide, complicity in genocide, crimes against humanity and other war crimes against Bosnian Muslims and Croats. "I would like to say to you that what we have just heard, this tragic text, is a supreme absurdity. I should be given credit for peace in BiH not war," Milosevic, who signed the 1995 Dayton peace accord ending the conflict, told the court.

Milosevic, handed over to the tribunal in June by the Belgrade reformers who defeated him in elections last year, declined earlier this year to plead to charges of crimes against humanity in Croatia in 1991-92 and in Kosovo in 1999.

The court also entered "not guilty" pleas on his behalf to the Croatia and Kosovo indictments. The Bosnia indictment is the third covering his 13 years in power as Serb and Yugoslav president after the collapse of the former communist state.

Milosevic, who glanced at his watch as the indictment was read out, has refused to appoint a defence counsel in a show of contempt for the tribunal, branding it illegal and biased against his native Serbia.

"Mr Milosevic, at this time you are simply required to enter a plea of guilty or not guilty. You have failed to do so. Accordingly the trial chamber will enter pleas of not guilty to all the counts of this indictment," Judge May said.

Milosevic remained impassive as the Bosnia indictment, chronicling some of the darkest episodes of ethnic cleansing during the Bosnian war, was read out during his fourth appearance in the court.

The most prominent European to face a war crimes court since the Nuremberg trials of Nazi leaders at the end of World War Two, Milosevic is set to go on trial next year charged with

crimes listed in all three indictments.

Bosnian Serbs were angered by territorial concessions made by Milosevic at Dayton in the United States.

At the centre of peacemaking after United Nations oil and trade sanctions crippled Serbia, Milosevic summoned Bosnian Serb leaders to talks near Belgrade to demand their compliance with the deal.

Sanctions were imposed in May 1992 to punish the Serbian leader for helping the Bosnian Serbs fight Bosnian independence and have helped to cripple the Yugoslav economy.

ICTY unseals indictment for Foca prison camp

The ICTY has publicly indicted two former guards of a prison camp in Foca, where hundreds of civilians were held during the 1992-95 war, the court said Monday, reports AFP. The indictment against two Bosnian Serbs, Savo Todovic and Mitar Rasevic, were unsealed on November 29 at the prosecutor's request. Florence Hartmann, a spokeswoman for the prosecutor, said making the indictment public was part of a policy to put pressure on authorities "when they don't get results". The decision to unseal the Todovic and Rasevic indictments meant that there were only two secret indictments left, said Hartmann.

Both men are charged with war crimes and crimes against humanity.

Editorials

Dnevni List: Even after six years BiH still on shaky legs

Dnevni List carries an editorial about the future of BiH with(out) the presence of the International Community in it.

It has been known for a while that the IC is shrinking its presence in BiH and that the country needs to create pre-requisites for self-sustainable and stable political-economic environment. Analysts of the International Crisis Group assess that the current authorities are somewhat successful in tackling political-economic problems but the IC's assistance is still needed in order to create a safe and economically sustainable environment. The same source is of an opinion that BiH as such still cannot independently function and as a result of that, reforms aimed at attracting foreign investment and strengthening of the economic might of the state cannot be introduced. The editorial then goes on about the role of the most prominent organizations in the theater in the future. The UN for example is already preparing its withdrawal but their task, according to Stefo Lehmann, are still unfinished, such as ensuring a better cooperation between Ministries of Interior of BiH, Croatia and FRY which would result in solving of problems related to international crime. Lehmann also stresses that the State Border Service needs to be fully established and that the UNMIBiH are hoping that the feat could be achieved by September 2002. SFOR do not want to speculate as to how long they would stay in BiH for, but the fact remains that their number is decreasing. The OSCE Mission in BiH is not dealing with election as much as before leaving that to local authorities. When it comes to domestic parties and officials they are of opinion that BiH needs to get as independent as possible but the country still needs the IC's assistance. Member of the BiH Presidency, Beriz Belkic, thinks that the economic segment has the most important role when it comes to being independent. The BiH Presidency, the President of the Federation of BiH, Karlo Filipovic, and the SDP are more or less unison in saying that the IC should maintain its presence in BiH but should form a more sincere partnership with the BiH authorities. The editorial reads that the RS is not ready to tackle its problems alone and because of that fact the IC needs to stay. What would be the future cooperation between BiH and the IC like? It depends on many

factors, but one thing is clear: The future cooperation should be more partnership-like. The fact is that BiH still cannot function independently without international factors.

Dnevni List: Three entities or cantonization

The HDZ BiH sent a letter and a Platform of a possible re-organization of democratic and self-sustainable BiH to the PIC and Ambassadors of some prominent countries to BiH (see Cropress December 6). Dnevni List carries the letter in its entirety. Here are the vocal points of the letter: "The DPA has an important role in introduction and preservation of peace. Six years down the road, not even under the direct supervision of the IC, it failed to establish a democratic and self-sustainable state. Reasons behind the failure: it established a highly complex (almost unmanageable) state structure; it offered asymmetrical solutions with regards to ensuring rights of peoples. It is especially evident in the fact that the International Administration in BiH assumed more authorities (...) Having three peoples and others in it, BiH should have: a 2-chamber Parliament, with an obligation that decisions must be reached by both chambers; a 3-member Presidency, with every people electing its representative; a Government that would act according to following principles – parity, consensus, rotation. Authorities: identical to the current constitutional set up, with a supplement regarding the defence and security of the country. In this sense, a joint army with a joint HQ needs to be established, in order to have a joint defence policy and defence strategy and to join the Partnership for Peace and NATO. The joint army would consist of three distinctive national components in a ratio that would guarantee the balance of forces. In the same time the security services need to be organized: military and civilian services with distinctive components and joint coordination and parliamentary control. Harmonization of collective and individual rights can be achieved through the equal administrative-legal establishment of BiH for all peoples.

Solutions for the rights of peoples should be sought in two directions: BiH with three federal units (this option is better known as three entities), more federal units with national majorities (this option is also known as the cantonization). This would ensure that every people has a guaranteed role in governing of the country and chase away fears that a people's status would be compromised. In both cases, a Law on National Minorities should be enacted in every federal unit entity/canton and these solutions should be included in the BiH Constitution and Constitutions of Entities/Cantons, reads Dnevni List.

Vecernji List: Croat pauperization

By Radoslav Dodig

We have learnt from the press that during one of the meetings of the high-ranked HDZ political, state and polyvalent officials it was decided to formally shut down a step-child of the Croat National Assembly, called the Croat Self-rule in BiH, in order to inaugurate a Croat Inter-Cantonal Coordination instead of it. (...) Martin Raguz left the position of the Head of the Croat Self-rule, allegedly due to his poor health, and Barisa Colak will replace him. Honestly, Raguz is a well-experienced political practitioner rocked in a political orbit as early as during the time of Socialist youth, when in 1990 as an HDZ member he put forward his candidacy for the position of a member of the BiH Presidency. Always moving around Ministries and cabinets he realized that he has nothing to do in a failed political concept of the Mostar petty politicians and he entrenched himself. There will be always someone who will need a coordinator. Barisa Colak, a former Minister of Justice in the Federation Government, does not enjoy great stature and charisma in parties' trenches. He probably entered the combination when some more imposing names refused the offered leadership, which is not very promising.

However, the basic problem of Croat Herzegovinians and a few

Croat Bosnians, which until recently were gathered around self-rule vague formulations that they do not know as to what kind of political and state moves they would make. Like crazy virgins from the Bible comparisons they shut lights down and with their Assemblies, self-rules and

non-participation in the Authority they created political darkness around themselves. Apart from this, it is even more fatal that they are trying to impose extra taxes for the financing of coordination failures in the Municipalities where the HDZ has a majority. As far as I know, imposed contributions out of the Federation budget, for all-Croat Assemblies and self-rules were not transparent. (...) All observers of this political circus will claim that Croats are working on the secession within the Federation. I wonder whether after the communities, self-rules and coordination the turn for the Croat pauperization has come?