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## **BiH State-related Issues**

### **Zeljko Mirjanic Takes Over the Position of the House of Representative Chairperson**

The position of the chairperson of the House of Representatives of the BiH Parliamentary Assembly has been taken over yesterday by Zeljko Mirjanic, who will perform this duty for the next 8 months. This is a regular rotation based on the national key, which is automatically applied without any protocol. Sead Avdic, who had been the Chairperson until today, will become Mirjanic's deputy.

### **Draft Restitution Law (on State level) expected in September or October**

Sead Hodzic, the coordinator of the working group in charge of drafting a Restitution Law, told Dnevni Avaz that the basic principles of the future law have been agreed upon representatives of both entities on Tuesday at the first meeting of this group. He also said that the first draft of the Law could be expected in September or October.

## Federation

### **Ante Jelavic appears before the Cantonal Court in Sarajevo, calls for dismantling of the Republika Srpska**

Yesterday's appearance of the dismissed HDZ president Ante Jelavic before the Cantonal Court in Sarajevo was the top story in all Federation media. Following a 20 minute hearing closed to public, Jelavic addressed a vocal crowd of some 300 supporters and party colleagues, dismissing the legality of the process against him and other HDZ senior officials. "This court has no jurisdiction over this matter, but I am a law-abiding citizen, and I do not recognise this Petritsch-ran protectorate, because it is the most sinister form of neocolonialist manner of governance," said Jelavic. He warned that Croats in BiH will "pursue their political struggle" unless they achieve, through constitutional reform, same rights as Bosniaks and Serbs. "All three nations should be given the same right. If the RS continues to exist, then the Croats should be given the same rights as the Serbs; otherwise, the RS should be dismantled and a normal state with cantons be set up. These trials and persecution will not intimidate us," stressed Jelavic.

In an editorial for Vecerni List, Tihomir Begic notes that the indictments for Jelavic and his other party colleagues have been written by Wolfgang Petritsch, and not by public prosecutor Mustafa Bisic. "Petritsch has put himself above the BiH judiciary and has introduced an absolute and unseen protectorate," writes Begic.

### **Josip Muselimovic, the attorney of Ante Jelavic: We shall not appear before the Sarajevo Court again**

Vecernji List asked Mr. Muselimovic what he means when he says that the creators of the process against Jelavic will have to bear 'serious consequences'.

**Muselimovic** stated: 'I have stated that the people who

instituted the legal proceedings without any legal grounds, have to bear political consequences, at the least, because the request for investigation launching is not legal and the Federation and BiH Constitutions allow all incriminations, which have been stated. Today we have filed an appeal to the local jurisdiction of the Court in Sarajevo. We have a decision of the BiH Constitutional Court and the Federation Supreme Court verdict, which clearly show it is only the Cantonal Court in Mostar that can have the local jurisdiction. We have handed over these documents and thus we suggested to the Cantonal Court in Sarajevo to consider them. Now, it is uncertain whether Mr. Jelavic will appear before the Court again, especially since all the actions stated in the request for the launching of the investigation took place in Mostar.

In spite of the decision of the High Representative, by which he authorized the Sarajevo Cantonal Court to deal with the issues of the self-rule, some terrorist actions in Herzegovina and Hercegovacka Bank, we have Constitutional Court decisions and a decision of the Federation Supreme Court, which say that it cannot be the way that Petritsch imagined it to be. We shall persist on this appeal to the local jurisdiction of the Sarajevo Court.

**Q: What will happen if they do not accept your appeal and if they continue the process before the Cantonal Court in Sarajevo?**

A: Meanwhile, we shall exchange our opinions and see what we shall do. However, it is completely clear that we shall not appear before this Court again.

**Q: Even if they issue an arrest warrant after Ante Jelavic?**

A: The request for investigation launching says that those actions took place in Mostar, and then it is clear that the Court in Mostar has the jurisdiction in this case. However, regardless of it all, it is up to Mr. Jelavic to decide by

himself what to do next. We stick to the attitude that I have stated.

**Q: Still, Ante Jelavic will appear before the Cantonal Court in Sarajevo for the resumption of the hearing on September 17?**

A: It remains to be seen.

**Q: Why do you and Mr. Jelavic need transcripts of the sessions of the BiH and HDZ Presidency and other meetings?**

A: Because of the number of incriminations that he is charged with, Ante Jelavic is not able to defend himself the way he should and the way the Croat public expects him to. (...) I have already examined these documents and there is not a single action there that Jelavic could be charged with.

**Q: What did Jelavic say to Investigative Judge Idriz Kamenica?**

A: He said that he does not recognize the Cantonal Court in Sarajevo as the Court that has the local jurisdiction for this case and that it must not serve as a means of political conflict with the representatives of the Croat people, especially with those who have the plebiscite-like support of the people.

**Q: Did the Judge say anything in reply?**

A: No he did not. The Investigative Judge and Public Attorney were very fair.

**Wim Timmermans: My Report on Aluminij is very clear!**

In a shorter interview with Dnevni Avaz, the leader of the audit team of the Aluminij Factory in Mostar, Wim Timmermans, said that his report on the company is very clear and added that he will respond to all criticism and speculations that have appeared in the press recently with a press release on his own. Timmermans said his PR should be ready by the end of the next week and promised to even answer to possible

journalist questions.

### **OHR: OHR wants the injustice done to Aluminij corrected**

OHR spokesperson Alexandra Stiglmayer told Dnevni Avaz that it is not up to the OHR to be satisfied or dissatisfied with the audit report on Aluminij. "This was a report of one independent commission which was submitted to the Federation government, the management of the company and to the Federation Agency for Privatization. They are the ones who need to discuss the results," said Stiglmayer. She stressed that the OHR does not think this report is only about financial and legal issues. "It also has a moral dimension, since there has been an injustice made which has to be addressed in the final solution for Aluminij," said Stiglmayer, adding that the High Representative would like to see Aluminij as a successful company which serves to all Mostar citizens and makes them proud of it.

### **Party for BiH: Federation government should reject recommendations from the Aluminij audit report**

At yesterday's press conference, Safet Halilovic and Sahbaz Dzihanovic, senior members of the Party for BiH, stressed that the Federation government should reject the recommendation of the final audit report on Aluminij company in Mostar, namely that the financial audit is unnecessary. Halilovic also said that the Party for BiH believes that the government ought to annul all decisions of illegal and illegitimate company's management and undertake a new and comprehensive legal and financial audit.

Dzihanovic stressed that such audit should be conducted by one of the audit institutions authorized by the law, such as the Agency for Privatization and Accounting and Audit Bureau, however with assistance of international experts and authorized ministers.

### **Poll: Citizens support Federation government attitude towards**

## **Aluminij Company**

According to a poll conducted by Avaz Agency, 74% of Federation citizens support the opinion of the Federation government on the Aluminij company in Mostar. The results of the poll indicate that only 17% are against, while 9% had no opinion on the matter. The telephone poll was conducted among 300 individuals in Sarajevo, Zenica, Tuzla and Mostar using the method of random sampling.

## **Federation Finance Minister: One outstanding pension to be disbursed next week**

The Federation Finance Minister, Nikola Grabovac, told ONASA on Wednesday that the payment of one outstanding pension will be made next week. "I hope that one backlog pension, as was promised by the Federation government, will be paid next week, while regular pensions for the month will be disbursed on September 7<sup>th</sup>," Grabovac told ONASA, and added that the second outstanding pension will most likely be paid in November, while the rest of the debt to pensioners will be settled in 2002.

## **Meeting of Croat political representatives in BiH: Croat Community of Herzeg-Bosnia to change its name?**

Croat political representatives in BiH, with the exception of those engaged in the ruling Alliance for Changes, met at the Scit monastery near Rama on Wednesday to discuss constitutional changes and the constituency of Croats across BiH, reports Slobodna Dalmacija. The meeting was organized by Vladimir Soljic, the President of the Croat Community of Herzeg-Bosnia.

Ilija Simic, the Chair of the Croat Co-ordination that comprises Croat member parties of the Alliance – New Croat Initiative (NHI) and Croat Peasant's Party (HSS), told Hina news agency that the reason behind the non-attendance of the

Scit meeting by those parties is that they find it inappropriate that the Croat Community of Herzeg-Bosnia is the organizer of such a meeting.

"We have raised an initiative of changing the name of Croat Community of Herzeg-Bosnia," said Simic.

After the signing of the Dayton Agreement, Croat Republic of Herzeg-Bosnia, established eight years ago, was succeeded by Croat Community of Herzeg-Bosnia, which is considered to be close to the HDZ BiH.

Soljic told Hina agency he had nothing against changing the name of Croat Community of Herzeg-Bosnia.

"It might as well be called Community of Croats in BiH in the future," said Soljic.

Simic said one the conditions to holding such meetings is the return of the HDZ to the institutions of authority in BiH, to which Soljic replied that attempts would be made in that direction.

The meeting in Scit was attended by Father Mijo Dzolan, the Franciscan Provincial of Bosna Srebrena, and Mato Zovkic in the capacity of Cardinal Puljic's envoy.

Scit is a part of the territory of the Herzegovina-Neretva Canton, situated on the boundary line between Herzegovina and Bosnia. Some think the meeting was organised in Scit for a symbolic reason of bringing together Herzegovinian and Bosnian Croats.

**Ivo Lozancic: It is not true that Carla Del Ponte is charging us**

Commenting on the allegations by the Croat National Assembly (HNS) that the ICTY Chief Prosecutor Carla Del Ponte is bringing indictment bills against the so called Zepce Group in Sarajevo next week, Ivo Lozancic, a delegate in the BiH



Assembly and NHI Vice President, said it is about a politically motivated action by the SNS and AID (Croat and Bosniak intelligence services), which followed upon the announcement of opening the question of crimes committed in Mostar and Herzegovina.

Ivo Lozancic, who was the wartime Commander of the HVO's 111<sup>th</sup> Regiment in Zepce enclave, told Jutarnji List that he is prepared to co-operate with the ICTY but is definitely not prepared to answer to "biased courts," and he considers the Court in Zenica to be one of those.

Lozancic does not think it is true that Carla Del Ponte is bringing bills of indictment against him because he is a delegate in the State Assembly, the OSCE, OHR or the ICTY Office in Sarajevo would have already reacted if he really were an ICTY suspect.

## **Republika Srpska**

### **Zivko Radisic meets RS leadership to discuss the work of common institutions**

The Serb member of the BiH Presidency Zivko Radisic met on Wednesday with the RS leadership in order to discuss the current situation in the entity, the protection of RS interests and, most importantly, the functioning of the BiH common institutions.

The officials present at the meeting, including RS President Mirko Sarovic, Speaker of National Assembly Dragan Kalinic and the entity Prime Minister Mladen Ivanic, concluded that all attempts to transfer more powers from the entities to the state are unconstitutional and stressed that all RS representatives in the joint BiH institutions should harmonize their positions on this matter in order to preclude such activities.

## **RS President Mirko Sarovic Said There Was No Need For Constitutional Law**

Glas Srpski, on the cover page, carries the statement of the RS President Mirko Sarovic given after the meeting with Zivko Radisic and other RS officials. Sarovic said it was concluded at the meeting that there was no need for BiH constitutional law which would clearly separate responsibilities and powers of entities, the state and the International Community, adding that this was the issue set by the existing BiH constitution and constitutions of the entities. Sarovic also announced an investigation, which should establish who, of Serb representatives, allowed this issue to be initiated in the common institutions.

## **Miroslav Mikes, President of the RS Constitutional Commission Said that Entities' Constitutions Could Not Be Identical**

Nezavisne Novine carry statement of President of the RS Constitutional Commission Miroslav Mikes, who said that constitutions of the RS and Federation could not be identical, since these were "two completely different constitutions given that there is Federation and we have a republic". There were also two separate decisions of BiH Constitutional Court on constitutionality of peoples, of which each one specifically refers to the two constitutions, said Mikes.

## **RS Ministry For Refugees and DPs Issued a Press Release**

In a press release issued yesterday, the RS Ministry for Refugees and DPs said that it has been receiving numerous complaints of the citizens who ask for information on which documents they needed to submit application for privatization of their apartments in FBiH, because certificates issued by the RS Ministry are not satisfactory. The RS Ministry called upon the Federation Ministry of Social Policy, Refugees and DPs as well as the OHR to harmonize positions on necessary documentation, in order to implement Annex 7 of the DPA and

facilitate returns.

### **Palic Case: RS authorities ignore the warnings of the OHR**

In a shorter article in today's Oslobodjenje, Edina Kamenica reports that despite strong warnings from the OHR, the RS government has not paid a 65,000 KM compensation to the family of Avdo Palic, former officer of the BiH Army who was abducted in Zepa in 1995 since when no one knows his whereabouts. Early this year, the BiH Human Rights Chamber made 14 decisions pertaining to this case, including the order for compensation and appropriate information about the disappearance of the former commander. However, Kamenica notes, not a single one of these decision has been complied with and the RS government is still refusing to pay the compensation. OHR spokesman Kevin Sullivan told Oslobodjenje that the OHR has had contacts with highest RS authorities about this issue, however, RS Mirko Sarovic denied that any official from the International Community had any contact with him about the Palic case.

## **International Community**

### **The Hague Tribunal grants Biljana Plavsic permission for provisional release**

The ICTY granted the former RS leader Biljana Plavsic a permission for a temporary release from the UN detention until the beginning of her trial scheduled for the early next year. Judges ruled that Plavsic should be released as soon as possible and allowed to stay in the Republic of Serbia, whose authorities had to pledge not to obstruct the justice and continue cooperating with The Hague.

OHR and Federation Prosecutor hold meeting on Federation Budget Audit

At a meeting yesterday, representatives from the OHR and the Federation Prosecutor's Office met with other responsible

Federation authorities and agreed on the future steps pertaining to the special audit of government accounts. (All Federation media carried the press release – not very prominently)

## Editorials

**Vecernji List: Bisic signed the bill of indictment and Petritsch wrote it**

Written by: Tihomir Begic; partial translation

Idriz Kamenica, the Investigative Judge and the President of the Panel of Judges of the Cantonal Court in Sarajevo, interviewed Ante Jelavic yesterday, Wednesday. Thus, Kamenica, probably aware of it, has found himself in an unpleasant situation because he is conducting a politically motivated and absurd process against the person who was until recently the man number one in BiH, the Chairman of the BiH Presidency and a member of the BiH Presidency on behalf of the Croat people. (...)

Idriz Kamenica as the Investigative Judge would never have launched the investigative proceedings because he does not have any ground for it and because he is not authorized to do it, if it had not been for the indisputable duty of the High Representative. By the decision made on April 26, 2001, as it has become his custom, the High Representative imposed the decision by which he self-willingly deprived the Cantonal Courts of West Herzegovina and Herzegovina-Neretva Cantons of their jurisdiction and he transferred it to the Cantonal Court in Sarajevo. (...)

It is clear that Wolfgang Petritsch and not Mustafa Bisic, the Cantonal Public Attorney, wrote the bill of indictment against Ante Jelavic and other legitimate representatives of BiH Croats. By placing himself above the legislative, executive

and judiciary authorities in BiH, Petritsch imposed an absolute protectorate, unprecedented in the world. (...)

However, it is not clear as to how Wolfgang Petritsch, the highest Authority in BiH, forgot to institute legal proceedings against Haris Silajdzic, who advocates BiH without entities, and Sefer Halilovic, who advocates the Republic of BiH, which is against the Dayton Peace Agreement. (...)

Why does the HR mind the orientation of the BiH Croats, which won a plebiscite-like support at the referendum, for the establishment of a full constitutional and real equality of all three sovereign and constituent peoples!? Why does he want to deprive Croats of their inalienable right to elect their representatives by themselves...?! Does he secretly agree with the tragically stated, thoughtless conclusion that Croats in BiH have to 'either emigrate or assimilate' while he keeps saying at every step and out loud that there is no BiH without Croats. (...)

All documents of the Croat National Assembly, in each of their parts, treat BiH as a single state and for this reason the charges of the jeopardizing of the territorial integrity or the charges that this part wanted to separate itself from the territory of the BiH Federation and BiH are ungrounded. (...)

Instead of passing or, better said, imposing decisions that evidently may as well be indictments, the institution of the High Representative should better create all prerequisites for a consistent implementation of the Constitutional Court decision on the constituency of all three peoples or create prerequisites for the BiH Parliamentary Assembly to be able to pass a decision or Law on the referendum on the internal BiH organization, and thus solve this problem for good, so that one can turn to real life problems of all peoples in BiH, which are becoming bigger and more difficult. However, the question is whether these bigwigs want to solve these problems or the present situation suits them better.