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BiH State-related Issues

BiH to temporarily be without the Constitutional Court?

Dnevni Avaz writes that BiH state could be in a situation not to have its Constitutional Court for a few months, as the selection of judges for this institution is immensely complex and time consuming. The daily explains that four judges are to be elected by the Federation Parliament's House of Representatives, and other two by the RS National Assembly, while entity constitutions are silent on this matter. In other words, there are no specific provisions in the Federation and RS Constitutions, as both are drafted prior to the establishment of the Constitutional Court. This, argues the paper, leaves a good deal of room for various interpretations and speculations, because numerous elements of the selection process seem still not to be universally clear and accepted, most notably who proposes the candidates. All this indicates that in May, when the mandate of the present court ends, the state could be without its highest court.

Federation

OHR against ruling coalition party chairman resuming ministerial duties; Alliance to hold a decisive meeting today

The Office of the High Representative (OHR), has suggested to the BiH Federation government to think carefully before making a decision about whether Sefer Halilovic, indicted for war crimes, should be reinstated as the Federation Minister for refugees and social policy. OHR spokesman Oleg Milisic said on

Tuesday that the final decision lays with the Federation Ministers, but stressed that they had to consider the reactions of those who are personally affected with the crimes for which Halilovic had also been indicted. "A person indicted for war crimes can hardly enjoy the trust of all the people he is supposed to represent," Milisic said. (Nearly all media in the federation and Croatian news agencies carried Milisic's statement)

The issue of hiring a retired general and war-time commander of the Bosnian Army, Halilovic, has – after a period of silence – re-emerged into the first plan of political discussions in BiH, note most media in the Federation. In an interview with the Federation Television late last night, Halilovic's legal council, Faruk Balijagic, said that the Defence has discovered additional evidence which may change the substance of the indictment drastically.

Meanwhile, the leaders of the ruling Alliance are scheduled to meet later today (Wednesday) to discuss this issue and reach the optimal solution in order to avoid a potential crisis, after Halilovic's party, BPS (Bosnian Patriotic Party) threatened earlier this week to leave the coalition if its demands in this respect are not met. After being granted a temporary release from The Hague prison, Halilovic returned to BIH and expressed wish to return to the post in the Federation Ministry until the start of his trial in June. (Note: Dnevni Avaz and Dnevni List report that the key meeting will not be held today, but on Friday. There has been no official confirmation on this matter)

Deputy Federation Prime Minster: Halilovic's comeback would break the Alliance

The deputy prime minister of the Federation, Nikola Grabovac, opposes the attempts to reinstall general Sefer Halilovic as minister for social welfare and refugees in the Federation Government. In his opinion this would contribute towards

breaking up

the ruling Alliance for Changes. Speaking for the TV Oscar C in Mostar last night Grabovac stated that Halilovic's comeback to the ministerial duty would bring the Croats in the Federation into a very awkward situation.

SDP to remove the Federation Defense Minister Mijo Anic?

Dnevni List reports about the increasingly frequent rumors that the SDP would like to remove Mijo Anic from the post of the Federation Minister of Defense and install Ivo Komsic in his place. Alleged reasons behind this intention are the recent Anic's statements which clearly indicate that he is in favor of the Federation Army with two components, an attitude which the SDP and the Party for BiH cannot accept. In addition, the two parties expect that problems might occur in the process of passing the new Law on Defense, the Law on Secret Services and the Federation Budget.

ICTY has prepared indictment bills against Bruno Stojic and Valentin Coric

Dnevni List reports that Dr. Jadranko Prlic has neither confirmed nor denied the allegations about being questioned by the ICTY, as published in the paper, but only said he did not intend to comment on the nonsense published in Dnevni List. The daily comments Prlic does not care about the contents of the information published, but only about the name of the paper that published it.

The daily also claims to have reliable information from The Hague according to which the ICTY has already prepared indictment bills against Bruno Stojic, Defense Minister of the former Croat Republic Herzeg-Bosnia, and Valentin Coric, a former Commander of the HVO Military Police. In addition, a bill of indictment against a retired general of the HVO is to be completed in the following weeks. According to the paper's

sources from The Hague, indictment bills against Stojic and Coric are to be issued later this month.

Prlic reportedly talked to the ICTY investigators on two occasions at the minimum and Sarajevo was one of the venues. He laid the blame for possible war crimes on the late Franjo Tudjman, Gojko Susak and Mate Boban, but named Bruno Stojic and Valentin Coric as the persons responsible for specific actions of the HVO.

Dnevni List tried to get an official statement from the ICTY, but did not manage to get in contact with the Spokesperson Florence Hartmann.

Vecernji List also carried an article claiming that official, but anonymous, sources in The Hague confirmed that Prlic will indeed be indicted. The ICTY prosecution has still not issued an official statement on this matter.

Croatian Government reduces promised assistance

Croatian Government has recently announced providing a considerable financial assistance as well as assistance in building materials for the Croat victims of the Homeland War. Dobrica Jonjic, the Federation Deputy Minister for Soldiers, told Dnevni list that the value of the Croatian Government's program of housing assistance was originally set at 75 million Kunas. However, following a revision of the 2001 Budget, the amount has been reduced to 55 million Kunas.

Jonjic says the building materials have started coming to BiH and the distribution will start once all the shipments have arrived. In his words, the value of the first package of assistance amounts to 40 million Kunas – 33 million Kunas worth of building materials and 7 million for the transportation costs. They hoped the other 15 million would be paid out in money. Most of the financial assistance was planned to be allocated for the construction of 120 apartments for war victims in Mostar, but according to Jonjic, the latest

information from Croatia is that this portion of assistance will also be realized in building materials, instead of money, which, in Jonjic's words, is a problem. He says a contract of the apartment construction was signed earlier, but the City has not complied with the assumed obligation of discharging the land rent in this case, which would provide for a reduction of the price of apartments per square meter. Jonjic says they signed the contract beforehand since they believed the money will keep coming from Croatia, but now they are facing problems because the money is not there.

Republika Srpska

Most institutions in the RS marked ceremoniously on Monday the RS Day of Republic, despite the protests of number of returnee and refugee associations in the entity.

Palic case: RS paid 50,000 KM compensation the wife of the abducted Bosnian general

Most media in the Federation, Oslobodjenje on its front page, reported that the Republika Srpska finally paid out the 50,000 KM compensation to the wife of the famous Bosnian Army general from Zepa, Avdo Palic, who was abducted by the Bosnian Serb Army troops in 1995. With this move, the RS fully met its financial obligation delineated in the Human Rights Chamber Decision from January 2001 on this case. "The Office of the High Representative views this payment, late though it was, as a possible sign that the Republika Srpska is beginning to fulfil its legal obligations and to act in a manner that demonstrates respect for basic human values," said on Tuesday OHR's spokesman Oleg Milisic, commenting on the decision. Esma, Palic's wife, welcomed the move of the RS but stressed that the battle is still not over, as the RS failed to provide any details about the fate of her husband.

Speaker says Bosnia to become “functional state union”

RS National Assembly Speaker Dragan Kalinic told the RTRS on Tuesday this entity would – in cooperation with the BiH Federation – help Bosnia-Hercegovina become a functional state union. He voiced the hope that in the forthcoming period BiH’s development would be based on the principle of equilibrium between its two entities and three equal nations. Kalinic stressed that citizens of the Serb Republic had a lot of reasons to await the forthcoming days with optimism as this entity now had legal, legitimate and stable executive authorities supported by the parliamentary majority.

His party colleague and the RS President, Mirko Sarovic, was not so optimistic in his last night’s address (aired by the RTRS) on the occasion of the RS Day of Statehood. Speaking about the future of the RS, Sarovic warned its citizens that, after the holidays, their entity may be faced with the greatest challenge and a threat to its existence since its creation. He remained vague, but stressed that the RS will live and continue being a homeland for its citizens. “The RS must stabilise itself internally and externally, and gain new friends in the International Community,” Sarovic stressed, adding that the issue of compliance with property laws and the implementation of Annex 7 of the Dayton Accords must be resolved in two years, and that “a crucial step must be taken next year.” He also said that the RS will pass amendments to the RS Constitution and find a solution which will not be discriminatory, will provide for just representation of all peoples and for general equality.

Serb Democratic Party To Get Rid Of Some of Its High Officials?

Nezavisne novine report, quoting anonymous sources, that the SDS, at the forthcoming Election Assembly, would sack several high party officials. “SDS leadership accepted to dismiss some

of its personnel in accordance with the promises given to International Community representatives earlier on. This move should demonstrate that the party is indeed reformed. SDS Leadership decided to remove Milan Ninkovic, Cvijetin Nikic. Mirko Banjac and Milenko Stanic from the Party", the daily's source said.

RS Prime Minister's Advisor Says Generals Vinko Pandurevic and Dragomir Milosevic Are Ready To Surrender to The Hague

Nezavisne novine quote Sinisa Djordjevic, Advisor to the RS Prime Minister Mladen Ivanic for Relations with The Hague Tribunal as saying that the generals indicted of war crimes by the ICTY, Vinko Pandurevic and Dragomir Milosevic, expressed their readiness to surrender to the Tribunal. "We have not contacted their defense, but results are to follow. By the end of January we will surely know if the two would voluntarily surrender to The Hague", said Djordejvic and added that he got this information from his sources.

International Community

Brcko Supervisor attends the RS Day of Statehood

SRNA news agency quoted the Brcko District supervisor Henry Clark as saying that he sees nothing bad in marking the 10th anniversary of creation of the RS and the celebration of its Day of Statehood in the District. "Each community in Brcko has the right to celebrate its holidays," said Clark, who attended a reception at the Hotel Revena in Brcko organized on the occasion of RS Day.

Jean Pierre Bercot, the new Head of the OHR Mostar

meets Neven Tomic – Mostar travels to Europe

The Mayor and Deputy Mayor of Mostar, Neven Tomic and Hamdija Jahic received an introductory visit of the Deputy High Representative and new Head of the OHR in Mostar, Jean Pierre Bercot, reports Slobodna Dalmacija.

Ambassador Bercot said that the meeting was very constructive and that he left it with optimism that Mayor Tomic and Deputy Mayor Jahic have the capability and vision to lead Mostar in the right direction. He also stated that, while continuing on the path of normalization and unification of the city, the Mostar leaders will have the support of the OHR in BiH, as well as his personal support.

Tomic and Jahic pointed to the complexity of the relations between the City on the one side and the city municipalities, the Cantons and the Federation on the other. They said they were satisfied about the fact that the OHR and the international community will help them solve the issues and difficulties in those relations, particularly in the course of this year, which is considered to be the crucial year when it comes to building Mostar as a functional unit.

In conclusion, Slobodna Dalmacija quotes Ambassador Bercot as saying: "We all know that there is no alternative option other than for Mostar to become a modern, democratic, tolerant and prosperous European city. I must believe that with a joint effort, together with the Mayor and Deputy Mayor, we are going to make this happen, despite all obstacles."

Editorials

Vecernji List: Why is Zlatko Lagumdzija performing two highest political duties – Double function in

the interest of one single party

Written by Zdenko Jurilj

Vecernji List says that Zlatko Lagumdzija is the most evident example of parallelism since he is holding the position of BiH Foreign Minister along with the position of Chairman of the BiH Council of Ministers. Although the Alliance was initially opposing the possibility of one person holding two functions, the subject was forgotten in time, but Italian protests surrounding Silvio Berlusconi have made it topical again. In legal and political terms, Lagumdzija, who is the second most powerful political power-wielder after Petritsch in BiH, was appointed to the position of Council Chair legally, says Vecernji List. Stjepan Kljujic, the President of the BiH Republican Party, thinks that only in totalitarian regimes is it possible for one person to hold two positions.

Emir Habul in today's ***Oslobodjenje*** **comments on the possibility that the indicted Bosnian Army general, Sefer Halilovic, returns to the post of the Federation Minister of Refugees and Social Politics. Shying away from openly supporting Halilovic, Habul notes that his return would not bring any good to the Alliance, as it would make the relations between Bosniak and Croat parties quite tense. In addition, the recent statement of the OHR spokesman, Oleg Milisc, indicates that the OHR is not in favor of Halilovic's come back to the important ministerial post. "The outcome is clear: Halilovic will give up the post of the Minister, and the BPS will get several managing seats (in large companies in Sarajevo Canton) in return.**

In ***Dnevni Avaz***, **Fadil Mandal argues against the celebration of the so-called Day of the Republic in the RS, saying that the present life of this entity within BiH is just a phase for most RS politicians. "In the conscience of the future generations they need to saw a seed of some new attempt to end the dream of the ethnically clean state," writes Mandal.**

Nacional: Petritsch's amendments to the RS Constitution legalize division of BiH and are detrimental to Croats

(full translation, author not specified)

At the height of the discussion on the constitutional reforms in BiH, members of the Constitutional Commission, the leaders of most political parties, as well as diplomatic representatives were handed the High Representative's proposal titled "Amendments to the Constitution of the Republic of Srpska in respect of the representation of the constituent peoples and others in the executive authorities and the judiciary," which practically sanctions a final division of BiH into two entities.

Petritsch yielded to the Serbs' resistance to having the institution of House of Peoples introduced in the RS National Assembly, and the OHR proposal, instead, only offers the institution of Commission for the Protection of Vital National Interests, which does not guarantee constituency and equality to Croats and Bosniaks in the RS.

Croats as minority

Bosniak and Croat politicians in BiH are unison in the conclusion that by introducing the Commission for the Protection of Vital National Interests, Petritsch is practically ensuring a continuation of the Serb domination. Moreover, they say that the existence of the Commission instead of the House of Peoples in the RS National Assembly means that the OHR is directly obstructing the BiH Constitutional Court Decision on the constituency of all three peoples across BiH. Possible adoption of Petritsch's asymmetric solutions in the RS and the Federation will affect Croats most of all. Evading the implementation of the Constitutional Court Decision would turn Croats into a national minority in both entities. Politicians of all Croat

parties in BiH, from the NHI to the HDZ, stand united in the condemnation of Petritsch's proposal, being aware that such solutions open up a new and uncertain period of political crisis in BiH, which can bring no good to Croats and Bosniaks.

However, the strongest opposition to Petritsch's proposal came from Haris Silajdzic, the former President of the Party for BiH, which has been very energetic at advocating the abolishment of entities in BiH in the past year. Although he allegedly retired from the political life in BiH out of protest, Silajdzic remains the informal leader of the party and has used his international reputation to express to diplomatic circles his bitterness over Petritsch's policy. Thus the OHR's consent to the introduction of asymmetric solutions has given rise to a very vivid political activity. Nacional found out that Haris Silajdzic has already started preparing a strong protest on behalf of several political parties, which will eventually be addressed to the Peace Implementation Council.

Attempt of destroying BiH

Silajdzic and the Party for BiH that are currently much closer to the SDA and Izetbegovic's successor Sulejman Tihic (who is a member of the Constitutional Commission) than to Lagumdzija and the ruling Alliance that the party is a member of, will address a strong protest note against destruction of BiH to the Peace Implementation Council, as Petritsch's direct order-issuing authority, and will also request a consistent implementation of the Constitutional Court Decision, i.e. giving up on the scandalous proposal put forward by the OHR.

The most disputed part of the Amendment LXIX to the RS Constitution is Point 4, which clearly states that the Commission for the Protection of Vital National Interests has no powers or mechanisms whatsoever to protect and ensure national equality in the territory of the Republic of Srpska. The OHR proposal provides general guarantees for the rights of

minority peoples, but does not envisage any mechanisms that would force the (Serb) majority in the National Assembly to implement them.

OHR representatives were persistently trying to explain to the Bosniak and Croat members of the RS Constitutional Commission that there are no substantial differences between the House of Peoples and the Commission for the Protection of Vital National Interests. However, the Croat and Bosniak representatives in the Commission kept wondering why the Serb representatives would be resisting to the House of Peoples so much if it was only about a difference in terminology. The response was very clear – the powers of the Commission for Protection of Vital National Interests are not even close to the powers of the House of Peoples. With the Commission, the Republic of Srpska remains an entity with the powers of an autonomous state-republic with the absolute domination of the Serb people and an extremely formal equality of all citizens. By introducing the House of Peoples, the RS would both formally and in reality recognize the constituency of all three peoples in its territory. Introduction of the institution of House of Peoples, in fact, leads to abolishment of the RS and the Serbs are absolutely aware of it.