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RIGHT TO RETURN

Returnees' Property Damaged

UN IPTF reported that on 16 August, three Croat-owned houses in the village of Curcica Lug in the Bugojno (Fed) area were damaged by explosives and a fourth house was hit by a rocket-propelled grenade. The owners of the houses were recent returnees, one of whom was at home at the time of the incidents. A reconstruction project for returns is currently underway in the village. The Deputy High Representative Ambassador Wagner visited Bugojno and the village of Curcica Lug on 19 August and met with the Mayor and community representatives to discuss the human rights situation and next steps toward returns. On 14 August, SFOR reported that local police in Kupres (Fed) forced a group of Bosniak displaced persons (currently living in Bugojno) to stop conducting repairs to their houses in Kute and to leave the area. ECMM reported that the Mayor of Kupres had complained about the presence of Bosniak policemen who have been providing security to Bosniaks repairing their houses in Kute.

Returns to Jajce Re-Started

On 16 August, 91 Bosniak heads of household registered for return to the village of Kruscica in Jajce (Fed) under the terms of an agreement reached on 5 August following violent incidents during the previous weekend that caused several hundred Bosniak returnees to flee the area. Some 300 to 400 Bosniak displaced persons are expected to register to return to the villages of Lendici, Bucice, Divicani, and Sibenica; two Bosniak returnees were seriously injured when they stepped on mines in two separate incidents on 20 August in the village of Divicani. Investigations are underway to ascertain whether the mines were newly planted or were left-over ordinance from the war.

Returnee Visits Marred by Assaults, Stonings

On 16 August, two buses carrying prospective Bosniak returnees to Stolac (Fed) were stoned, damaging several windows. On the same day, four Bosniaks allegedly received minor injuries after they were assaulted by a group of Croats near a river where they were swimming. International agencies have told the Stolac authorities that the remaining 45 families participating in the UNHCR pilot project must be allowed to return by the end of September. Also on 16 August, Bosniak members of the newly formed cantonal police arrived in Stolac to take up their duties, but due to "administrative difficulties," were sent back to Mostar. On 19 August, the Head of OHR South Sir Martin Garrod met with cantonal and municipal authorities who agreed to conduct an investigation into the incidents and also reaffirmed their commitment to integrate the police force in the area. In nearby Capljina (Fed) on 19 August, three Bosniak men participating in an assessment visit who were boarding the bus back to Mostar were reportedly accosted by five men who stopped their car next to the bus. The assailants allegedly punched the three Bosniak men and unsuccessfully tried to force one of them into their car. A SFOR patrol in the area intervened and prevented further injury to the Bosniaks, but the SFOR-escorted bus transporting the visitors back to Mostar was damaged after it was stoned en route. In other developments, the Federation Ombudsmen will open offices in Capljina and Travnik next week.

DPs Support Returns, Rights

On 29 July, displaced persons from Sanski Most, Banja Luka and other areas in northwest Bosnia met in Banja Luka (RS) to discuss common concerns. After meeting in closed session, the group presented their conclusions to the public. Participants agreed that guarantees for return in Annex 7 of the Peace Agreement should be upheld without any political restrictions and expressed support for the work of ICTY, stressing that the arrest and surrender of indicted persons is a critical prerequisite for full realisation of the Peace Agreement. The

group condemned the tendency to attribute collective responsibility for crimes committed during the war and advocated the principle of individual responsibility. On other subjects, the group advocated for access to mass graves and to possible remaining war-time detainees, the reform of legislation which prevents returnees from reclaiming their property, and the facilitation of the return of Serbs to Croatia (which would open up crucial housing space for minority returns to northwest Bosnia). The group voiced its strong support for the "Open Cities" initiative, noting that it could increase possibilities for return. The group appealed to the international community to put more pressure on the authorities for the establishment of inter-entity phone lines, and also decided to form an inter-entity commission to pressure local authorities on questions related to return and the rights of displaced persons. A follow-up meeting will take place in Sanski Most later this month.

INSTITUTIONAL AND POLICY DEVELOPMENTS

Federation Forum Addresses Rule of Law, Returns Issues

On 20 August, the Federation leadership met at a session of the Federation Forum in Sarajevo. At the session, participants reconfirmed their commitment to complete the establishment of the joint police in the Herzegovina Neretva Canton by 22 August and reconfirmed the 5 August agreement on the establishment the Central Bosnia Canton police and its full integration and restructuring by 22 August. All police within the Federation will be integrated and restructured by 9 September and any official who obstructs implementation will be held accountable. Participants welcomed the ongoing process of returns in Central Bosnia and reaffirmed their commitment to formulate and adopt by 25 August a program for the return of all refugees and displaced persons in Canton 6. Participants agreed to call on municipal authorities to conduct a thorough investigation into the events leading up to demonstrations against returns to Vogosca and to release their

findings by 1 September. The responsible authorities are to prevent future violent demonstrations from occurring. The Federation Ombudsmen reminded the Forum of their reports on returns-related issues; participants welcomed that the Ombudsmen will open their new Travnik office on 25 August.

Federation Forum Sets Basis for Progress on Property Laws

At the Federation Forum session held on 20 August, Federation leaders made important progress on the issue of property laws by agreeing to ensure that the Federation Parliament considers and adopts three draft laws prepared by the OHR: the Law on the Cessation of the Application of the Law on Abandoned Apartments; the Law Regulating the Application of the Law on Temporary Abandoned Real Property Owned by Citizens; and the Law on Amendments to the Law on Housing Relations. On 10 July, Federation authorities had stated their commitment to urgent revision of existing property laws to comply with the Peace Agreement and to eliminate obstacles to return. At Sintra, the Peace Implementation Council Steering Board stated that "international support for housing reconstruction should be conditional upon the fulfilment of these obligations." On 6 August, President Izetbegovic responded by making a commitment that property legislation in the Federation will meet these obligations by 30 September. Federation Forum participants said they will ensure that local authorities comply with the new laws once they are adopted and that all returnees are able to return to their pre-war homes as guaranteed by Annex 7 of the Peace Agreement.

Human Rights, NGO Training Held in Tuzla

On 7 August, OSCE and the International Human Rights Law Group organised a training session in Tuzla for local legal professionals on Article 14 of the European Convention on Human Rights, entitled "How to Prepare a Discrimination Case." The Tuzla session follows workshops in Sokolac, Foca, Banja Luka and Mostar. On 25-27 July, the non-governmental organization Human Rights Office Tuzla, which coordinates a

network of 10 NGOs from Mostar, Zenica, Bihac, Doboj, Jajce, Modrica, Banja Luka and Tuzla via electronic mail, held a seminar entitled “Network 10.” The seminar, held near Banovici, focused on issues of interest to non-profit organisations, including drafting project proposals and use of the electronic mail system. Members of the Anti-war Campaign from Zagreb and from the New Bosnia Fund in Sarajevo also gave presentations

High Representative Reports on ICTY Issues

In his July report to the UN Secretary-General covering the period of April to June 1997, the High Representative reported that the failure of the authorities of Croatia, FRY and BiH to hand over indicted persons remains a matter of grave concern. He reported that a number of persons who have been indicted by ICTY are believed to be working in a public capacity, including in Prijedor, Samac, Foca and Vitez, and that the responsible authorities must execute arrest warrants for all indicted persons and surrender them to the Tribunal. The High Representative noted that at its meeting in Sintra, the Peace Implementation Council reiterated its expectation that both Entities fully implement the measures agreed in Rome on 18 February 1996 (the rules of the road, or “RoR”) by refraining from arresting or detaining war crimes suspects except in cases in which the Tribunal has reviewed the file and found sufficient evidence under international standards. He reported that the Federation has taken substantial steps to implement the RoR during 1997, though there are still numerous cases in which they continue to be violated, notably in Bihac. The High Representative said that even though there have been few arrests in violation of the RoR in either Entity in the last six months, “the real measures of both entities’ failure to fully implement the rules lies not in the number of actual arrests but in the substantial impact the threat of arrest has on freedom of movement.” Local authorities in both entities have repeatedly referred to “lists of war crimes suspects” to block return and visits, which are “wholly incompatible with

the [RoR] process," he reported. He has called upon both Entities to release all persons detained in violation of the RoR and to submit files of all war crimes suspects to the Hague.

NOTE: *The HR Report is based on the most recent information available to the OHR from inter-governmental and non-governmental organisations. Questions on specific items should be directed to the reporting organisation or to the HRCC. Please send information for inclusion in the report to 387-71-447-420, attention Leah Melnick (leah.melnick@ohr.int), Kristina Koch (kristina.koch@ohr.int), or Vladimir Stanisic(vladimir.stanisic@ohr.int).*

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