

Human Rights Report 6-14 Sept. 97

Protection Of Minorities

Arrests Conducted in Travnik and Sarajevo Cases UN IPTF reported that cantonal police arrested two suspects, one of whom has been charged, in connection with a case in Travnik (Fed) in which a Croat man died on 11 September from injuries sustained in a physical altercation two days prior. On 6 September, Sarajevo police arrested four suspects in connection with the explosion at the Catholic Centre in Grbavica and have charged one man with the crime. Local police told UN IPTF that they believe the explosion was an isolated incident and not connected to similar incidents earlier in the year.

IOs Intervene with Teslic Authorities on Human Rights Cases On 5 September, representatives of the OHR, OSCE, UNHCR, UN IPTF and SFOR met with the Mayor, Chief of Police, the Head of the Civil Protection Unit (CPU) and other municipal officials in Teslic (RS) to express their concern about the human rights situation there, particular with respect to the treatment of Bosniak citizens and opposition party representatives.

International representatives raised their concerns about the purported role of the CPU in these abuses, including in the forced confiscation of Bosniak-owned property and in the ongoing pattern of threats and violence. Representatives told the Mayor that donors and reconstruction agencies have been reluctant to conduct projects in Teslic because of its exceptionally poor human rights record and are likely to continue to stay away until concrete improvements occur. They asked the Mayor to ensure resolution of six egregious cases of violations of minority citizens' rights (four of which involve the CPU) as a first step in this process, which he personally pledged to do.

The Head of the CPU was also told in strong terms that the international community is very concerned about this group's role in harassment of minorities and its inappropriate participation in some municipal and police functions. As a follow up measure, the Teslic officials agreed to meet with international representatives once per month to discuss human rights cases and to also improve regular working contacts.

Monitors note that the meeting is perhaps the first in which the Teslic authorities, confronted with specific cases, acknowledged that there are human rights problems which may involve the CPU, and in which they have agreed to take concrete steps to improve the situation. On 6 September, a Bosniak resident of Barici in the Teslic area reported to UN IPTF that on the night of 6 September, three Serb men smashed windows of her home with chairs and pieces of wood. They also threatened to come back and commit further damage.

A Bosniak man in Barici told UN IPTF that his stable was destroyed by a suspicious fire on the same night. Monitors report that members of the Civil Protection Unit (CPU) were allegedly involved in both incidents. OSCE and UN IPTF will follow up on the six egregious cases brought up at the meeting as well as the new reports and will continue to closely monitor the situation along with the OHR, UNHCR and SFOR.

Freedom Of Thought / Expression / Association

SPRS Under Pressure in Doboj Five people, several affiliated with the SPRS party, were arrested on 27 August following their involvement in the attempted take over of the television transmitter at Duge Njive, near Doboj (RS). Among them was Milovan Stankovic, a SPRS RS Assembly member and editor-in-chief of the Doboj-based opposition newspaper Alternativa. Stankovic was released on 1 September on the basis of his parliamentary immunity; the other four men were convicted of minor offences, fined and sentenced to 60 days in prison.

On 28 August, explosions badly damaged the SPRS party office in Doboј and a second explosion destroyed the Alternativa offices in town. The following night, Stankovic's flat was broken into. SDS-controlled Radio Doboј has also allegedly broadcast numerous unsubstantiated claims against the SPRS party and its members. The SPRS cancelled a campaign rally in Doboј scheduled for 4 September in view of the increasing harassment. UN IPTF and OSCE are investigating the incidents, which monitors note are similar to acts committed against the SPRS in Doboј prior to last years' polls.

Right To Return

UN IPTF Recommends Sanctions Against Jajce Police Officials On 10 September, UN IPTF issued its report on the policing response to the incidents in Jajce (Fed) during the first days of August. In its investigation, UN IPTF found that the local police's response to the house burnings and other incidents affecting Bosniak returnees between January to July was, "at best, non-existent" and that police response to road blocks and demonstrations by Croat citizens during 1-3 August was "wholly inadequate and in some instances deliberately negligent."

UN IPTF noted that police officers refused to intervene even when explicitly requested by UN IPTF to do so, and that had the police performed properly, the incidents could have been prevented or immediately resolved without violence. Instead, between 1-3 August "some 400-550 Bosniaks were forced to leave their homes as a result of police inaction in the face of intimidation, violence, arson and one murder." Based on the available information, UN IPTF has recommended investigations and proper response to the incidents and the acts of 10 policemen named in the report, the dismissal of the Jajce Chief of Police Marko Lucic and his Deputy Marko Bilandzija, and disciplinary measures against eight other policemen.

The report was submitted to the Federation authorities on 26 August and on 4 September Federation President Soljic

responded to it by refuting that police officers in plain clothes abused Bosniak returnees (UN IPTF said these allegations should be further investigated), arguing that the recommended measures are too harsh. However, President Soljic did not challenge the factual content of the report relating to police conduct, and UN IPTF has urged him to ensure that proper proceedings are instituted against all 10 police officers. UN IPTF also reiterated that the Chief of Police and his Deputy should be dismissed as an appropriate sanction.

Institutional And Policy Developments

Helsinki Committee BiH Calls for Improvements in Mostar

According to a press release issued by the Helsinki Committee for Human Rights (HCHR) in BiH on 9 September, HCHR steering board members met with the Mostar mayor and his deputy to discuss the state of human rights and liberties, the return of refugees and displaced persons, and media freedom in the city. In assessing the situation, board members said that Mostar's human rights record has recently improved following the establishment of the cantonal police force, but serious problems remain such as blocked progress on passage of cantonal constitutional amendments; lack of conditions for returns, freedom of movement and freedom to choose place of residence; and the local media's tendency to serve narrow majority party interests.

Board members appealed to local leaders to design concrete repatriation programs and called for the international community to provide reconstruction assistance, especially to rebuild houses to enable displaced persons living in Mostar to return home. HCHR BiH appealed to the Mostar media to harmonise their activities with the principles and codes of professional journalism to create an environment conducive to solving ongoing problems in the city, and backed an initiative of a group of citizens from west Mostar to start an independent radio station.

Independence of Judiciary Discussed in Travnik On 2 September, the Council of Europe and the Central Bosnia branch of the

Federation Judges Association hosted a round table discussion in Travnik (Fed) on the independence of the judiciary attended by 70 judicial officials and other legal professionals. Representatives of the Federation and Cantonal Ministries of Justice, the Federation Constitutional Court, the Federation Judges Association, the OHR/HRCC, OSCE, and the Council of Europe made presentations.

Talks focused on international standards and current developments in the establishment of a cantonal judiciary in Central Bosnia, including the appointment of judges in the canton. Participants discussed the judicial appointment process and the cantonal constitutional requirement that the nationality of appointed cantonal court judges reflect the pre-war ethnic composition (about 50% Croat and 50% Bosniak in Canton 6). Observers noted that discussions revealed gaps between international and domestic perceptions of requirements for an “independent judiciary” and also brought to light some of the constraints facing judges in BiH.

Participants recommended that the two Federation cantons that have not yet adopted legislation to enable the establishment of cantonal judiciaries (Cantons 6 and 7) do so as soon as possible in accordance with the recent decisions of the Federation Forum. The creation of an independent body responsible for elections and appointments of judges was also recommended as a means of reducing the influence of executive authorities and political parties on the judiciary. The Council of Europe is planning a follow up meeting in Mostar in the coming months.

New Book Released “Human rights – Theory and Practice”, consisting of transcripts of eight lectures presented at a human rights seminar held in Sarajevo in December is now available in Bosnian language through the Soros Law Centre in Sarajevo. In their pieces, contributors analyse theory and practice of human rights in the country, including the legal framework for their protection. Pieces also reflect on the

concept and history of human rights, international conventions, and on the capabilities of NGOs.

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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