

# Human Rights Report May 1999

## SUMMARY

- Muted response to Milosevic indictment
- Bosniak return to Kotor Varos blocked
- Deadline for claiming socially owned apartments in RS extended to 19 December 1999
- High Representative suspends powers of municipal authorities to reallocate or dispose of socially owned land
- RS Supreme Court orders retrial of Zvornik 3; 3 remaining prisoners released

## SECURITY

1. The security situation in BiH has continued to improve following the earlier deterioration and the international community has resumed most of its activities in the RS, the principal exceptions being the municipalities of **Foca** and **Trebinje**, in south-eastern RS.
2. The indictment of President Slobodan Milosevic of FRY and four other high ranking members of the government and military of the FRY and Republic of Serbia, made public on 27 May by the ICTY Prosecutor, did not cause any significant political turbulence or civil unrest in BiH. As could be expected however, response to the indictment in the Federation was supportive, whereas in the RS the response was subdued and mild.

## RIGHTS OF REFUGEES AND DISPLACED PERSONS

## GENERAL OVERVIEW <sup>1</sup>

3. Minority returns have reportedly started to pick up in different parts of BiH. In the Federation, in the mixed **Central Bosnia Canton** there have been a number of minority returns (almost 900 since 1 January 1999), mainly spontaneous, whereas in **Herzegovina-Neretva Canton**, minority returns have so far been rare and mostly organised with the assistance of the international community. In May, Serb displaced persons returned to villages in (Croat administered) **Stolac** municipality and some 240 Bosniaks returned to villages in **Prozor-Rama** municipality (also Croat administered). Also, there have been encouraging signs of Croats willing to return from Croatia in particular to **Bugojno** and **Konjic** (both Bosniak administered). In the RS, UNHCR reports that planned minority return projects to eastern RS are proceeding well; this is an area where very few minority returns have actually taken place so far.

1. Please note that the May Report from UNHCR Sub Office for Northern BiH (Tuzla) was not available at the time of issuance of this Report. Therefore developments in that region may not be reflected in this report.

## RIGHT TO RETURN

*[This section focuses on returns and assessment visits that are significant from a human rights perspective]*

### **Visits/Returns to RS**

4. On 21 May, a serious obstruction to minority return took place in **Kotor Varos**, when some 30 Bosniak families currently residing in Travnik and Zenica (FBiH) were blocked from returning to the village of Vecici. On 20 May, the Kotor Varos Municipal Assembly unanimously passed a resolution opposing the return of Bosniaks to the municipality. The following day, an organised group of Serbs blocked the road and prohibited the displaced

persons from returning. The international community condemned the role played by the Municipal Assembly and IPTF stated that it was dissatisfied with the behaviour of the local police during this incident. As a result, non-compliance reports were issued against the Mayor and the Chief of Police in Kotor Varos. The aborted return attempt had been organized by UNHCR and coordinated with other international agencies, including IPTF, SFOR and the local authorities and police.

5. On 22 May, an assessment visit of Bosniak displaced persons from Sarajevo to **Rogatica** took place to several villages close to the IEBL; the visit was organised by the displaced persons themselves in co-operation with the local police. On 26 May, the first visit of prospective returnees to **Pale** took place without incident and the Mayors of Pale and Sokolac informed the international community that their Municipal Assemblies had endorsed minority returns. Such endorsement by the municipal assemblies is considered extremely significant as Pale was the seat of Radovan Karadzic's war-time Serb government and remains a hard-line Serb stronghold.
6. A group of Bosniak displaced persons postponed their planned return to **Nevesinje** due to the adverse developments in the RS. They have expressed concern for their security, partly due to the lack of international presence in the area. Despite this, two assessment visits involving 150 Bosniak displaced persons have taken place to villages in Nevesinje.
7. Following ongoing Bosniaks returns to **Novi Grad** and **Prijedor**, two serious return-related incidents in Novi Grad were reported during May. On 9 May, a house was blown up in the village of Gornji Agici. The house belonged to a Bosniak returnee who had been cleaning it the previous days. The second incident occurred on 16 May, when a rocket was fired in the direction of a number of Bosniak returnee houses in Suhaca village. The rocket hit a concrete pipe some 15 metres from a house

where five Bosniaks returnees were sleeping. Both incidents caused substantial material damage to the properties; no injuries were sustained. The attacks have increased tensions amongst the Bosniak returnee community in an area considered by the international community to be of particular significance for return primarily because: (1) Novi Grad is one of the most hard-line municipalities in western RS; and (2) continued Bosniak return to Novi Grad from **Sanski Most** municipality in the Federation where Bosniaks are currently displaced would open up the return axis of Serb displaced persons currently living in Prijedor in the RS to Sanski Most. According to UNHCR, local police have been responding to these incidents in an adequate manner, although local authorities more generally have not been supportive of spontaneous returns to the area.

#### ***Visits/Returns to Federation***

8. Serb and Bosniak returns to **Herzegovina-Neretva Canton** have increased. On 10 May, despite more than 70 past incidents of violence against Bosniak returnees in Croat administered **Stolac** municipality, Serb returns to Stolac took place without incident. Before the war the Serb population of Stolac had numbered 4,000, nearly all of whom were either expelled or forced to flee during the war. Some progress was also achieved regarding the return of occupants to their pre-war apartments in west **Mostar** when two pre-war occupancy right holders recovered their empty apartments.
9. On 15 May, the first Serb return to **Ravno** municipality took place without incident despite minimal local police presence. It has been reported however that a few days before the scheduled return one house in the return area was damaged in an explosion. Before the war, Ravno was an ethnically mixed municipality (although primarily Croats and Serbs). During the war, the Serbs and Bosniaks were either expelled or forced to flee. Returns

to Ravno are considered particularly significant for a number of reasons including the location of Ravno, situated close to the Croatian border at a point where the territory of Croatia is very narrow. The Serb returns to Stolac and Ravno are considered encouraging. According to UNHCR, the returns appear to be influenced by the events in the FRY and the deteriorating economic outlook in the RS.

10. The visits of displaced Serbs to (Bosniak administered) **Konjic** continue despite the cancellation of the Visegrad (RS)/Konjic bus line. According to UNHCR, over the last six months more than 100 Serb former residents have returned to Konjic and been accommodated on a temporary basis with friends and relatives.
11. In **Canton 10 (Livno)** the return of some 110 Serb heads of households from Banja Luka and Derventa to villages in **Glamoc** municipality on 21 May is seen as considerable progress. Clean up activities in preparation of the reconstruction of housing have started. Following the first returns however, tensions have been reportedly increasing; some returnees have been verbally harassed, but no physical violence has been reported.
12. Returns to the **Una Sana Canton** continue to take place without serious difficulties from a human rights perspective. In particular, Serb returns to **Bosanski Petrovac** (previously majority Serb but presently majority Bosniak) and Serb returns to **Bihac** (predominantly to Martin Brod and surrounding villages) are proceeding without obstruction from local authorities. In Bihac, local authorities have been proactive regarding registration of returnees in remote areas, and issuance of documentation.

## **INFLUX FROM FRY**

13. At the end of April, the number of refugees and other persons arriving from FRY to BiH increased and peaked at

400-500 new arrivals per day. At the end of May, before the end of the NATO air operation, UNHCR reported that the number of refugees arriving in BiH had decreased and reached its lowest level since the beginning of the air operation with less than 20 new arrivals a day. The reduced levels of refugees arriving in BiH are, according to the FRY refugee reports received by UNHCR, due to the reduction in freedom of movement following the proliferation of Serb army and police check-points throughout the territory of FRY, especially along its border with BiH. In addition, it appears that the military police between Montenegro and BiH have systematically been enforcing the FRY executive order prohibiting draft age males to leave the territory.

14. As before, most of the arriving refugees have found private accommodations with relatives or friends. The remaining refugees have been accommodated by the BiH Ministry of Civil Affairs and Communication, even though all transit centres are overcrowded. UNHCR reports that throughout the month a large number of FRY citizens were seeking assistance to be united with their family members or to be resettled to third countries.
15. According to unconfirmed information provided by the Chief of Public Security Centre in **Foca** to UNMiBH/IPTF, six police officers from Foca Public Security Centre are under discipline in respect of abuses and bribes against persons seeking protection from FRY, who had been arriving in BiH. The Commander of the Border Police has been removed by the Chief of the Public Security Center. The persons seeking protection in BiH, particularly Kosovo Albanians, have been reporting harassment and abuse by the RS police.

## PROPERTY

## **EXTENSION OF THE DEADLINE FOR CLAIMING SOCIALLY OWNED APARTMENTS IN THE RS**

17. On 15 June, the High Representative issued a Decision extending the deadline for claiming occupancy rights to socially owned apartments in the Republika Srpska by six months. The new deadline is **19 December 1999**. This Decision applies only to the Republika Srpska deadline. The deadline for claiming apartments in the Federation of Bosnia and Herzegovina remains 4 July 1999.

## **HIGH REPRESENTATIVE'S DECISION TO SUSPEND MISALLOCATION OF SOCIALLY OWNED LAND**

18. On 25 May 1999, the High Representative issued a Decision to suspend the powers of municipal authorities in both Entities to reallocate or dispose of socially owned property. The Decision addresses the misallocation of socially owned land by the Entity authorities, by temporarily suspending the powers of local authorities to dispose in any way with socially owned property (other than apartments) which was used on 6 April 1992 for residential, religious or cultural purposes, or for private agricultural and business activities. Any re-allocation decisions of this nature that were made after 6 April 1992 and which affect the rights of refugees and displaced people, are null and void unless a third party has undertaken significant and lawful construction work.. The decision does not apply to the territory of the District of Brcko.
19. The decision follows widespread reports on the misuse of municipal powers to issue decisions on use of socially owned land. Many municipalities in both Entities were using their powers to inhibit minority return, for instance by depriving returning minorities of agricultural land required for subsistence farming, or

by appropriating key cultural or religious sites.

20. The High Representative's Decision canceling permanent occupancy rights in RS and the Federation were published in the Official Gazettes of the respective Entities as follows; Official Gazette of the Federation of BiH, 18/99, dated 20 May 1999; RS Official Gazette, 12/99, dated 17 May 1999. The publication of the Decision (that was imposed by the High Representative based on his Bonn Powers) puts the responsible official on official notice of the changes to the law, and hopefully signals the beginning of implementation.

## **IMPLEMENTATION OF PROPERTY LAWS IN THE RS**

21. RS government figures on the implementation of the RS property law at 28 May 1999 show that a total of 22,771 claims have been received for private property and 9,176 for socially-owned property. A number of early obstacles to the registration of claims were identified, but following interventions by the international community, the RS Ministry for Refugees and Displaced Persons has resolved a number of them. The most substantial obstacle to the effective registration of claims, which has been identified by both claimants and by the responsible officials themselves, is the severe lack of resources and trained staff among the local authorities. This is resulting in a failure to provide receipts for claims, very slow registering of claims, and a very low proportion of decisions issued. Unless the resources of the local offices of the Ministry for Refugees and Displaced Persons are increased substantially, the task of registering and processing all of the anticipated claims will take many months.

## **IMPLEMENTATION OF PROPERTY LAWS IN**



## THE FEDERATION

22. A major barrier to implementation of Federation property legislation lies in the non-execution of eviction orders. Local police contribute to this problem by non-attendance or inaction at evictions, in violation of their obligations under Federation law. This problem is particularly acute in **Sarajevo Canton** where implementation of the property legislation has reached the enforcement stage. The Federation legislation obliges the police to render assistance at evictions following the request of the Cantonal housing authority, and to intervene in response to criminal obstruction of the evictions.
23. Guidelines on the role of the local police at evictions in the Federation were issued during the reporting period by international organisations to enhance the efficiency of evictions. These guidelines set out the legal framework and the duties of the law enforcement officials with regard to evictions in the Federation. On the basis of these guidelines, OSCE and UNMiBH have provided briefings on the role of local police to all IPTF officers within Sarajevo Canton. Greater co-ordination and understanding of the local police role has been a contributing factor to the recent success in executing scheduled evictions in Sarajevo Canton.
24. Guidelines for the RS police will be issued soon. In **Banja Luka** (RS), the cases involve “floaters” (those evicted from their homes during the war but who remained in Banja Luka). Hundreds of floaters have received favorable court decisions and while some evictions are proceeding, there are still reports of organized obstruction.
25. The investigation by the Federation Ombudsmen and OSCE into the conduct of the municipal authorities in **Capljina** is progressing, but the beginning of the **Stolac** investigation was delayed. (See [HRCC Monthly Report](#),

[April 1999](#), at para. 31). The investigations concern both the administrative process for registering claims for the repossession of socially-owned apartments and private property, and the conduct of the municipal authorities concerning the reallocation and disposal of socially owned property. The Federation Ombudsmen and OSCE have now received copies of the key documents from the Capljina authorities. The preconditions for commencing the investigation in Stolac, including security guarantees, were not satisfied by the Stolac authorities resulting in a delay, but as of mid-June the Stolac investigation had commenced.

## **POLICING**

26. On 8 June, UNMiBH issued a public report entitled ***"Building Civilian Law Enforcement in Stolac and throughout the Herzegovina-Neretva Canton."*** As a result of the December 1998 audit of the Stolac Police Administration, an UNMiBH Special Response Team concluded that there was no functional police force in Stolac. All police officers in Stolac were placed on a three month probation, from February to May 1999. Under the close supervision of the UNMiBH Special Response Team, the Stolac police have, during the probationary period, made a number of significant steps towards establishing an integrated and professional police force. Despite these advances, considerable further progress is necessary. The failures in Stolac stem directly from, and are sustained by, the continuing failure of Cantonal authorities to put in place a positive and effective programme of integration for all Cantonal institutions.
27. On 12 May, UNMiBH submitted to the Herzegovina-Neretva Cantonal Minister of Interior a 100 Day Agenda for Action, outlining the next steps necessary to establish an effective and professional police force in the

canton. The Special Representative of the Secretary General established and chairs the UNMiBH Supervisory Committee, which monitors the implementation of, and compliance with, the 100 Day Agenda for Action.

28. Before the armed conflicts, Stolac had a mixed population of Bosniaks, Croats and Serbs. The post-war population is majority Croat, with a large number of displaced Croats from central Bosnia. The report notes that civilian law enforcement in Stolac after the armed conflicts has been generally ineffective, in particular in response to violence directed against Bosniak minority returnees throughout 1998.
29. In December 1998, the IPTF Commissioner sent a Special Response Team to Stolac to audit the structure and performance of the Police Administration. The Special Response Team concluded that there was no functional police force in Stolac. Although a Cantonal police had been inaugurated in the Canton in 1997, the police force in Stolac had never been unified and minority officers had not been integrated. Stolac police did not have a functioning organizational structure, was subject to inappropriate external influences and the number of officers significantly exceeded the authorized numbers. The Stolac police lacked a professional and functioning management. Crime prevention and detection measures in the context of returnee-related violence were insufficient and inadequate, so much so as to suggest complicity. These findings led to the February 1999 decision by the IPTF Commissioner to place each member of the Stolac police on a three month period of probation.
30. During the three month period, UNMiBH reports that the Stolac Police Administration took a number of significant steps towards establishing a professional police. In particular, surplus officers were disarmed, their identification cards were withdrawn and they were removed from the police administration; the integration

and effectiveness of minority officers was enhanced; progress was made towards a unified chain of command; and professional security plans for minority returns have been established. However, major problems persist and the police in Stolac remains far from being a professional, integrated and effective police force. UNMiBH concluded that the situation in Stolac is symptomatic of civilian law enforcement agencies throughout the Herzegovina-Neretva Canton and beyond. The 100 Day Agenda for Action outlines an effective programme to integrate and professionalise the police in the Herzegovina-Neretva Canton. (Full report is available from the UNMiBH Human Rights Office at main HQ, Sarajevo, tel. +387 71 496144).

## **RIGHT TO A FAIR TRIAL**

31. **Zvornik 3:** The RS Supreme Court issued its decision in the appeals of the four Bosniaks convicted in the retrial of the Zvornik 7 case. The Court's decision abolishes the verdict of the **Bijeljina** (RS) District Court of December 1998 and orders the retrial of the case at the first instance court, as requested by defense counsel. The verdict against one defendant, tried in absentia for the murder of a Bosniak companion, was upheld, although his sentence was reduced from ten to six years. The Courts reasons for ordering a retrial were principally the inconsistencies and irregularities in the reasoning of the first instance court. The international community was disappointed with the Court's reasoning in the case. Despite the presence of an international expert on the ECHR and the documented evidence that international human rights standards had been repeatedly violated throughout the investigation and appeal process, the Court made no mention of these facts in its decision to retry the case in Bijeljina, and to uphold the guilty verdict against the fourth

defendant. The three prisoners were released from prison under proper authorization from the RS on 11 June 1999, pending a further determination by RS officials as to how to proceed in the case. The international community continues to support a dismissal of the charges or other final resolution.

32. The trial of suspects accused of the July 1998 **Travnik** (FBiH) bombing in which a Croat police officer was killed concluded this month. This incident was followed by a second bombing last year in which another Croat police officer was killed, and the February bombing of a vehicle operated by a Croat police officer (both in Travnik). (See [HRCC Monthly Report, February 1999](#), at paras 10-11 for more details.) Bosniak administered Bugojno Municipal Court found six Bosniaks guilty of mining Croat owned houses, and one guilty of installing an explosive device in front of the house of the Croat President of the Bugojno Municipal Assembly. The average sentence was three years. Given the high profile of this trial, it was scrutinised closely by both the international community and the Croat authorities. The international community is currently reviewing the court file to ensure the fairness of proceedings.

## **ECONOMIC AND SOCIAL RIGHTS**

33. Following interventions by OSCE, UNHCR, OHR, and local citizens' organisations, the **Sarajevo** Pension Fund partially suspended its discriminatory practice of effectively denying pensions to returnees. This policy was established at the beginning of the year as the result of the failure to agree on how to divide responsibilities for pensioners insured under the unified pre-war fund. This is the latest twist in the complicated succession negotiations to the SFRY's pension system between the three ethnically-controlled BiH pension funds based in Sarajevo, **Mostar** (FBiH) and

**Bijeljina** (RS). OSCE has recently been particularly active in addressing problems arising from the de facto wartime separation of the unified pension fund beginning with the March release of its report, ***"Falling Through the Cracks: The Bosnian Pension System and its Current Problems."*** This report has generated substantial interest in the international community and has led to a more serious and comprehensive consideration of the problems faced by BiH pensioners.

## **WOMEN'S RIGHTS**

34. On 15 May, the first national NGO report on ***"Women's Human Rights in Bosnia and Herzegovina"*** was published by a group of local non-governmental organizations in cooperation with the International Human Rights Law Group BiH Project. The Report examines five areas: Economics and Employment; Violence Against Women; Health and Reproductive Rights; Public Life and Politics; and Education. The Report begins with a section on International Human Rights and BiH Constitutional Standards on Non-Discrimination and Equality. Each of the five sections present the international and domestic standards relevant to the area of concern followed by a discussion of the current factual situation in BiH. The Report concludes with a set of recommendations. (Full report available from International Human Rights Law Group, BiH Project, Sarajevo, tel. +387 71 205 319.)

## **HUMAN RIGHTS INSTITUTIONS AND NGOS**

35. **Case File Progress:** To the end of May 1999, the Institutions had registered and closed (or issued decisions in respect of properties in the case of the CRPC) the following number of cases:

	Ombudsperson	Human Rights Chamber	CRPC
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Cases registered	2999	2176	183,000
Cases closed	84	194	35,000

36. In addition to deciding cases, the Ombudsperson has issued 16 “special reports”, including two for the month of May. Approximately 90% of the Ombudsperson and the Human Rights Chamber cases have involved property, either real (70%) or personal (20%). The remaining issues have included excessive length of civil proceedings, employment discrimination, fairness of criminal trials, and detention issues, among others. Just over half of the cases of the Chamber and the Ombudsperson were decided on the merits of the case (as opposed to being finally decided at the admissibility or preliminary stage).
37. **BiH Ombudsperson:** The BiH Ombudsperson issued two Special Reports during May. In the first, the Ombudsperson addressed the 50% reduction in the payment of military pensions to former members of the Yugoslav National Army (JNA). In the second, the Ombudsperson addressed the reallocation of land previously used by minorities in the municipalities of **Modrica**, **Derventa**, and **Novi Grad** (all in RS). In both reports, the Ombudsperson concluded that violations relating to the prohibition of discrimination and the protection of property, as protected by the European Convention on Human Rights, had occurred. The Ombudsperson has set a deadline for both Entities to report on their compliance with her recommendations.
38. **Human Rights Chamber:** The Human Rights Chamber issued a decision in **DM v. Federation of BiH**, involving a Bosniak applicant who in 1993 was evicted from her property in Croat administered **Livno** by a Croat police officer. Since her return to Livno in 1997 she had unsuccessfully tried to obtain a court decision awarding her

repossession of her property. The Chamber found that the current judicial appointment process in Croat-controlled Canton 10 (in which Livno is situated), where only members or supporters of the HDZ have been appointed, prevented minorities from filing claims with the courts. The Chamber went on to confirm a pattern of discrimination against Bosniaks before the courts of Canton 10 and specifically found that the applicant's right to a fair hearing and the right to an effective remedy before the courts under Articles 6 and 13 respectively of the ECHR had been violated. The Chamber ordered the Federation to take, through its authorities, immediate steps to reinstate the applicant into her house. The Federation was further ordered to pay non-pecuniary damages.

39. The Human Rights Chamber also issued a decision in ***Panic v. BiH and the Federation of BiH***, concerning JNA flats. In this case, the applicant's husband had contracted in 1992 to purchase an apartment in Sarajevo from the JNA. While the applicant and her husband were in Belgrade for the husband's medical treatment, the General Staff of the Army of the then Republic of BiH declared the apartment temporarily abandoned. The applicant and her husband returned in February 1996 and requested reinstatement into their apartment. In May 1996, the General Staff of the Army declared the apartment permanently abandoned pursuant to the 1994 Law on Abandoned Apartments. In July 1998, the applicant applied for reinstatement under the 1998 Law on the Cessation of the Application of the Law on Abandoned Apartments, but there was no response. The Chamber found violations of Articles 6 and 8 of the ECHR and Article 1 of Protocol No. 1 to the ECHR. The Chamber ordered the Federation to take all necessary steps to: render ineffective the annulment of the contract; lift the compulsory adjournment of court proceedings; and secure the applicant's right of access to court and a hearing



within a reasonable time. The Chamber also ordered the Federation to take immediate steps to reinstate the applicant into her apartment.

40. In five other cases concerning JNA flats, ***Vidovic and 4 Others v. BiH and the Federation of BiH***, the applicants had also contracted to buy apartments from the JNA. The contracts were retroactively annulled by legislation passed shortly after the Dayton Agreement entered into force in December 1995. In one case civil proceedings relating to registration of the applicant's ownership were adjourned by a Decree in February 1995. The Chamber found violations of Article 6 of the ECHR and Article 1 of Protocol No. 1 to the ECHR. The Chamber ordered the Federation to take all necessary steps to: render ineffective the annulment of the contracts; lift the compulsory adjournment of court proceedings; and secure the applicants' right of access to court and a hearing within a reasonable time. The Chamber awarded compensation to one applicant.
41. Also during the session, the Second Panel of the Chamber held a hearing on the admissibility and merits of ***Pletilic and Others v. Republika Srpska***. In those cases, the applicants are Bosniak owners of real property in Gradiska. They left their homes during the war and their properties were allocated to refugees or displaced persons of Serb origin. The applicants began returning to Gradiska during 1998. On the advice of the Ministry for Refugees and Displaced Persons they initiated proceedings before the Gradiska Municipal Court, seeking to regain physical possession of their properties. In many of the cases there have been no developments although some actions have been rejected for lack of competence. The applicants allege that their property rights under Article 1 of Protocol No. 1 to the ECHR have been violated and that the court proceedings are being stalled because of their ethnic origin (Article 6(1) of the ECHR). Some applicants also complain that

their right to respect for their home has been violated (Article 8 of the ECHR). The Chamber has sought the respondent Party's written observations on an additional 100 similar cases. [***Chamber decisions and reports are available from the Secretariat or on the Internet at [www.gwdg.de/~ujvr/hrch/hrch.htm](http://www.gwdg.de/~ujvr/hrch/hrch.htm).***]

42. **Federation Ombudsmen:** On 24 May, the Federation Ombudsmen released a report on the human rights situation in the Federation of Bosnia and Herzegovina for 1998. According to the report, in 1998 the caseload of the Federation Ombudsmen offices grew considerably; 8271 files opened in 1998, up from 5733 the year before; 3582 cases closed in 1998, up from 1384 the year before. According to their own estimate, in 45% of the cases, the responsible parties applied the Ombudsmen's recommendations. Approximately 75% of their cases involved real property (and socially owned property), with the remaining cases involving fair trials, the right to work, and "social protection." The report addresses executive authority bodies, the judiciary, property laws, social rights, privatisation, and the rights of children. During 1998, the Ombudsmen intensified their work in monitoring the compliance and progress with regard to the rights enumerated in the Covenant on Economic, Social and Cultural Rights. The Ombudsmen conclude that the Federal Government at different levels had taken no steps to adopt necessary laws on labour, social rights and social security (with some exceptions such as Sarajevo Canton). They also highlight the problem of discrimination on different grounds (ethnic and political) in the fields of labour and social security.
43. **Progress towards RS Ombudsmen Institution:** OSCE, OHR and CoE met recently with the RS Minister of Justice and RS Deputy Prime Minister to further advance the establishment of the RS Ombudsmen institution (such establishment is required by September 1999 as one of

the conditions for membership of the CoE). Though significant progress has been made towards its establishment, the issue of the ethnic composition of the Ombudsmen remains outstanding. The international community is firmly committed to the multi-ethnic composition of the Office of the Ombudsmen. The RS authorities have proposed a Serb Ombudsman, with two non-Serb Deputies.

## **INSTITUTIONS AND POLICY DEVELOPMENTS**

44. **Council of Europe:** On 25 May, the list of conditions concerning the accession of BiH to the CoE was approved by the Political Affairs Committee and the Committee on Legal Affairs and Human Rights of the CoE. The list was transmitted to the BiH authorities on 28 May. The main conditions which the CoE Rapporteurs expect to be fulfilled by September 1999 are:

- Full functioning of the common institutions (BiH)
- Adoption of a Permanent Election Law (BiH)
- Implementation of Election results (FBiH and RS)
- Establishing mechanisms to ensure full functioning of human rights institutions
- Continued revision of legislation to ensure compliance with the ECHR
- Full co-operation with the ICTY
- Full co-operation and compliance in the implementation of the property laws
- Substantial progress on the amendment of textbooks, including withdrawal of all offensive material, by beginning of 1999/2000 school year and review of the education system in order to eradicate all aspects of ethnic segregation
- Completion of police certification, establishment of multi-ethnic police and full compliance with UN IPTF decisions.

The BiH authorities have been requested to draw up an

Action Plan for the implementation of these conditions.

**NOTE:** *The HRCC Human Rights Monthly Report is based on the regular and special reporting of inter-governmental and non-governmental organisations. The aim of the Report is to provide a concise overview of human rights issues, cases and trends affecting the overall human rights situation in Bosnia and Herzegovina during the reporting period. 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 to the attention of Lene Madsen or Sirpa Rautio or by e-mail to [lene.madsen@ohr.int](mailto:lene.madsen@ohr.int) or [sirpa.rautio@ohr.int](mailto:sirpa.rautio@ohr.int).*

**Office of the High Representative**