

OHR BiH Media Round-up, 28/1/2003

BH TV 1 (19,00 hrs)	FED TV (19,30 hrs)	RT RS (19,30)
Institutions of the BiH Court and Prosecutor have been inaugurated	Due to attacks on workers and returnees, works on construction of the Potocari monument and cemetery are stopped	Inauguration of BiH Court, RS officials not present
President and deputy presidents of FBiH took an oath	8 judges of the BiH Court and 4 BiH state prosecutors took over duty	Chairman Terzić and Governor Nicholl discussed economic situation
Security Council holds a session on Iraq crisis	Federal leaders have been appointed despite their non-election at the house of peoples	Federation President and Vice-Presidents elected
	ZE-D0 Canton education workers went on strike	Former Serbia President Milutinović pleaded not guilty in the Hague

Oslobodjenje	Payment of January pensions starts as of Saturday; Pressures on media – Students being manipulated by SDA; Judges and prosecutors took an oath – Justice at the state level
Dnevni Avaz	Sead Avdic – It is fair to give new authorities a hundred days; Premises of Court of BiH opened – Uncorrupted judges and prosecutors without fear
Dnevni List	“79 session of Federation Government was held: Payment of January pensions on February 1”

Vecernji List	"How is SFOR preparing for American attack on Iraq: Arrest of concealed terrorists is being prepared"
Slobodna Dalmacija	"Behmen's promise – a pie in the sky"
Nezavisne Novine	BiH Court Begins Work; Politics Divides Students; Taufik Kec accuses Alan Jensen – "CAFAO laundered at least five million Euros in BiH"; Niko Lozancic president of the BiH Federation; Milan Milutinovic does not feel guilty; Director suspends 28 machinists for striking; Iraq not cooperating enough
FRY Nacional	Milutinovic: I am not guilty
Vecernje Novosti	Milan Milutinovic: I am not guilty
Blic	A bomb planted under a car in Bijeljina; Cavic: Against borders' change; Police protects Federation TV's journalists; Mirko Djukic: Sale of RS Elektroprivreda lead citizens to bankruptcy; Uncertain destiny of 'Sase' workers

Reforms

**Premises of
Court of BiH
opened**

With the presence of the top international and domestic officials including the High Representative, Paddy Ashdown, Bosniak member of the BiH Presidency Sulejman Tihic and BiH Council of Ministers Chairman Adnan Terzic, the premises of the Court of BiH and the BiH Prosecution Office were officially opened on Monday in the Sarajevo Military Barracks Ramiz Salcin. "The international community has been suffering criticism in the recent times due to its inefficiency, but this is certainly not the case in the sector of judiciary," the President of the Court, Martin Raguz, said on the occasion. Senior Deputy High Representative Bernard Fassier said that the start of work of the Court of BiH is a key moment in securing the rule of law in BiH and justice that will be equal for all BiH citizens. Speaking at the official opening of the premises of the Court of BiH, Fassier said that lasting peace cannot be achieved without the rule of law, nor can the evil of ethnic cleansing be erased. Following the ceremony of the premises opening, the eight Court of BiH judges and four BiH state prosecutors took an oath at the Konak residence in Sarajevo. The court and the prosecution will play a very important role in advancing BiH along its way to becoming a society which is based in the Rule of Law" said Jan Erik Oja, the president of the High Judicial and Prosecutorial Council which named the judges and prosecutors. He said that judges and prosecutors would work on cases involving international and inter-entity law and other important questions. He also said that carrying out justice at the state level should serve as an example for other courts and prosecutors. (Oslobodjenje, p6, mentioned on the front page, Dnevni Avaz, p 2, mentioned on the front page, Nezavisne Novine, p 3, Blic pg. 7 headline 'BiH Court begins to work', Glas Srpski pg. 3 'Camp becomes court')

<p>Cropress on inauguration of BiH Court</p>	<p>Dnevni List (front and page 3, "BiH citizens finally have leading court institution"), Vecernji List (front and page 3, "Exemplary judges, brave prosecutors") and Slobodna Dalmacija (front and page 13, "BiH Court started with its work") carry that within the launched legal reforms inauguration of the BiH Court and Prosecution was held in Sarajevo yesterday. Martin Raguz, the President of the BiH Court, referred to a great contribution of the International Community in the reform of the BiH judiciary, especially to the contribution in the expert and financial aspect.</p> <p>Bernard Fassier, a Senior Deputy High Representative and Head of the OHR Rule of Law Department, stated: "This is the judicial institution with the judges that cannot be bribed and prosecutors who could not be intimidated."</p> <p>SD quotes High Representative for BiH, Paddy Ashdown, as saying: "Bosnia and Herzegovina needs a legal system which can ensure justice for all and which can successfully solve cases of organized crime and political corruption at the highest level. This court is a foundation of criminal law system".</p>
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<p>Reactions to opening of Court of BiH premises in Ramiz Salcin barracks</p>	<p>“Essence of BiH Criminal Code, Criminal Procedure Code, Laws on Witness Protection and Judicial Police of BiH and amendments to the existing BiH Law on Prosecutors Office and the Law on the Court of BiH that are imposed by the High Representative is to increase efficiency of the BiH Court and Prosecutions Office”, Mirko Dabic, president of the RS Association of Judges and Prosecutors. He did not want to comment on the fact that premises of the BiH Court are in fact former military barracks ‘Viktor Bubanj’ that used to be a war camp during the war, saying that was a political issue. (Blic pg. 7 headline ‘Prosecutor’s authorities widened’) Blic pg. 7 and Glas Srpski pg. 3 report that the RS Association of War Prisoners says it is shameful and humiliating that the BiH Court is opened in former “camp where Serb were tortured”. On the other side, OHR says there is no proof that ‘Viktor Bubanj’ was a war camp, but if that is true, then it is good that now it is a court where those who committed crimes will be tried.</p> <p>Vecernje Novosti pg. 4 (headline ‘It was a torture chamber’) reports that despite numerous warnings that ‘Viktor Bubanj’ had served as a prison for Serb civilians during the war, the High Representative Paddy Ashdown did not find anything disputable there. President of the Commission for Searching for Imprisoned and Missing Persons, Nedeljko Mitrovic, says that opening of BiH Court’s premises in ‘Viktor Bubanj’ is the same as opening of the Court’s premises in ‘Keraterm’ camp near Prijedor which commanders have been in the Hague for a long time now. Head of the RS Government’s Bureau for Cooperation with the Hague, Dejan Miletic, says that ‘Viktor Bubanj’ case will be completed soon and delivered to the Hague.</p>
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<p>Ahead of PIC Steering Board session in Brussels: Customs, VAT as priorities</p>	<p>The establishment of a single customs system and the introduction of VAT at the state level will together with the OHR implementation plan be among the topics at the session of the PIC scheduled for January 30 in Brussels. The PIC will also discuss the process of the return of refugees and displaced persons and the establishment of a chamber for war crimes within the Court of BiH. “The international community is unanimous in demand and assessment that the customs duties have to be collected at the state level as well as the VAT,” Chief OHR Spokesman Julian Braithwaite told Oslobodjenje (p 8: “Customs and VAT as priorities”).</p>
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<p>EU demands urgent introduction of VAT, customs administration at BiH level</p>	<p>The EU Foreign Ministers have requested an urgent implementation of reforms in BiH including the introduction of VAT and the establishment of the customs administration at the state level, according to the Communiqué issued following their session (Dnevni Avaz, p 3: “EU requests immediate introduction of VAT, customs at the level of BiH”). “Nezavisne Novine” – page 5 – The initiative to unite the customs services and to establish a single VAT are a fantastic move by the EU, but only if Jensen isn’t involved. He should not be allowed to be a link in the chain that will implement that since he has spent 10 million KM but has done nothing, says Kec. Kec says that between 1996 and 1999, the head of CAFAO, Alan Jensen, has laundered five million Euros through the customs project ASYCUDA. He claims that in this period, Jensen spent five million Euros on ASYCUDA – the customs declaration program which the UN started in 1985 to compare European and American customs regulations, for which several developed countries gave more money again in 1999. “This means they spent the five million Euros which the EU donated to our country in three years and no one knows how or for what (the money was spent). Given that Jensen, according to Kec, has said that the first five million Euros never arrived in BiH, Kec is calling on the High Representative to answer the public on this issue.</p>
<p>Teufik Kec, BiH Ministry for Foreign Trade & Commerce strongly accuses Alan Jensen of CAFAO</p>	<p>Jensen denies Kec’s accusations by saying “I have had dealings with that man for several years and it is clear what his goal is.” According to Jensen, neither he nor CAFAO ever had any funds at their disposal but worked only as an implementing partner. Spokesperson for the EC, Frane Maroevic, confirmed that the EC controlled the funds for the project carried out by CAFAO. “Nezavisne Novine” will carry Jensen’s reply to Kec in full in tomorrow’s edition.</p>

International community

VL on SFOR actions in case of conflicts in Iraq

Vecernji List (front and page 3, by Zdenko Jurilj, "How is SFOR preparing for American attack on Iraq: Arrest of concealed terrorists is being prepared") carries that, according to an anonymous source close to the BiH Council of Ministers, SFOR Commanders informed BiH leaders in charge of the security issues that in case of the American attack on Iraq special SFOR units will block the work of another few Islamic humanitarian organizations in BiH and depending on the estimations of Intelligence Services they will be arresting persons, who have been considered to be potential aids of Al-Qaid for a longer period of time. VL says that these top secret intentions were planned at the highest top of the American Intelligence Services and NATO'S Headquarters in Brussels. According to the VL source, the suspects will be held in the SFOR camps until Intelligence Services and SFOR pass a final estimate about danger that the arrested persons represent. The source also says:

"Representatives of the International Community are concerned about their security on the BiH territory in case that the conflict in Iraq, that can turn into God knows what, takes place."

Political affairs/establishment of new authorities

<p>FBiH gets its leaders</p>	<p>At its session in Sarajevo on Monday, the BiH Federation House of Peoples for the second consecutive time rejected the list of candidates for the entity President and Vice-presidents. However, regardless of this fact, FBiH President Niko Lozancic, and the Vice-presidents, Sahbaz Dzihanovic and Desnica Radivojevic, took an oath and officially take over the duty from the former Federation leaders Safet Halilovic and Karlo Filipovic since their election was twice confirmed by the other Federation parliamentary house. (Oslobodjenje, p 3: FBiH gets its leaders", Dnevni Avaz, p 4: "Lozancic, Dzihanovic and Radivojevic assumed their duties", Blic pg. 3, Glas Srpski pg. 3)</p>
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**Nezavisne
Novine on the
appointment of
FBiH leaders**

“Nezavisne Novine” page 2 – By taking the oath of office yesterday in the presence of the elected members of the House of Peoples, Niko Lozancic yesterday formally became the new president of the BiH Federation, while Sahbaz Dzihanovic and Desnica Radivojevic became the vice presidents. All three will served their four year mandate without rotating their positions. Serb members of this house did not support the candidacy of any of them. Of the four, two members voted “for”, one against while one abstained. Regardless of this, the election of Lozancic, Dzihanovic and Radivojevic is final as the House of Representatives of the Federation Parliament has in the meantime twice accepted their candidacy. Prior to the declaration, the Serb members – all SNSD – left the meeting claiming that the January 17th inaugural session of the of the House of Peoples was unconstitutional because all 17 Serb members participated in the session while only three supported the candidacy of Desnica Radivojevic. They claim they have nothing against finding personnel solutions, but are in principle against using method of trying to protect the constitutionality and equality of all three peoples in BiH. When asked who would be the official mandator of the government of the BiH Federation, Lozancic said that officially no party candidates have been put forward, but that likely it would be Ahmed Hadzipasic. When asked how he intended to carry this out, Lozancic said that first of all, cooperation, understanding and a partnership between the new government and the unions was necessary in the BiH Federation but that no one had a magic wand that could resolve the many problems overnight. Dzihanovic promised to use all his physical and mental capacity to find a solution to the problems that face all of us, but that the first priority is to form a government and the institutions of the BiH Federation and start the necessary reforms ensure sustainability.

<p>Oslobodjenje's Sagolj on nationalism in BiH</p>	<p>"BiH will again face an escalation of the radical nationalism. There are logical assumptions for such the conclusion and there are also clear hints for such the development of the situation: the nationalists have come back to power, they are being supported and encouraged by the High Representative Paddy Ashdown and many of the disputed from the past have still not been resolved," <u>Mirko Sagolj</u> wrote in the Oslobodjenje In Focus column ("The Logic").</p>
<p>Editorial on "BiH – The third republic" initiative</p>	<p>"An initiative of a group of BiH intellectuals which is the request for the establishment of the third Republic of BiH has been based on the assessment that BiH as the state and the society is in danger to disappear and that is why it is necessary to build its new constitutional structure that will eliminate entities and re-establish a republican constitutional arrangement," <u>Zija Dizdarevic</u> wrote in an Oslobodjenje second-page editorial.</p>
<p>Sead Avdic: It is fair to give new authorities a hundred-day time</p>	<p>Commenting on the latest statements by the SDP leader Zlatko Lagumdzija, his former partisan colleague and the acting President of the Social-Democratic Union (SDU), Sead Avdic, said in an interview with Dnevni Avaz (front page, p 5) that the "process of the privatisation of SDP has been finalised" and now its only owner, Zlatko Lagumdzija was trying to remain in public at any cost by misusing democratic standards. Avdic said that the new authorities should be given a hundred-day time to show how they would implement what they had planned and within which deadlines.</p>

War crimes/affairs/incidents

<p>Mikerevic – The Police should capture Karadzic</p>	<p>“Nezavisne Novine”, page 4 – President of the RS government Dragan Mikerevic (yesterday in Vienna) said that the “Prime Minister should not arrest” former president of the RS Radovan Karadzic, who is indicted for war crimes. He said that this was the responsibility of those institutions who are legally bound to do so according to the law on cooperation with the Hague, namely, the RS MUP and the RS intelligence agency. “The law was passed by the RSNA and it obliges all the controlling bodies – namely the RS MUP and the RS Intelligence Agency as well as others which deal with these issues, but understand, the president of the government does not arrest anyone, and neither will he arrest Karadzic. So, those institutions and bodies responsible for that should in fact do that” said Mikerevic who recently called on Karadzic to turn himself in. According to BETA press, Mikerevic – who was attending the Saint Sava Ball in Vienna, said that the eventual separation of Kosovo from Serbia would be very dangerous for the stability of the region. (FRY Nacional pg. 6 headline ‘PM does not arrest anyone, not even former RS President’; Glas Srpski pg. 3)</p>
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<p>Interview with Mark Wheeler, Director of the ICG in BiH – “The SDS is helping Karadzic”</p>	<p>“Nezavisne Novine”, page 4 – “Karadzic will end up in the Hague, although I don’t believe that will happen this year. General Sylvester was certain that Karadzic would be captured last year, but that didn’t happen” says Wheeler.</p> <p>ICG Director for BiH, Mark Wheeler, thinks that the announced action to capture Radovan Karadzic and Ratko Mladic should not be taken too seriously. Wheeler believes that the most wanted on the ICTY list of those indicted is strongly supported by the SDS functionaries who are in power and who for years were under Karadzic’s control. “Mikerevic’s call for Karadzic and others indicted for war crimes to give themselves up is an important step even if it is only symbolic. It is the first time a person in authority in the RS has called for those indicted for war crimes to hand themselves in. But besides that, I think that the RS authorities are not able to arrest Karadzic and that this must be done by SFOR.” When asked if he thought Karadzic would hand himself in to the Tribunal, Wheeler said “Prosper and Ashdown said they have firm plans to begin applying pressure on those people and networks that support Karadzic, but it is not yet clear how serious that pressure would be. The question is does a plan really exist or are these calls of a rhetorical nature.” Wheeler also said that it is a real possibility that the RS could suffer silent sanctions if Karadzic was not handed over, but that sanctions against the RS were more likely if they did not support a single customs or VAT at the state level. This is something the authorities in the RS can do, although they cannot capture Karadzic. Karadzic is financed through secret channels and private connections. Wheeler believes that the destruction of Karadzic’s network would make it easier to transfer him to the Hague. He also said that Ashdown was correct when he said there is no political will in the West to arrest Karadzic. Propser said that the USA strongly supports the arrest of Karadzic but it would be interesting to hear the views of the Pentagon on this. Wheeler agreed with Ashdown’s statement that there is no difference between the Alliance and the current authorities. He says that “If the international community and the domestic authorities are in a partnership, then that isn’t good.</p>
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<p>Former President Milutinovic pleads not guilty before Hague tribunal</p>	<p>Former Serbian president Milan Milutinovic on Monday told the Hague judges that he did not feel guilty for the war crimes against Kosovo Albanians in the spring of 1999 that were mentioned in the indictment. In his first appearance before the tribunal, Milutinovic pleaded not guilty to all five counts of the indictment, of which four relate to crimes against humanity and one to violating the law and customs of war. (Nacional pg. 4, Blic pg. 17, Vecernje Novosti pg. 10, Glas Srpski pg. 2)</p>
<p>Decision on jurisdiction in BiH lawsuit against FRY on 3 February</p>	<p>The Hague-based International Court of Justice confirmed on Monday that on 3 February it would issue the decision on request of Yugoslavia for reconsideration of Court's jurisdiction in the process that was launched by BiH in 1993 suing FRY for genocide. The process in the lawsuit of BiH against FRY is in the final phase, and if the judges were to confirm their jurisdiction and reject the Yugoslav request, it would only remain to schedule the final verbal discussion. In its lawsuit, BiH also requested the war compensation in the amount of several tens of billions of dollars. (Vecernje Novosti pg. 4 headline 'Decision on Monday'; Nacional pg. 6, Glas Srpski pg. 3 headline 'Decision on jurisdiction')</p>

<p>Cavic and Mikerevic on the borders' change in the Balkans</p>	<p>Dragan Cavic and Dragan Mikerevic, the RS President and Prime Minister, have said in Vienna that the possible separation of Kosovo from Serbia would be very dangerous for the stability of the entire region. While attending the St Sava Ball in Vienna on Sunday, they told journalists that Kosovo's secession would certainly negatively affect the situation in BiH. "Any forced change of internationally recognized borders anywhere in Europe would cause huge problems," Cavic said, commenting on Serbian Prime Minister Zoran Djindjic's statement on Kosovo. According to Cavic, the Serbian Prime Minister simply recalled that Kosovo's secession and the policy of the Albanian secessionists would certainly give rise to very radical demands in the region. "It is certain that Kosovo's secession would cause instability in the region. It would also depart from the Helsinki agreement on the inviolability of borders. It would result in chaos, which I am not sure Europe needs," Prime Minister Mikerevic said. (Nacional pg. 6 headline 'Kosovo secession would break the Balkans', Glas Srpski pg. 3 headline 'Borders in the Balkans')</p> <p>Blic pg. 3 (headline 'Against new borders' changes') quotes the RS President, Dragan Cavic, as saying that any forced change of internationally recognised borders anywhere in Europe, including the former Yugoslavia, is unacceptable. "The status and name of the RS either could be changed only by the constitutional procedure in the Assembly, and conditions for that do not exist now, or by an peace conference on the regional level, which is hardly possible to happen", Cavic says. Bosniaks' requests for changing the name of RS, the RS President calls 'political show' and 'wishes without real possibility to be fulfilled". Speaking about the last laws package imposed by the High Representative, RS President says that it is not enough to enact laws, but there also has to be the institutional will, courage and determination of people to implement these laws.</p>
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<p>Director of Federation Railways suspends 28 engine drivers for striking</p>	<p>“Nezavisne Novine”, page 8 – Director of the Federation Railways, Narcis Dzumhur, suspended 28 engine drivers for participating in last week’s two-hour warning strike by engine drivers. The suspension says the reason for the suspension is the violation of their contract and work agreement. President of the BiH Federation Union of Engine Drivers, Rasim Dzafic, claims that this decision is illegal and is against the law on Strikes. He says that the 28 have refused the suspension as otherwise they would be accepting management’s claims that the strike they participated in was illegal.</p>
<p>Pressures on media</p>	<p>Dnevni List (front and page 3, by <u>S. Kuzman</u>) says although whole of BiH raves on about endangering of freedom of speech by “a group of fascist-like students from the Sarajevo University”, nobody tries to get behind reasons of the rebellion. The daily goes on to compare statements by the students on the need to ban TV shows to burning of the books during Hitler’s regime and questions how much the International Community, the High Representative for BiH in particular, contributed to creation of an atmosphere suitable for extremist’s riots by his latest statement about anti-nationalist media. In that context, DL reminds that HR Paddy Ashdown called Slobodna Bosna a papers read by the fools and says that HR Ashdown opened Pandora’s box for “nationalistic orgies” although HR Ashdown, in fact, wanted to minimize negative assessments about his work that SB has been writing about in the past few months. DL sums it up by recommending the HR to “weigh up” his every word given to the media because the election results showed that BiH is only a few points from nationalistic abyss. “It never crossed my mind to say that Ashdown wanted something like this, but exactly because of that and because of the public, he must stand forth before the people and say that the freedom of media is a modern world’s value and that the time of burning of books, fascism and nationalistic dictatorship is over. If Ashdown does not do it, all well intentioned people of this country should call Ashdown on to stand down”, says Kuzman.</p>

<p>VL: “Petition people announce charge on Federation Television”</p>	<p>Vecernji List (front and page 15, by <u>Eldina Medunjanin</u>) reads that every faculty of the Sarajevo University, and a lot of faculties of Universities of Tuzla, Bihac, Zenica and Mostar have started signing a petition requesting suspension of the “Pogorelica” case and change of editorial policy at the Federation TV.</p>
<p>Ashdown visited FTV building</p>	<p>Oslobodjenje (pages 4-5: “SDA manipulates with students”) and Dnevni Avaz (p 8: “Every destruction of the state goes through the TV”) and Blic pg. 6 headline ‘Threats to journalists’ also addressed the issue. Dnevni Avaz reports that the High Representative, Paddy Ashdown, yesterday visited the FTV building in Sarajevo (“Independent journalists but also a right to peaceful protests must be protected”).</p> <p>Glas Srpski pg. 3 (headline ‘Police protects TV’) quotes OHR spokesperson Kevin Sullivan as saying that the OHR will resolutely defend the independence of the media, and in particular of the public broadcasters. “The right to peaceful protest and the right to free speech are two of the fundamental rights of any democracy. But that does not give anyone a right to intimidate and threaten”, Sullivan said. The SDA thinks that sending police forces to supposedly protect FTV structures and staff represents remnants of the police state, which was until recently present in all segments of the society. SDA urged “FTV and certain other media” attempting to politicise student demands to start doing their job professionally instead of serving the interests of individuals and policies that have lost the support of citizens. “We request the FBiH Ministry of Interior to carry out their responsibilities professionally as well and not on demand of certain political groups or individuals”, SDA stated. (Slobodna Dalmacija page 14, “FTV does not need police protection”) Dnevni List (page 3, “Interference into editorial policy”) and Slobodna Dalmacija (last page, “Unprecedented pressure on FTV editorial policy”) reads that Co-ordination of Journalists’ Association in BiH, consisting of Independent Union of Professional Journalists of BiH, Association of Journalists of BiH, Association of Journalists-Apel and Independent Association of Journalists of RS, deems the petition by the Students’ movement for BiH directed against FTV, as an unprecedented pressure and interference into editorial policy of a public media.</p>

<p>Fijuljanin case</p>	<p>Dnevni List (page 2) and Vecernji List carry FENA's report in which an SFOR spokesperson, Shawn Mell, revealed yesterday that SFOR have answered BiH Presidency and Federation Government's request to hand over Sabahudin Fiuljanin to the Federation authorities. Mell stated yesterday that SFOR Commander, William Ward, stated SFOR's position in the reply adding that a decision of Fiuljanin extradition has not been taken yet.</p>
<p>Dutch Parliament's Commission on fall of Srebrenica</p>	<p>Dnevni List (page 2, "Responsibility of French General Bernard Janvier") reads that according to a report prepared by a Commission of the Dutch Parliament on the issue of fall of Srebrenica, the responsibility for the fall lies with the Dutch military pinnacle that withheld information about event in Srebrenica at the time, Dutch Battalion's HQ in Potocari that misjudged the events in Srebrenica and did not timely inform the UN HQ about the events after the Serb forces entered Srebrenica and with the UNPROFOR Commander at the time, General Bernard Janvier, who did not authorize air support to Dutch forces although the condition had been met. (Oslobodjenje, p 3)</p>