

# OHR Bulletin 37 – February 18, 1997

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## Table of Contents

[Brcko](#)

[Mostar](#)

[Joint Bodies](#)

[Human Rights](#)

[Right to Return](#)

[Legal Issues](#)

[Federation](#)

[Health Issues](#)

[European Commission](#)

[Economic Assistance](#)

*Please consult our [Bulletin Category List](#) for related information*

## Brcko

On 14 February in Rome, Chairman of the Brcko Arbitration Tribunal, Mr. Roberts Owen, announced the tribunal decision on the dispute over the Inter-Entity Boundary Line in the Brcko area. "No winner is being announced today. we want international supervision for not less than one year to allow for a reduction in tensions", he said. Pointing out that the decision firmly rejected the status quo, Mr. Owen said the tribunal "had not been convinced that any of the three candidates were sufficiently stabilised to take on the situation", hence the deferment of a final decision until 15 March 1998. The organisational arrangements of the Federation were still incomplete; the RS's almost total disregard of its Dayton implementation obligations in the Brcko area had kept

the tensions and instability in the region at a much higher level than was expected; and the joint institutions of BiH had not yet developed into an effectively working government.

The arbitration ruling emphasised the "clear need to establish a programme for implementation of the Dayton Accords in the area" and emphasised the role of the international community in devising a detailed strategy to do this. The Office of the High Representative would be expected to establish an office and staff under the leadership of a Deputy High Representative, whose functions would be to (a) supervise implementation of the Peace Agreement in the Brcko area for not less than one year, and (b) strengthen local democratic institutions in the area. The arbitration ruling outlined nine key factors which would be included in the work of the Supervisor, the elements of which include:

1. Authority to promulgate binding regulations and orders to further implementation and local democratisation.
2. Assembling of an advisory Council which would include OSCE, UNHCR, SFOR, IBRD, IMF the Institutions of BiH, local ethnic groups and others which the Supervisor deems appropriate.
3. In liaison with SFOR, coordinate with UN IPTF and other police mechanisms for ensuring (a) Freedom of Movement (FOM) and (b) that relevant authorities undertake normal democratic policing functions.
4. Establish with advice and assistance from the UNHCR, the Commission for Displaced Persons and Refugees, and other appropriate agencies, a programme to govern the phased and orderly return of former residents.
5. Work with OSCE, and other concerned international organisations, to ensure free and fair elections before the end of international supervision; and, following such elections, issue such regulations and orders as may be appropriate to enhance democratic and a multi-ethnic administration of Brcko.

6. Assist the various international development agencies to develop and implement a targeted economic revitalisation programme.
7. Guide and encourage efforts of the Parties to attract public and private investment aimed at reviving the Sava River port in Brcko.
8. Assemble a group of international customs monitors to work with appropriate authorities of the Parties toward the establishment of efficient customs procedures and controls.
9. The State of BiH would open negotiations with the Republic of Croatia to arrive at mutually agreeable arrangements for customs procedures and border crossings.

The High Representative, Carl Bildt, said that the decision was an important further step in the process of implementing the Peace Agreement in BiH. Confidence in full respect for FOM, established procedures for return of refugees and DPs, major efforts towards economic reconstruction and municipal elections, followed by a prompt and complete installation of the new municipal leadership were all of paramount importance during the coming period of supervision, said Mr. Bildt. *"Taken together, these measures should, during the coming year, make it possible to transform Brcko from an area of confrontation to an area of cooperation between the different constituent nations of BiH"*, he said. Mr. Bildt added that the Steering Board of the Peace Implementation Council would meet in Brussels on 19 February to discuss further steps necessary to undertake the supervision tasks laid down in the Arbitration Tribunal decision. *"It is my intention to nominate a Deputy for this task. I have asked the United States to propose candidates, and a discussion on this is already underway"*, he said. Concluding his statement, Mr. Bildt added that it was his firm intention to complete the supervision phase after one year. *"After this period, and after review by the Arbitration Tribunal, the area must find its place within*

*the structures laid down in the Constitution of Bosnia and Herzegovina” he said.*

## **Mostar**

On 12 February, President Izetbegovic, President Zubak, Co-Chairman Silajdzic, Vice Chairman Tomic, Foreign Minister Prlic, HDZ President Rajic, SDA Vice President and Prime Minister Bicakcic, Mostar Mayor Prskalo and Deputy Mayor Orucevic met in Sarajevo to address the recent events in Mostar. The meeting was chaired by the Principal Deputy High Representative, Ambassador Michael Steiner. Also present were COMSFOR General Crouch. Acting Police Commissioner Wassermann and Head of OHR South Garrod.

The participants condemned in strongest terms the violent acts committed in Mostar, as well as all provocative acts preceding the recent crisis, and agreed on twelve measures to deal with the situation and prevent similar events from occurring. It was decided that UN IPTF would conduct an independent investigation to be submitted within a week to the principals of the major implementation agencies and Contact Group. Local police would comply with the demands of the investigation team and assist them in their work. Participants agreed to accept and endorse the IPTF report in full, and agreed that perpetrators would be arrested and brought to trial. Anyone holding office who was found to be involved would be dismissed.

Participants further guaranteed that all citizens evicted from their homes would be returned without delay, and those responsible identified arrested and prosecuted. The Cantonal Minister of the Interior and his Deputy would be personally responsible for the implementation of this particular provision. UN IPTF and SFOR were requested to keep an increased presence in Mostar until the situation had further stabilised. Long barreled weapons would be confiscated from

local police and civilians by IPTF and SFOR. All obstacles to FOM, including illegal checkpoints, would be immediately removed. Participants also agreed to reconnect telephone lines between east and west Mostar, and to keep these lines open.

Decisions of the Media Experts Commission and the Provisional Elections Commission with respect to inflammatory statements in the media would also be implemented. Ambassador Steiner drew the participants' attention to the 21 January request of the Presidency of the European Union, and of the Steering Board of the Peace Implementation Conference (PIC), to the OHR to identify individuals responsible for human rights violations and serious contravention of the letter and spirit of the Peace Agreement, with a view to barring their travel to Europe and overseas. Steiner announced that, based on UN IPTF's findings in Mostar, he would make recommendations to EU governments and the PEC Steering Board members in this regard.

Following the 12 February Agreement, UN IPTF reported that of 28 evictions which had been carried out last week, 23 people had been returned to their homes in west Mostar. The 5 remaining people had indicated they did not wish to return for fear of their safety. UN IPTF said they were satisfied with the assistance they had received from local police officers in achieving these reinstatements, but stressed that they had received reports of further threats of eviction in recent days.

UN Special Rapporteur for Human Rights, Elisabeth Rehn, expressed "deep regret and sorrow" at the 10 February incident. In a letter to Federation President, Kresimir Zubak, she said that she was also aware "that the authorities of the Republic of Croatia are exercising serious influence in the region and therefore also bear responsibility for the human rights prevailing there". In response to the recent developments in Mostar, Mrs. Rehn will visit the city on 20 February in the course of her mission to the former Yugoslavia. She will hold meetings with Head of the OHR South

office, Sir Martin Garrod, among others.

## **Joint Bodies**

The Council of Ministers (CoM) held a session on 12 February, chaired by Co-Chairman Boro Bosic, at which the text for the Rules of Procedure were agreed upon and are expected to be signed at the next CoM session. Co-Chairman Haris Silajdzic said that the status of Deputy Ministers had been resolved "pursuant to the Dayton Accords". It was further agreed that the Ministers and their Deputies would prepare all necessary documents on the relevant draft laws by 20 February, which is the scheduled date for the next CoM session.

## **Human Rights**

On 15 February, RS authorities released 10 Bosniak men who had been arrested near Kijevo in August. After being found guilty of illegal weapons possession they had been sentenced to Kula prison until the end of October. However, RS authorities continued to detain them after this time, alleging that they were being investigated for possible involvement in war crimes. Human rights monitors reported that the continued detention may have been for exchange purposes. International officials had intervened with the RS authorities on a number of occasions on the case, and UN IPTF Commissioner Fitzgerald wrote to the RS Ministers of Justice and Interior protesting the continued detention and demanding their immediate release. IPTF report that the men appeared to be well and had no complaints about their treatment in prison.

Human rights monitors are following investigations into the case of a Serb man in Zavidovici who died last month after a booby trap that had been set at his front door exploded. It is unclear whether the act was ethnically-motivated or was related to a personal vendetta. Several incidents of harassment of Croat residents in the town were also reported

last month, allegedly committed by “extremist” groups. OSCE reported that the Minister of the Interior for the Zenica-Doboj canton announced on 25 January that several police officers in Zavidovici would be dismissed from their posts and that the police department would undergo a major reorganisation in response to public criticism that local police have not responded adequately to security threats against local residents, especially minorities. Human rights monitors are also looking into allegations by Croat residents in Maglaj that they are facing increasing pressure from local authorities to leave the area.

UN IPTF reported harassment and assault on minority groups in Buna, Tomislavgrad, Bugojno, Orasje, Gracanica, Teslic, Odzak, Modrica and Cazin. It is believed that a number of the incidents may have been repercussions from last week’s increase in tensions in Mostar.

OSCE is implementing several initiatives in the Una-Sana canton to enhance dialogue among political parties and improve community relations. OSCE’s staff, in cooperation with the Federation Ombudsmen’s office, have been organising roundtable discussions for political parties in Cazin and Velika Kladusa in which participants discuss issues of concern with opposition parties and their supporters. Topics include employment discrimination, access to office space, the media, property issues, and the functioning of the local courts. OSCE has also organised human rights workshops for students at two Velika Kladusa schools. They hope to expand the programme to the local high school, where monitors have reported that a teacher there continues to separate students on the basis of their national background and their parents’ political beliefs.

## **Right to Return**

UNHCR convened the JCC Working Group (WG) on Refugees and DPs

in Sarajevo on 12 February. Issues discussed included minority returns in general, persons in non-refugee like situation, buffer accommodation, administrative rules and regulations pertaining to physical movements (tax exemptions relating to the importation of personal effects and economic inventory; war taxes), and amnesty law and citizenship issues in general. The WG was also briefed on the Repatriation Information Centre, which is hoped to be established by the 20 March.

In an ongoing initiative, promoted by the OHR and OSCE in the Sarajevo area, Serb, Croat and Bosniac residents of the village of Dobrosevic met for a second time on 12 February. They discussed community relations and security conditions for the approximately 250 remaining Serbs in the area. Participants exchanged views on recent incidents of harassment of Serb villagers by Bosniac DPs from eastern Bosnia, and addressed their concerns to municipal authorities who attended the session, including the Mayor of Novi Grad.

## **Legal Issues**

The first meeting of an international expert team tasked with reforming the Criminal Code and the Code of Criminal Procedure of the Federation of Bosnia and Herzegovina was held in Sarajevo on 11 February. Members of the team, who include representatives of the Bar, Prosecutors' and Judges' Associations, the law faculties of the Universities of Sarajevo and Mostar, the Supreme Court, OHR, UN IPTF, the UN Crime Prevention and Criminal Justice Division, the Council of Europe, and the American Bar Association/ Central and East European Law Initiative (ABA/CEELI), adopted a timetable for drafting the new legislation. The meeting was presided over by Federation Justice Minister Tadic, who said that the adoption of a criminal statute would enable better protection of human rights and provide a basis for developing democracy in BiH.



## **Federation**

Minister of the Interior for the Federation of BiH, Mehmed Zilic, announced on 14 February the abolition of the 11 p.m. to 5 a.m. curfew in territory of the Federation, except in Mostar where the curfew would remain in force (from 9 p.m. to 6 a.m.) until tensions had calmed down. According to a statement from Mr. Zilic's office, there are no longer any reasons to maintain measures to limit citizens' movements. The statement said that the abolition of curfew would not endanger the safety of citizens since police forces would concurrently increase their activity.

## **Health Issues**

On 14 February a Workshop on Developing Environmental Health Action Plan was held in Sarajevo. The Workshop was organised by the World Health Organisation and Prof. Dr. Arif Smajkic, Director of the Institute of Public Health of BiH. Guests of honour were the Federation Minister of Health, Prof. Bozo Ljubic and of Agriculture, Prof. Ahmed Smajic.

The workshop aims to produce a framework for reconstruction of the environmental health infrastructure for all of BiH. Although RS representatives did not attend this meeting, Prof. Smajkic was hopeful that they would become regular participants in the Workshop. An official from the OHR, who also attended the meeting, emphasised that the environment and health are issues that do not observe boundaries and expressed the hope that all concerned in BiH would manage to find a way to sit down together and address the issues jointly.

## **European Commission**

A Phare Technical Assistance Unit (Phare TAU) has been established in Sarajevo on behalf of the European Commission. The Phare TAU will handle all operational logistic arrangements for the Phare Framework Experts involved in the

EC Reconstruction Programme and facilitate their mission in BiH,

## **Economic Assistance**

Nine ambulances were delivered to Sarajevo health centres on 12 February. The ambulances, which were purchased with donations from German TV viewers, were delivered in cooperation with the German aid agency Johanniter Unfall-Hilfe.

## **Looking Ahead**

### **19 February**

Steering Board of the Peace Implementation Council, Brussels

### **22-23 February**

Coalition for Return Meeting, Tuzla

### **25 February**

Governing Council, Open Broadcast Network, OHR Brussels

### **13 April**

Scheduled visit to Sarajevo by Pope John Paul II

See our [Chronology](#) for a full list of activities

*The OHR Bulletin is produced by the Public Affairs Department of the Office of the High Representative in Sarajevo and aims to give an overview of what is happening on the ground in the civilian implementation of the Dayton Agreement. Suggestions and contributions are welcome and should be addressed to the Public Affairs Department of the Office of the High Representative in Sarajevo (387-71) 447 275 ext. 562, Fax (387-71) 447 420. Callers from outside BiH dial via Brussels switchboard: Tel. (32-2) 737 7500 & Fax (32-2) 737 7501*