

# OHR Bulletin 46 – May 4, 1997

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## Table of Contents

### [HR in New York / Washington](#)

*HR Carl Bildt addressed UN Security Council on situation in BiH*

### [Freedom of Movement](#)

*Principals of OHR, OSCE, SFOR, UN IPTF and UNHCR condemned violent assaults on delegation*

### [European Union](#)

*HR briefed European Union's General Affairs Council (GAC) on latest developments in BiH*

### [BiH Parliamentary Assembly](#)

*Both Houses of Parliamentary Assembly of BiH convened in Sarajevo on 30 April*

### [BiH Federation Parliament](#)

*BiH Federation House of People held its 4th session on 29th April in Sarajevo*

### [Human Rights](#)

*UN officials visited Bijeljina Civilian prison on 28 April*

### [Right to Return](#)

*Incidents concerning return of refugees*

### [ICTY](#)

*Bosnian Croat Zlatko Aleksovic handed over to International Criminal Tribunal by Croat authorities on 28 April*

### [OSCE](#)

*OSCE announced that 93 political parties applied to run in municipal elections for HiB*

### [Humanitarian Affairs and Refugees](#)

*UN High Commission for Refugees provides support and material assistance*

### [Media Issues](#)

*Problems for media in connection with application of licenses*

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

## **HR in New York / Washington**

On 30 April in New York the High Representative, Carl Bildt, addressed the UN Security Council on the situation in BiH drawing on his recent report to the Council. He also briefed the UN Secretary General, Mr. Kofi Annan.

On 1-2 May in Washington Mr. Bildt held talks with the US Administration, including the National Security Adviser, Mr. Samuel Berger and the State Department official with overall responsibility for Bosnia, Ambassador Gelbard. He also met the Deputy Defence Secretary, Dr. White, the Treasury Under-Secretary, Mr. Lipton, and Mr. Wolfensohn President of the World Bank, in addition to officials at the IMF. At a press conference of the National Press Club, Mr. Bildt said that though the Peace Process in BiH was on course it remained fragile, and was by no means irreversible. Continued attention and commitment from the international community would be needed if Bosnians of all nationalities were to be induced to turn their backs for good on ethnic division, hatred and war. There was no such thing as "a surgical strike approach to peacemaking," he said, warning that it was "naïve and dangerous" to think that the Dayton Peace Agreement, and particularly its civilian aspects, could be completed within a certain period, at which point all rivalries would disappear.

After a good start, a strategic concept for the years ahead was needed. There was a risk that the uncertainties of 1998 and beyond would increasingly start to influence the political development of 1997. Such a strategy would have to fall into place this year in order to withstand the strains and challenges of 1998 and beyond. The basis of this strategy would involve:

- Three broad challenges to block alternatives to the Dayton Agreement. These would focus on
  1. blocking the military option and making clear that

- 2. blocking the secession option, in particular, tendencies towards “creeping secession”
- 3. blocking domination by one group of the political and diplomatic institutions of BiH.
- Three supporting challenges to accelerate the process of building a common state. These would
  - 1. facilitate fundamental and radical economic reform in the country
  - 2. start transforming the political landscape, meaning democratisation, elections and open media
  - 3. help and assist in the building of the common and critical institutions.
- Three regional challenges to create a wider framework, without which the stability of Bosnia’s peace would be imperilled. The emphasis should be on
  - 1. creating a viable regional economic space
  - 2. securing compliance with the obligations of the International Criminal Tribunal for the Former Yugoslavia ([ICTY](#))
  - 3. creating effective regional security arrangements.

In the latter connection, Mr. Bildt suggested that the US and her allies would need to assess the best way of deploying troops around Europe to assure its overall security and stability. In 1991 there had been no foreign soldiers in the South-Eastern part of Europe. Now there were deployments in southern Hungary, Croatia, Montenegro, the Former Yugoslav Republic of Macedonia (FYROM) and Albania, apart from Bosnia. Regional security arrangements should be considered and might well be based on the [Partnership for Peace](#) Structures of [NATO](#). *“Bosnia and the region might be as important for the overall effort to create stability in Europe in the future as Berlin was in the past.”*

The peace process was on course – so far. *“Now we must make certain that this process continues, and the peace process*

*stays on course for the years to come,” said Bildt*

## **Freedom of Movement**

On 1 May two buses carrying a delegation of Serbs, Croats, and Bosniacs from the Social Democratic Party (SDP) led by Mr. Zlatko Lagumdžija travelled to Brcko to visit the office of the Deputy High Representative for Brcko, Ambassador Bill Farrand. On their return from Ambassador Farrand's office, their buses were stoned by a hostile crowd of Brcko residents resulting in a number of people on the bus suffering minor injuries, including Mr. Lagumdžija who was cut on the chin by broken glass.

In a joint statement released on 2 May, the Principals, the OHR, [OSCE](#), [SFOR](#) and UN IPTF and the [UNHCR](#) utterly condemned the “unwarranted and violent assault” on the delegation and on their right to freedom of movement. The statement said that from the initial reports it would seem that the attack was orchestrated and that the local police who were on the scene failed in their duty to prevent the incident, standing by passively whilst it occurred. Given that all knew well in advance that the visit was due to take place and that the visitors were exercising their legitimate right to freedom of movement in a calm and unprovocative way this apparent dereliction of duty was even more inexcusable. UN IPTF are expected to submit a full report to the Deputy HR for Brcko, Ambassador Farrand who, as Brcko Supervisor, has the authority to demand that disciplinary action is taken against any officers who failed in their duties, including the power to remove them from office. In addition, UN IPTF require the local police to carry out their own investigation into the incident – to identify the stone throwers and bring the necessary and appropriate prosecutions.

The Principals further reminded the authorities that freedom of movement was a core element of the implementation of the

Award of the Arbitral Tribunal for Brcko. Any failure on their part to comply with their obligations could have an impact on the final Brcko Tribunal decision to be taken in March 1998.

Deputy HR for Brcko, Ambassador Bill Farrand "flatly condemned" the 1 May stonings. They were not random acts of vandalism but planned and organized, he said, warning that when he had the findings of the investigation he would *"take whatever action was called for"*. *"The forces of malevolence and intrigue who seek to block the progress toward decent and civilized behaviour in this city gained nothing by their actions"*, he said. Ambassador Farrand said that the right of freedom of movement had been hindered for too long in BiH. *"Freedom of movement is a fundamental right enjoyed by citizens of all democratic countries. If those charged with the protection of those rights are not willing or not competent to carry out their duties, they will be held accountable during the period of my supervision,"* said Farrand.

## **European Union**

On 29 April in Luxembourg the High Representative, briefed the European Union's General Affairs Council (GAC) on the latest developments in BiH. The talks focused primarily on the future of peace implementation in BiH, as well as on the work of the common institutions and the slow progress with the Quick Start Package. Mr. Bildt said that such tardy progress risked further delaying or complicating the preparations for the Donor's Conference.

The GAC meeting formed part of the latest strategy review between the OHR and other key institutions, notably the recent talks with the North Atlantic Council last week and the UN Security Council and US Administration meetings of this week.

## **BiH Parliamentary Assembly**

Both Houses of the Parliamentary Assembly of BiH, the House of Representatives and the House of Peoples, convened in Sarajevo on 30 April.

The HoR appointed Working Committees to the Parliamentary Assembly of the [Council of Europe](#), [OSCE](#) and Inter-parliamentary Union. The BiH Parliamentary Assembly Committee to the Council of Europe consists of Edhem Bicakcic, Mariofil Ljubic, Mediha Filipovic, Momir Tosic and Savo Loncar. The mission to the OSCE consists of Adnan Jahic, Velibor Osojic and Jadranko Prlic. Eleven representatives were appointed to the Inter-parliamentary Union. At the HoR session six Constitutional Court Judges of BiH also signed a solemn oath.

It was decided that the scheduled discussions on ratification of international loan contracts as well as three draft-bills from the Quick Start Package – external debt, customs policy and foreign trade and commerce – would be discussed at the next sessions of the HoR and HoP due to be held on 8 and 9 May respectively.

The agenda for the HoP session was reduced to three issues and was consequently very brief. Deputies appointed members of eight Working Committees and endorsed the appointment of BiH delegations to the Council of Europe, the OSCE and the Inter-Parliamentary Union.

## **BiH Federation Parliament**

The BiH Federation House of Peoples (HoP) held its fourth session on 29 April in Sarajevo. An initial agenda comprising 45 items up for debate was reduced to 6 at the insistence of the Croatian Democratic Union (HDZ) representatives. Amendments to the Federation Constitution of Articles 25 and 26, regulating the status and organisation of Sarajevo and Mostar, and the Law on the Confirmation of Laws passed by the

Constitutional Assembly of the Federation were passed. Due to the number of proposed amendments the House postponed the adoption of the Law on Split and New Municipalities. The Working Group charged with establishing HoP procedural rules failed to reach a consensus on a number of controversial questions and consequently the adoption of these rules was also postponed until the next session. It was decided that draft proposals on the remaining agenda items would be debated at the next HoP session, scheduled for 8 May.

The next House of Representatives (Federation) session is scheduled for 6 May.

## **Human Rights**

On 28 April [UN](#) officials visited Bijeljina Civilian prison where they met with the three Bosniacs sentenced as part of the "Zvornik Seven" trial. The three men stressed that they regarded their trial as unfair and they wanted representation from lawyers from Tuzla. They further requested UN IPTF to help facilitate family visits and stated their desire to contact and be visited by senior officials from UNMIBH and the OHR.

## **Right to Return**

A 69 year old Serb man who had recently moved back to his home in Kopravina near Sanski Most (Federation) was found murdered on 24 April. The elderly man had been shot five times in the head UN IPTF monitors report. Federation police are investigating the incident and are holding two suspects.

[UNHCR](#) report that another Serb man was beaten on 28 April in the same area.

UNHCR announced on 29 April plans for 200 Croat families to return to their pre-war homes in Bugojno. The pilot project for return has so far been carried out successfully in

Travnik, Jajce and Bugojno where, according to the travelling commission designated to assess implementation of the four pilot projects, the terms for minority returns have been met. In Stolac, however, the project has been hampered by a number of obstacles including robberies of returnees' houses. UNHCR also announced that Croats had been brought from Drvar to Kakanj on 28 April to assess the possibility of future returns to that area. International organisations intervened with Drvar authorities following recent statements made by local officials against Serb returns, and are also following up on a number of suspicious arson attacks against Serb-owned property.

UN IPTF reported a new case of eviction in west Mostar. On 27 April a Bosniac woman returned from a ten day visit out of town to find the locks and name on the door of her flat had been changed. Three men found in the flat by local west Mostar and UN IPTF were taken to a police station and released after questioning. The woman was able to return to her house, but reported that many of her belongings had been stolen. UN IPTF is calling on the authorities to investigate the claims of the three men that they bought the property from a third party.

This case represents the first illegal eviction since a rash of such occurrences following the 10 February shooting incident. All of the approximately 45 families (all Bosniacs from west Mostar, except one Croat family from the east) that were evicted on 10-11 February have been able to return to their homes following international pressure on the authorities.

## **ICTY**

Zlatko Alekovic, a 37 year old Bosnian Croat, was handed over to the International Criminal Tribunal for the Former Yugoslavia by Croat authorities on 28 April.

Aleksovski is charged with *"grave breaches of the 1949 Geneva*



*Convention and a violation on the Law of Customs of War, for the unlawful treatment of Bosnian Muslim detainees in his capacity as a commander of the detention facility at Kaonik"* The indictment says that in January 1993 Aleksovski became commander of a detention facility at Kaonik, near Busovaca in the Lasva Valley area of central Bosnia, prior to becoming, in May of that year, the head of the district Croatian Defence Council (HVO) Heliodrom prison in Mostar. The indictment further alleges that "many of the detainees under his control were subjected to inhuman treatment, including but not limited to, excessive and cruel interrogation, physical and psychological harm, forced labour (digging trenches) in hazardous circumstances being used as human shields and some were murdered or otherwise killed". Aleksovski has pleaded not guilty to all charges at a preliminary hearing, saying that he considers himself "absolutely innocent".

This first hand-over by the Croat authorities follows an abstention by the US last month on a vote by the International Monetary Fund to approve almost US\$ 500 million in loans to Croatia.

## **OSCE**

The OSCE announced on 2 May that 93 Political Parties had applied to run in the municipal elections for BiH, which will be held on 13-14 September 1997. Of the total number of applications, 48 are Parties confirming registration from last year, and 45 are registering for the first time. The parties are yet to be approved by the Provisional Election Commission (PEC), who are expected to certify the parties in the next two weeks.

On 29 April [OSCE](#) announced the establishment of its "Out-of-Country Programme" which will enable BiH citizens living abroad to register their names to vote in the September elections. The programme, which was developed with the

International Organisation for Migration, will enable Bosnians residing in more than 50 countries to register by absentee ballot or in person between 5 May and 7 June.

## **Humanitarian Affairs and Refugees**

UN High Commissioner for Refugees, Mrs. Sadako Ogata said in her address to the UN Security Council on 28 April that her office had decided "to provide support and material assistance to municipalities and regions which accept minority returns and withdraw it in areas where minority returns are refused". Only 10,000 refugees had been allowed to return to areas in which they were not a majority whilst in many other regions local leaders had sought to build ethnically pure cities, she said.

## **Media Issues**

On 30 April following a technical inspection of the premises of ATV, the Banja Luka affiliate of the Open Broadcast Network (OBN) by the RS Ministry of Transport and Communications, the station was told to cease broadcasting. This instruction was based on the assertion that no attempt had been made to apply for the necessary licenses through the appropriate authorities. ATV ceased broadcasting in response to this instruction, which stipulated that they could appeal within eight days of the embargo.

An appeal was lodged by the OHR and OSCE based on the fact that an application to register as a broadcasting company had in fact been submitted to the Ministry for Economic Relations on 31 March. Under Article 127 of the PEC Rules and Regulations, ATV was still entitled to broadcast whilst the application was being processed. Furthermore, their premises, property and equipment were also protected having been designated by SFOR as having special status. This position was communicated to the RS authorities, and was accepted by them

with agreement that this should not hinder the process of accrediting the company and their broadcasting frequency in accordance with local regulations. ATV recommenced broadcasting on 2 May.

The OSCE announced on 2 May that a video camera which had been unlawfully seized from Tuzla's RTV-TPK television crew by RS police on 15 February had been returned to the OSCE by the Zvornik Prosecutor. The OSCE, who will deliver the camera to its rightful owners, said that the action followed a Media Experts Commission (MEC) ruling which approved a letter to the Prosecutor explicitly ordering the equipment's return.

## Looking Ahead

### 6 May

Federation House of Representatives Session  
Media Roundtable: Coordination of Media Projects, OHR  
Sarajevo

### 8 May

BiH Federation House of Peoples Session  
House of Representatives of the BiH Parliamentary Assembly

### 9 May

House of Peoples of the BiH Parliamentary Assembly

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.*

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