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Capture of Indicted War Criminals

Indicted war criminal and former Prijedor Police Chief, Simo Drljaca, was killed on 10 July after he opened fire on SFOR soldiers as they approached and challenged him for the purpose of detaining him. The troops returned fire in self-defence, fatally wounding Drljaca. One British SFOR soldier was also wounded in the action.

In a separate detention action, SFOR forces succeeded in capturing another indicted war criminal, Milan Kovacevic, at the hospital in Prijedor where he worked as Director. SFOR soldiers entered the hospital and went to Kovacevic's office, where they detained him without incident. Kovacevic was then taken to the airport where he was formally arrested by ICTY

before being transported to the Hague Tribunal Detention Unit, where he will remain until his trial.

Both Simo Drljaca and Milan Kovacevic were under sealed indictments from the International Criminal Tribunal for the Former Yugoslavia since 13 March 1997 on charges of being "complicit in the commission of genocide" against the Bosnian Muslims and Croats of the Prijedor district during the period between 29 April 1992 and 31 December 1992. The indictment was signed by Judge Elizabeth Odio Benito, who also ordered copies of the arrest warrant to be transmitted to SFOR. The arrest order came from Supreme Allied Commander for Europe (SACEUR), General George Joulwan and NATO Secretary General Javier Solana

An SFOR statement released on behalf of Dr. Solana after the events said that "owing to the official positions held by both Drljaca and Kovacevic at various times, SFOR personnel have had contacts with them in the course of their duties. The detention of these men was therefore within the terms of SFOR's mandate".

Whilst the RS Government and leading RS officials, including RS President Plavsic, condemned the SFOR action, protesting that it could destabilise the already fragile situation in the RS, the leading civilian implementation organisations in BiH, including, OHR, OSCE, UNMIBH/UN IPTF and UNHCR, as well as human rights groups and other NGOs, supported the SFOR action in Prijedor and called on all sides in Bosnia to assist with the speedy implementation of the Peace Agreement by extraditing all war criminals to the Hague.

The High Representative, Carlos Westendorp, said that he fully supported the actions of SFOR troops. His spokesman, Simon Haselock, said that *"the continued presence and influence of war criminals remains one of the major obstacles to the implementation of the peace. This is particularly the case in RS where it is clear that the influence of Radovan Karadzic*

continues to pervade".

Constitutional Crisis in RS

The Principals from the OHR, SFOR, the OSCE, UNMIBH/IPTF and UNHCR sent a letter on 7 July to RS President Biljana Plavsic, copied to Member of the BiH Presidency, Momcilo Krajisnik, outlining their expectation of renewed commitment to the Dayton and Sintra Agreements. The letter acknowledged Mrs. Plavsic's decision to dissolve the National Assembly, which was determined by the international community to be in conformity with the RS Constitution. That the organs of RS act in accordance with the constitutional order was deemed of utmost importance, and Mrs. Plavsic was assured that military activity in either Entity which was not in accordance with Annex 1A would continue not to be tolerated by SFOR.

The Principals urged the following:

- Compliance with the obligations of Annex 11, in particular police restructuring and checkpoint policy. A satisfactory solution to the issue of special forces which continue to act outside their mandate of professional police forces would be needed.
- Serious efforts to address smuggling, terrorism and crime, and firm action against corruption.
- Full cooperation of the police with the Supervisor and the UN IPTF in Brcko regarding restructuring, freedom of movement and issuance of ID cards to returnees, and full cooperation with the OSCE in voters registration period in Brcko ending 12 July.
- An urgent undertaking of the public media to fully respect freedom of expression and the need for reconciliation. In this context, it was reminded that the HR had the right to curtail or suspend any media network or programme output which was in persistent and blatant contravention of either the spirit or letter of

the Peace Agreement.
- Signature of the IMF letter of intent, which would allow the Donors Conference to take place, thus allocating substantial funding to the social and economic development of the RS, thus contributing to the RS people's welfare and prosperity.

In concluding, the Principals assured Mrs. Plavsic of their support for her endeavours in implementing the Peace Agreement.

At their session on 9-10 July, the RS Constitutional Court (CC) passed a ruling which, pending their final decision on the constitutionality of President Plavsic's decision to dissolve the National Assembly and hold new elections, ordered the suspension of all enactments and actions by State organs, organisations, communities and public high-ranking officers in the RS, which had been, or might be, taken pursuant to the aforementioned decision – the enforcement of which might bring about irretrievable consequences.

Venice Commission

On 8 July the OHR asked the European Commission for Democracy through Law to provide its opinion on certain provisions of the Constitution of RS. The European Commission for Democracy through Law (Venice Commission) was established in 1990 by member states of the Council of Europe and non-member states, constituting a specialised Working Group in the wider context of the activities of the Council of Europe. It is composed of independent experts in the field of law and political science whose main tasks are the following:

- to help new Central and Eastern Europe democracies
- to set up new political and legal infrastructures
- to reinforce existing democratic structures
- to promote and strengthen principles and institutions which represent the bases of true democracy.

A meeting of a Working Group of the Commission was held in Geneva on 10 July, where the following conclusions, which are subject to approval by the plenary Commission, were reached:

1. With regard to whether the President of RS had the power to dissolve the National Assembly without having received the opinion of the Prime Minister and the President of the National Assembly (according to Amendment LX to the Constitution, the President can dissolve the National Assembly after having heard the opinion of the Prime Minister and the President of the National Assembly) the Working Group of the Venice Commission found that "the decision to dissolve the Parliament belongs only to the President of the Republic. The point of view of the Prime Minister and of the President of the Parliament is not at all imperative for the President of the Republic". The WG said that "to subordinate the decision of the President of the Republic to the receipt of the opinion of the PM and President of the Assembly would be of a nature to block the dissolution process and thus deprive the provision of its effect".
2. On the question of whether the RS President is empowered to appoint a new Government on the basis of Article 94 of the Constitution after the dissolution of the National Assembly, the WG found that the Government, whose mandate has terminated because of the dissolution of the National Assembly, continues to exercise its functions until the designation of a new government. The fact itself that the provision stipulates that the President can only "propose a candidate" implies that this candidature is approved by another state body. "It clearly follows from this provision that this candidate must necessarily obtain the confidence of the Parliament". The WG concluded that "the provision can therefore not be operational in the Parliament's absence, which is presently the case, since the previous

Parliament has been dissolved and the next one has not yet been elected". The WG deemed that "Article 94, alinea 10, on which the President pretends to base herself to designate a new Government, could not serve as constitutional basis to that effect. it is intended to apply only after the elections of 1 September 1997. Until that date the present Government must remain in place in order to deal with the current affairs, as Article 94, alinea 9) actually provides."

3. On the question of whether the Government had the power to suspend the decision of the RS President to dissolve the National Assembly, pursuant to Article 114 of the Constitution, the WG came to the conclusion that the Government was "not empowered to suspend the decision to dissolve the Assembly. […] Indeed, Article 114 of the Constitution exclusively refers to "the enforcement of a regulation, or a general or individual enactment", therefore to legislative or administrative acts. Most evidently though, the WG found that "the decision to dissolve the Parliament, which has an eminently political character, is not included in the category of acts mentioned in Article 114″. Apart from that, it was found that the dissolution of Parliament does not require any intervention whatsoever on the part of the Government, which, as an executive organ, can intervene with respect to a Presidential act in no other way other than the one laid down by Amendment LX of the Constitution (Prime Minister can express his opinion, at the request of the President)."

ICTY

On 14 July Trial Chamber II consisting of Judge Gabrielle McDonald (Presiding), Judge Ninian Stephen and Judge Lal Chand Vohrah, handed down its Sentencing Judgement of Dusko Tadic. Tadic was found guilty on 7 May of Crimes against Humanity (on 6 counts) and Violations of the laws or customs of war (on 5

counts) and sentenced to a total of 97 years imprisonment. However, Tadic will serve only 20 years as the sentences are to be served concurrently.

The Sentencing Judgement recalled that: *"the crimes consisted of killings, beatings, and forced transfer by Dusko Tadic as principal or as an accessory, as well as his participation in the attack on the town of Kozarac in opstina Prijedor, in north-western Bosnia*".

It was further judged that Tadic's sentence *"should not be commuted or otherwise reduced to a term of imprisonment less than 10 years"* from the date of determination of any appeal. Tadic will be credited with time already served (2 years, 8 months, and 6 days) as well as time he may serve pending the determination of any appeal. The Sentencing Judgement may be appealed within thirty days from the date it was pronounced.

NATO – Madrid Summit

Following a meeting of the North Atlantic Council in Madrid on 8 July the Heads of State and Government of NATO released a Special Declaration on BiH in which they reaffirmed their *"commitment to the full implementation of the Peace Agreement, and to the establishment of BiH as a single, democratic and multi-ethnic state"*. They also commended SFOR for its contribution in bringing peace to BiH and said that they intended to ensure that its mandate was carried out to its fullest.

Commending also the efforts of former HR, Carl Bildt, *"whose tenure as HR achieved important progress in implementing the civilian aspects of the Peace Agreement"*, they also welcomed the appointment of new HR, Carlos Westendorp. SFOR would continue to work closely and effectively with the HR, the OSCE and other major international organisations and agencies implementing civilian aspects of the Peace Agreement.

While SFOR's mandate would come to end in June 1998, there was a commitment to and a long term interest in stability in BiH and the surrounding region. The authorities in BiH should be in no doubt that there could be no military option for any party or ethnic group now or in the future.

The Declaration called on the Parties to the Peace Agreement "to comply fully with the commitments they themselves [had] agreed and to implement the Peace Agreement without delay". Those who did not honour the commitments with which compliance was a prerequisite for continued assistance: right of return for refugees and DPs; arms control; police reform; media freedom, would find themselves denied any hope of taking up membership in the wider community of nations. The Heads of State and Government of NATO also expressed their deep concern with the political crisis in the RS, "where an increasingly anti-democratic climate and abuses of police authority in contravention of obligations of the Peace Agreement [were] underlining basic human rights, obstructing progress on the Peace Agreement and threatening wider security". It was "especially unacceptable" that RS citizens were "being denied full and objective information on developments." The democratic process was being distorted in order to block the constitutional decisions of the elected president of RS, which must be respected. Resolution of political differences were to be made peacefully and through dialogue "in a manner consistent with the rule of law and the democratic principles of the Peace Agreement". Recourse to force or violence, or the unauthorised deployment of military or paramilitary forces would not be tolerated.

The Declaration concluded saying there could be no peace without justice and called upon the leaders of the region to cooperate with ICTY and fulfil their obligation to deliver those indicted for war crimes for trial in the Hague.

Joint Police Forces Established

On 10 July officials of the Herzegovina-Neretva Canton (H/NC), including H/NC Governor, Fatima Leho, President of the H/NC, Mijo Brajkovic, President of the Assembly of the H/NC, Ivan Bender, H/NC Minister of Internal Affairs, Valentin Coric, and their Deputies, signed the agreement on the establishment of the joint police forces in the canton. The signing was witnessed by IPTF Commissioner, Manfred Seitner and US Charges d'affaires Robert Beecroft.

Commissioner Seitner said that in signing the agreement the H/NC authorities had stated their assurances that they were willing to "abide by, as a whole, the Bonn-Petersberg declaration". Mr. Seitner said he believed all previous reservations regarding the content of the accord had been removed. "I hope now, we can move forward … and begin the long awaited first phase of implementation"

Presidency

The Presidency of BiH met on 8 July at the National Museum in Sarajevo, and considered plans for the division of the diplomatic and consular offices of Bosnia and Herzegovina, as well as organisation of the BiH Ministry of Foreign Affairs. Accreditation of the Ambassadors of the United States (Richard Dale Kauzlarich) and the United Arab Emirates (Mohammad h.Khalif al-Swaidi) to Bosnia were accepted.

The High Representative, Carlos Westendorp, and Principal Deputy HR, Gerd Wagner also attended part of the session. Mr. Westendorp emphasised the importance of introducing a single currency – the "convertible mark" to pave the way for the signing of agreement between BiH and the International Monetary Fund (IMF), which is a prerequisite for holding the Donors' Conference.

Prior to their working session, the BiH Presidency members met

with Malaysian Minister of Foreign Affairs, Abdullah Ahmad Batawi.

Explosion in Zvornik

On the evening of 13 July an OSCE vehicle was destroyed by an explosive device. The vehicle was parked in front of the Hotel Drina in Zvornik where the offices of the OSCE, IPTF and UN are situated. According to an OSCE press statement the explosive charge had been placed in front of the vehicle, underneath the engine. The explosion destroyed the vehicle and damaged nearby cars, and blew out all of the windows of the IPTF and OSCE offices at the front of the building. Although there were no injuries, the statement said that "the location of the device was such that it was providential that no innocent bystanders were injured". The statement further added that no threat had been expressed towards OSCE personnel in Zvornik prior to the incident.

At the press briefing on 14 July, an UNMIBH official noted that there had been an increase in "low level harassment" against UN staff in Zvornik in recent days. However, the UN, as well as other international representatives (OHR, OSCE, UNHCR and SFOR) stressed that it was "business as usual" for their staff in all areas of the RS.

Coalition for Return

The Coalition for Return (CfR) met on 5-6 July in Travnik in what was the fourth largest gathering of the CfR (after Mostar, Banja Luka and Sarajevo). The CfR has now grown to a movement comprising more than 150 different refugee and DP associations. About 250 representatives from Bosnia, Croatia, FRY, Slovenia and Germany participated in this meeting, which was the first to be organised and chaired by the CfR members themselves.

The agenda focused on CfR activities since the previous

meeting. Ten of the most active associations gave an overview of their work and the current situation in their area. UNHCR and the Property Claims Commission gave briefings on their organizations' procedures and rules, and answered questions and received suggestions from the Coalition members. A panel discussion involving the Shadow Government and members of the Federal Ministry of Social Affairs, Displaced Persons and Refugees also presented their strategies on the return process and responded to questions from the CfR members.

The gathering was also a forum for presenting current CfR projects: establishment of a legal advice service (sponsored by the Austrian Government); the Roofing Project, which is in its starting phase (with money donated by German NGO Cap Anamur); and the Coalition Bulletin, the second edition of which was presented at the meeting (sponsored by the French and the Dutch governments).

At the meeting the CfR decided to: apply to the OSCE for participation as observers at the forthcoming municipal elections; send a protest note concerning the new Customs Law; apply to the UNHCR and other humanitarian organisations to become equal partners and participants in negotiations on donations and reconstruction implementation projects.

The CfR further decided that they would not support any reconstruction projects which cemented ethnic cleansing. They demanded from SFOR full implementation of the military aspects of the Peace Agreement, in particular the withdrawal of military forces from civilian areas (such as Drvar). They also demanded that OSCE issue a public release on the number of voters who had registered according to P-2; as well as freedom of movement for those who wanted to vote in person in their pre-war communities. The CfR also called for increased pressure by the International Community on Croatia to allow the return of Serbs to the Eastern Slavonia and the Krajina region, since an exodus of Serbs from this area would further complicate the process of return to RS.

Media Issues

UN IPTF dismissed as propaganda an SRT (Republika Srpska TV) report which claimed that armed terrorists had invaded an RS village on 7 July. The report claimed that "Muslim terrorists" had entered the village of Gornji Drapnjici near Sokolac on 7 July. One "terrorist" filmed as he lay dying had allegedly said they were under instructions to kill as many people as possible. The report further stated that IPTF monitors had been indifferent when the incident was reported to them and accused NATO soldiers of never being around when they were needed. IPTF officials described the report as "a disgrace to the profession of journalism.". They had never been contacted regarding such an incident and there was "no evidence whatsoever that this (terrorist) incident took place".

Central Bank

The Governor of the Central Bank of BiH, Serge Robert, together with the Central Bank Chair Committee, appointed three Vice-Governors, Mr. Enver Backovic, Mr. Drago Radic and Ms. Ljubisa Vladusic. The three newly elected Vice-Governors will be members of the BiH Central Bank Executive Committee, chaired by Governor Robert.

Looking Ahead

18 July:
Steering Board of the Peace Implementation Council meet in Sarajevo

23 July:
Open Broadcast Network (OBN) Donors/Governing Council Meeting, Brussels

See our Chronology for a full list of activities
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Tel. (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.

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