

# OHR Bulletin 57 – 08 August 1997

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## Sintra Deadlines

The joint BiH Presidency made a breakthrough on 7 August on a number of key issues related to the agreement on the appointment of Ambassadors, telecommunications issues and the Standing Commission on Military Matters. With regard to the distribution of Ambassadors posts, the agreement brokered envisages 33 embassies and permanent missions. Of these, 13 Ambassadorial posts will be nominated by Presidency Chairman Izetbegovic, 11 by Presidency Member Krajisnik and 9 by Presidency Member Zubak. Mr. Izetbegovic will nominate a candidate for the UN, New York post, Mr. Krajisnik for Washington, and the candidate for the Tokyo post will be nominated by Mr. Zubak, subject to approval by Mr. Izetbegovic. The agreement on telecommunications now clears the path for the EBRD agreement previously signed by Mr. Zubak and Mr. Krajisnik, to be signed by Mr. Izetbegovic also.

Parties agreed that BiH would have a single telecommunications code and telephone area code, whilst three other sub-codes were agreed for Sarajevo, the rest of the BiH Federation, and the RS. Agreement was also reached on the procedures, composition and timing for the Standing Committee on Military Matters.

Although they had come close to a final solution in recent days, the joint Presidency had come under increased pressure since failing to reach the 1 August deadline as laid down in Sintra. On 2 August the High Representative (HR) Carlos Westendorp had written to members of the Peace Implementation Council (PIC) Steering Board (SB) recommending that they suspend relations with the Ambassadors of BiH until a solution on the appointment or confirmation of Ambassadors representing BiH was reached. Key IC members, including EU countries and the US had responded quickly and resolutely to the recommendation. Further pressure came on 7 August following intensive meetings held with US Special Envoy Richard Holbrooke and US Special Representative Robert Gelbard in Lukavica and the National Museum in Sarajevo.

Commenting on the successful outcome of the Presidency meeting, Senior Deputy HR, Ambassador Gerd Wagner, who also participated in the negotiations, said that at the meeting "it was once again made clear to our Bosnian partners that the OHR and other members of the PIC SB and Contact Group have the same aims and were working together very closely to reach those aims".

Ambassador Wagner briefed the Contact Group members on 8 August recommending that the suspension in relations with the BiH Ambassadors now be lifted.

At a press conference on 8 August, Under- Secretary designate for International Affairs at the US Treasury, Mr. David Lipton, said that among those important issues that had not yet been decided was agreement on the design of the common

currency coupon. Emphasising the importance of this with regard to the establishing of the Central Bank, he urged that the Parties overcome their differences and find a solution to enable economic progress of BiH to move forward.

In his 2 August letter to the PIC SB members, HR Westendorp also informed that, despite considerable efforts by the OHR over past days and weeks to assist the CoM in adopting the Draft Laws on Citizenship and Passports, as well as the reconstitution of the Civil Aviation Authority (CAA), the results had been unsatisfactory. At a press briefing on 2 August Mr. Westendorp noted that, though considerable progress had been achieved on these issues the "clock had stopped", in the sense that the deadline had been missed. Expressing his confidence that solutions for the outstanding problems could be found in the near future, Mr. Westendorp explained that though further recommendations had been made to PIC SB members there remained a "window of opportunity" between the IC responding to these recommendations and the CoM finding a solution to the outstanding problems.

## **Split**

Chairman of the BiH Presidency, Alija Izetbegovic and Croatian President Franjo Tudjman, as well as senior officials of the Federation of BiH, led by Federation President Soljic, met in Split on 6 August. The Parties comprehensively examined the implementation of the Dayton and Washington agreements, the development of cooperation between the Republic of Croatia and BiH, and in particular the strengthening of relations in the BiH Federation and its cooperation with the Republic of Croatia.

A joint statement released after the meeting confirmed the Parties' readiness for consistent, comprehensive and accelerated implementation of the peace agreements. The Parties confirmed their joint commitment to the preservation

and strengthening of the integrity, sovereignty and political independence of BiH, structured constitutionally as a State of three equal constituent nations and two multi-ethnic Entities. Strengthening of the BiH Federation was mutually assessed to be a particularly important contribution to the peace process and an irreplaceable framework for the attainment of equal national, political and other interests of the Croat and Bosniak peoples.

The Parties agreed on the establishment of a Council for Cooperation to regulate the relations between Croatia and the BiH Federation in accordance with the BiH Constitution, the peace agreements, the Sintra Declaration and the conclusions of the OHR.

It was also decided that a special mixed legal-political group would harmonise the signed bilateral agreements and prepare other agreements of mutual interest. Particular consideration would be given to a permanent solution for the use of the port of Ploče and passage through Neum, as well as to the agreement on property-related relations, protection of investments, dual citizenship and other issues.

An expert group would meet to prepare a programme of measures for promoting economic cooperation, balancing trade, amending the custom-free trade regime, in particular the trade in energy sources and other issues related to the implementation of the Agreement on Economic Cooperation and Trade.

Through a special annex to the Agreement on Border Crossings it was agreed to immediately allow for the opening of new border crossings along the entire frontier. Preparations of the proposal for the arrangement and construction of joint border crossings would start immediately.

Cooperation with the International Criminal Tribunal for the Former Yugoslavia ([ICTY](#)) would continue.

The Parties reaffirmed the right to an organised, voluntary

and safe return of refugees to their homes, along with protection from intimidation. An integral Programme of Return would be prepared in this regard and the necessary steps for assistance in reconstruction and development in order to promote return would be agreed.

Intensification of overall activity in the search for missing persons was also emphasised.

It was jointly assessed that the media played a particularly important role in developing a positive relationship toward the strengthening of the BiH Federation and overall implementation of the peace agreements. The media were called upon to contribute to reaffirmation of confidence and reconciliation in the spirit of the joint statement and that this be done in accordance with the freedom and independence of the media.

US Special Envoy Richard Holbrooke, currently visiting the Balkans, and Special Representative Robert Gelbard also met with the BiH and Croat leaders in a bid to reinforce the new agreement between the two Presidents. A statement released by Mr. Holbrooke and Mr. Gelbard after the meetings commended the Parties' willingness to accelerate the implementation of the peace agreements in order to establish functioning democratic institutions in BiH and preserve its integrity and sovereignty.

Reaffirming US readiness to provide assistance in resolving all open issues in the Federation in the spirit of the Presidents' joint statement, through the institutions of the Federation and in the framework of the Cooperation Councils, the statement outlined specific steps which had been agreed. These included a number of deadlines on issues related to the return of refugees and DPs, strengthening of the Federation, border issues and economic cooperation. Progress made recently on outstanding issues from the Sintra commitments, was also further reinforced.

## **Right to Return**

On the weekend of 1-3 August UN IPTF and SFOR reported that Bosnian Croats protesting the return of Bosniak DPs to Jajce and surrounding villages had used intimidation to force the evacuation of about 500 Bosniaks from the area. Roadblocks had been erected on the main road from Jajce to Sarajevo and vehicles had been parked across the highway. Although IPTF had advised local police and the Deputy Minister of Interior to remove the obstacles, Croat police refused to comply. Four houses were reported to be burning in the village of Psenik, and two in the village of Kottowa on 1 August. On 3-4 August, another four houses were set on fire in nearby villages. A man's body was found in one of the burned houses in Kruscica and an investigation into his death is underway.

The Principals of the leading implementation organisations, including OHR, SFOR, UNMIBH/UN IPTF, UNHCR and OSCE wrote to Federation President Soljic and Vice-President Ganic on 3 August regarding the recent situation in Jajce. There were indications that the local police may have been involved in the incidents, which appeared to have been orchestrated by persons as yet unidentified. Local authorities, if not directly involved in the events, had not lived up to their responsibility to maintain the rule of law and order. Describing the events as "unacceptable", the Principals said that what had happened was "not only in direct contravention of Annex 7 of the Peace Agreement, but also threaten[ed] the improving political and security climate in the whole Federation". The Principals demanded that:

- the authorities in the Central Bosnia Canton (CBC) be instructed to re-establish law and order and prevent people from unlawful and retaliatory actions;
- conditions be established within 48 hours which would enable families who left Jajce to return to their homes with full guarantees for their safety;
- there be a full investigation into the events to

identify those responsible. The UN IPTF would submit a report within seven days. The local authorities would be instructed to fully cooperate with UN IPTF. Perpetrators must be punished and the Principals would press for the removal of those found to be politically responsible.

The Principals also requested that officials of the CBC meet at the OHR to discuss follow-up action.

On 5 August, pursuant to the Principals' letter, the Federation President Soljic, Vice-President Ganic, Prime Minister Bicakcic, Minister for Refugees Kadic and his Deputy Ljubic met with the Governor of the Central Bosnia Canton Saric, his Deputy Terzic and other Canton officials to discuss the situation in the Canton. The meeting was chaired by the Senior Deputy HR , Ambassador Wagner. COSSFOR Widder, UN Special Representative of the Secretary General (SRSG) Ambassador Eide, UNHCR Special Envoy Faubert, OSCE Deputy Head of Mission Jenness and Deputy Police Commissioner Schumm were also present.

The participants deplored the events which had taken place in Jajce and expressed their resolve to use all their authority to prevent similar incidents in the Canton in the future. They also expressed their determination to continue to support return to, and within, the CBC, as well as in the whole Federation, in full respect for the provisions of [Annex 7](#) of the Peace Agreement.

In taking note of the Principals letter, Federation officials accepted that they were fully responsible for re-establishing law and order, for immediate establishment of conditions enabling returns, and full investigation into the events and identification of those responsible. Federation officials regretted the lack of action of the cantonal and local authorities which forced SFOR to establish area security to protect returnees from violence and prevent an escalation of the situation.

To facilitate the return of refugees and DPs in a safe manner and to improve the security situation in the CBC, participants decided the following:

1. The CBC would declare its firm intention to welcome back all former inhabitants regardless of their national belonging. They would give priority to return issues and open up municipalities and villages to returnees. For this purpose Minister of Refugees and his Deputy, as well as Canton officials would straight away form a Working Group (WG) under the JCC Sub-Commission for Refugees, in which OHR, SFOR, OSCE and UNIPTF would also participate. The WG would discuss the approach to returns, a programme for return to the Canton provided by the Ministry for Refugees, in strict accordance with Annex 7 of the Peace Agreement. Particular attention would be devoted to security of returnees. Action would also be taken on complaints concerning the denial of returns to specific municipalities in the CBC.
2. As an immediate step, those DPs who left Jajce in fear would be enabled to return to their villages by the end of next week. Cantonal and municipal authorities and political leaders would in this time make public statements inviting all former inhabitants of the CBC to return to their pre-war homes.
3. Canton officials signed the Agreement on Canton Police and decided to accelerate its implementation.
4. Canton authorities would immediately provide premises for the Federation Ombudsmen to open a regional office in Travnik.

The participants decided to meet again in ten days to discuss the UN IPTF report and to review first results of the meeting.

Further discouraging reports from UN IPTF of continued arson attacks in two different villages in the Jajce area on 4 and 5 August have resulted in a heightened SFOR presence in the area.



On 1 August in Vogosca 50 -100 Bosniak DPs, mostly women and children, attacked the municipality building where a group of Serb DPs were meeting with local authorities and international officials to discuss an assessment visit to their homes. The crowd, which was clearly organised and had been forewarned of the visit, menaced UN IPTF monitors outside the building with clubs and rocks, damaged several vehicles and tried to forcibly enter the building. When prevented from doing so, they threw rocks at the building, damaging several windows.

UNIPTF and UNHCR praised the effective action of the cantonal police who successfully organised the safe and speedy departure from the building of those participating in the meeting. This, they said, was in marked contrast to the action of the local police in Jajce who failed to prevent the incident which took place.

The following day HR [Carlos Westendorp](#) sent a letter to Federation Prime Minister Bicakcic and Governor of the Sarajevo Canton Haracic condemning the "criminal incident", which he said "*[would] certainly have negative consequences as regards returns to Vogosca and the [Sarajevo] Canton as a whole*". This was all the more unfortunate given Vogosca's participation in the UNHCR's "Open Cities" initiative. Mr. Westendorp deemed that it was indeed regrettable in view of the Canton's importance to resolving the problem of Bosniak returns to Brcko and the RS. Mr. Westendorp said he found it "especially shameful that some members of the community were willing to manipulate the emotions of Bosniak victims of Srebrenica and Zepa living in Vogosca to victimise others in a criminal manner", and appealed to the Federation authorities to address the incident seriously by taking measures against its organisers who, he said, had also organised other attacks against Serbs in the area.

In his reply to the HR on 4 August Federation Prime Minister Bicakcic pledged the authorities' commitment to investigating and punishing the organisers of the incident, and their

determination to fully implement Annex 7 of the Peace Agreement.

## **Joint Police Forces**

UN IPTF Commissioner, Manfred Seitner, expressed satisfaction with the recent progress made in the establishment of the cantonal police in the Neretva and Central Bosnia Cantons. In the Neretva Canton, the cantonal police was now operating in Capljina, Citluk, Stolac, Neum and Jablanica. The Commissioner said he hoped that similar progress would soon be made in the other cantons.

## **Human Rights**

UN IPTF announced on 5 August, that their officials had discovered two missing Serb men who had been taken as prisoners of war on 10 September 1995 by the Bosnian Army. Acting on information provided by relatives concerning the whereabouts of the two men, the IPTF officers visited a prison in Zenica on 3 August. The men were found locked in a room in a building situated at the rear of the main administration block, away from the other detention facilities. The men identified themselves as Nehad Skrbic and Dusan Skrbic, originally from Teslic. Their faces matched the photographs of the missing Serb men carried by the IPTF officers. UN IPTF said that the authorities were unable to produce the men's detention papers and initially refused to release them. After notifying ICRC of the case, the IPTF issued a deadline of noon 4 August for the prison authorities to come up with documentation. After talks the deadline passed and the authorities agreed to release the men, who were then transported to Banja Luka and reunited with their families.

The SRSG, Ambassador Kai Eide, stressed that the detention of the individuals without legal justification and for such a lengthy period was in gross violation of international

humanitarian law and the terms of the Dayton Agreement. Ambassador Eide expects the Federation authorities to investigate the case and bring to justice those who violated the human rights of these two individuals. UN IPTF will also conduct its own investigation.

## **OSCE**

The Election Appeals Sub-Commission (EASC) met on 5 August to consider 642 individual appeals to register to vote in one of 74 municipalities throughout BiH. The overwhelming majority of the 642 appeals were filed by DPs seeking to register in a municipality that was different from their 1991 residency.

In rendering its decision the EASC reaffirmed the right of all citizens of BiH to vote in the municipal elections. The question presented in each of the 642 appeals, however, concerned where a citizen may vote. Relying on its recent decision regarding individual appeals from Brcko, the EASC noted that where a citizen may vote was subject to the terms and conditions of the General Framework Agreement for Peace in BiH (GFAP) and the PEC Rules and Regulations (PECRR).

The general rule enunciated in GFAP provides that all citizens of BiH are expected to vote in the municipality where they resided in 1991. A limited exception to this general rule allows DPs to apply to vote in their current municipality. Under Article 10(b) of the PECRR, the only documentation sufficient to allow a DP to vote in his/her current municipality is a residency receipt or a refugee/DP card issued by the appropriate municipal authority on or before 31 July 1996. Persons presenting refugee/DP cards or resident receipts issued after 31 July 1996 cannot vote in their current municipality.

Of the 642 individual appeals that the EASC adjudicated:

- a. 40 satisfied the Article 10(b) criteria and are allowed

to register in their municipality of choice.

- b. 485 failed to comply with the Article 10(b) criteria and cannot register in their current municipality. Instead, these 485 appellants may register in the municipality where they resided in 1991.
- c. The remaining 117 appeals raised questions of citizenship and were referred to the Citizenship Verification Sub-Commission.

## **Finance Investigation Commission**

The Commission tasked with investigating the expenditure of donations to BiH was established on 6 August. The Commission will consist of representatives of the international community working with BiH authorities and will include the Public Prosecutor for the BiH Federation, a Board Member from the National Bank, Chief of the Federation Financial Police, Deputy Director of the Federal Agency for Banking, and Financial Director of Elektroprivreda. Of the invitations sent to the international organisations, so far the US Embassy and European Union have nominated members to the Commission.

## **Telecommunication Links**

On 5 August, for the first time in five years, direct telephone links between Sarajevo and Banja Luka and Trebinje became operative. The area code for Banja Luka is 078 and for Trebinje 089.

*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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