

# OHR Bulletin 58 – August 26, 1997

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## Ongoing Crisis in RS

Following a take over on 17 August of the Banja Luka civilian police headquarters – the Public Security Centre (PSC) – by Special Police forces loyal to Republika Srpska (RS) President Biljana Plavsic, and in response to allegations by Mrs. Plavsic of human rights abuses and “activities of an undemocratic nature”, including that local police had put her under illegal surveillance, the OHR requested that members of the UN International Police Task Force (IPTF) supported by Stabilization Force (SFOR), enter the PSC. In so doing IPTF officers discovered a number of unauthorized weapons and immediately initiated an investigation relating to evidence found on the premises, which included tapes and sophisticated

surveillance equipment. The allegations related to human rights abuses, including intimidation of Constitutional Court judges by those loyal to opponents of Plavsic, is also currently under investigation.

On 20 August UN IPTF officials confirmed that they had “unequivocal evidence of serious criminal activity being conducted in the main Banja Luka police station, which include[d] bugging of the President’s communications”. In support of ongoing IPTF investigations in the region SFOR deployed on 20 August some 50 armoured personnel carriers to five local police stations in Banja Luka, including the main police headquarters and police academy. SFOR found and confiscated a large supply of illegal weapons and explosives from local police facilities.

Offering their support for the constitutional stand of President Plavsic, the High Representative (HR) Carlos Westendorp, US Special Envoy Robert Gelbard and COMSFOR General Shinseki met with President Plavsic on 20 August. HR Westendorp appealed to the RS leadership to settle their differences democratically and called for early elections to resolve the current political crisis.

In response to the recent developments in the RS crisis Senior Deputy HR Gerd Wagner and COMSFOR General Eric Shinseki sent a letter to RS President Plavsic and her opponents. This includes Member of the BiH Joint Presidency Momcilo Krajisnik, as well as RS Prime Minister Gojko Klicekovic. The letter called on both sides of the divided Bosnian Serb leadership to resolve their conflict by political and democratic means. A joint statement, made on 22 August by Mr. Wagner and General Shinseki announced that in their letter they had “expressed their strong displeasure with RS officials for allowing the security situation within RS and specifically in Banja Luka, to deteriorate”. The letter highlighted such action as the takeover of the Public Security Centre by factional elements of the RS Special Police and the importing of large quantities

of weapons into the area by other rival police as a "willingness on both sides to solve a political dispute by undemocratic means". Inaccurate, inflammatory and highly biased press reporting was also cited as a key contributor to the potentially violent situation. "The international community will not permit either party to seek a solution through the use of force, will not tolerate the use of the media to incite or encourage violence, and insists on political, democratic means to settle disputes," the statement said. Emphasising that they would not tolerate a "descent to violence", the OHR and SFOR further stressed that RS leaders could not avoid their personal responsibilities and their accountability to the Serb people.

The RS Constitutional Court on 15 August announced its decision that the 3 July decisions by President Plavsic to dissolve parliament and call early elections were "not in conformity with the constitution of the RS". The court statement called on the RS Parliament and other bodies to continue functioning as before 3 July.

HR Carlos Westendorp said that he deplored the ruling of the RS Constitutional Court "in what [was] clearly a decision taken under political pressure." Mr. Westendorp reiterated his call for an end to the political impasse in the RS and for internationally supervised parliamentary elections to be held as soon as possible. "The people of Republika Srpska deserve the right to be represented only by those who are elected in a free and democratic way. New elections under international supervision are the only possible way to resolve this damaging crisis," he said.

The legal position taken by the High Representative and supported by the Venice Commission was that in taking her decision to dissolve Parliament, President Plavsic had acted fully in accordance with the Republika Srpska Constitution (for summary of Venice Commission opinion see [Bulletin 54](#))

Continuing its boycott, the RS Caretaker Government said in a statement that it considered all future decisions, acts and activities of President Plavsic illegal, illegitimate and non-binding. The statement was made after President Plavsic decided on 22 August to appoint Marko Pavic, a jurist and a member of the ruling Serb Democratic Party (SDS) in Prijedor, as Acting Interior Minister. Momcilo Krajisnik, responded to the new appointment by urging police officers who had switched allegiance to Plavsic to “energetically refuse to carry out orders from illegal officials and urged that they “not become accomplices in the destruction of the state.

## **Media Issues**

On 22 August HR Carlos Westendorp wrote to Momcilo Krajisnik in Mr. Krajisnik’s capacity as Chairman of the SRT Managing Board, expressing his dissatisfaction, and that of the International Community (IC) in general, with the performance of SRT. Of particular concern was SRT’s failure to provide full and accurate reporting on the current political situation in the RS. Specifically, Mr. Westendorp pointed out the “continual instances of deliberate misinformation, inflammatory commentary, insulting language and highly biased reportage”. In addition, SRT had failed to provide an accurate representation of Mr. Westendorp’s position on the current crisis as articulated by his Spokesmen. Reminding that a free, independent and objective media was a basic requirement in a democratic society, Mr. Westendorp said that SRT was clearly failing in this respect. Warning that he was “prepared to use all the powers at [his] disposal as HR, including those in the Sintra Declaration”, Mr. Westendorp demanded that: SRT accurately broadcast the statements given by his Spokesmen and the spokesmen of other implementing agencies (otherwise OHR would refrain from participating in Pale press conferences); a statement by Senior Deputy HR Wagner be broadcast on SRT; and a simple procedure be established between OHR and SRT to ensure future access was secured.

Bosnian Serb national television has come under progressively severe criticism from the IC in recent weeks for its broadcasting of, what was recently described by UN IPTF officials with regard to a report on the Hague Tribunal and events related to the fall of Foca and Srebrenica, as a "tasteless compilation of outright lies". OHR officials also sharply criticised some recent reports on the current crisis in RS characterising them as "patently ludicrous". Particularly offensive have been reports broadcast on prime time news comparing SFOR troops with the World War II Nazi forces accompanied by commentary calling for the people to withdraw their hospitality to the SFOR "occupying forces".

On 24 August the Banja Luka Studio of Bosnian Serb Radio-Television (SRT) began broadcasting independent programmes through a transmitter on Mount Kozara, while at the same time limiting Pale studio SRT broadcasts to the Banja Luka region. Journalists at the Banja Luka studio said their aim was to make professional programmes and that the editorial policy of the SRT studio in Pale had been reduced to the level of the most primitive propaganda. Broadcasting via the Mount Kozara transmitter allows Banja Luka studio programmes to be seen in Western RS as far as Modrica.

## **Specialist Police Forces**

On 8 August SFOR announced a new policy, within the existing SFOR mandate in accordance with Annex 1A of the Peace Agreement, for the control and restructuring of the Entities' Specialist Police Forces. Taken under the direction of NATO, after consultation and coordination with other international agencies in BiH, the policy is designed to assist, accelerate and ensure police restructuring and reform. SFOR said that under the policy, Entity police forces would be brought into line with the standard of police forces recognized by most democratic nations. Specialist Police Forces not duly certified by IPTF, would become subject to the provisions of

Annex 1A of the Peace Agreement. Those Specialist Police Forces currently undergoing certification would remain under the IPTF unless they fell behind in their restructuring programme, while Specialist Police Forces subject to the provisions of Annex 1A would henceforth be treated in the same manner as Entity Military Forces. SFOR informed that they would continue to monitor and ensure compliance of military forces in accordance with Annex 1A of the Peace Agreement, the application of which had been a major success thus far due to the positive and effective cooperation of the Entities. Given a similar spirit, SFOR judged that the Entities and the International Agencies would achieve the same success in developing democratic, legitimate police forces.

The Presidents of the Entities and the Presidency of BiH were formally notified by letter of the new "Instructions for Specialist Police". General Shinseki informed of the requirement to restructure the forces and reminded of their obligations to provide a safe and secure environment for all persons under their jurisdictions.

A meeting between General Shinseki and Mr. Krajisnik to discuss the Specialist Police issue resulted in a guarantee of cooperation and a commitment by Mr. Krajisnik to keep open the lines of communications. Mr. Krajisnik was advised that SFOR's overall mandate had not changed and that the new policy was within the framework of the existing mandate.

## **Council of Ministers**

After failing to reach an agreement on the Draft Citizenship and Passport Laws at their 8 and 16 August sessions, and having failed to reach a consensus on whether the OHR should arbitrate on the remaining disputed articles, (Bosnian Serb representatives did not favour this proposal), it was decided that the Draft Laws would be passed to the Presidency for their consideration.

## **Presidency**

The 23rd session of the BiH Joint Presidency, which had been scheduled to take place at the National Museum in Sarajevo on 25 August, was not held due to the absence of the Serb Member of the Presidency Krajisnik. Presidency Chairman Izetbegovic and Presidency Member Zubak held an informal meeting instead, in which HR Carlos Westendorp also participated. Discussion focused on the current impasse in the work of the joint institutions created by the non-participation of the RS representatives, as well as possible ways to resolve the crisis.

Following their meeting, Mr. Izetbegovic and Mr. Zubak issued a statement confirming the non-attendance of Mr. Krajisnik as the reason for the session not taking place. Mr. Krajisnik had sent a letter informing that he would not be participating in the work of the Presidency until the situation in the RS was settled. Mr. Izetbegovic and Mr. Zubak said that in view of the absence of an RS representative they had decided to ask for the OHR's legal opinion as to how the work of the joint institutions should proceed.

At a press briefing following the meeting, HR Westendorp stated that the RS authorities could face sanctions as the obstructing party on the important issues of Citizenship and Passport Laws, signing of a MoU on Airports, Civil Aviation Authorities (CAA), and Ambassadors. Sanctions under consideration, included denial of passports and visas to the Serb member of the Presidency, and in a second stage, to the Serb members of the CoM; as well as deprivation of the RS side of over-flight revenues. Mr. Westendorp added that sanctions were also being considered regarding media issues in the RS.

## **Brcko**

On 12 August, Ambassador Robert Farrand, Deputy High Representative for Brcko, issued three decisions. The first

stated that returnees to Brcko may continue to hold Federation identity cards with a special plastic cover indicating that the card is valid until the final arbitration decision on Brcko is rendered. Previously, it had been decided that RS police would issue returnees with RS identity documents on the day and in the place of return. However, the RS authorities failed to direct the local police to implement this policy, which led the Supervisor to decide on the new arrangement. When the RS authorities agree to issue RS identity documents on the day and in the village of return, the Supervisor will reevaluate his decision and returnees will be obliged to accept the RS card.

A second decision states that representatives of returnees, in particular the mayors of Rahic and Ravne-Brcko, must announce in writing, intended group returns to the Return Commission at least one week in advance.

Finally, the Brcko Supervisor noted that RS police had consistently refused to attend the weekly joint chiefs of police meeting in Brcko which is held to address issues of concern to the three police forces in the area. Drawing on the Brcko Arbitration Decision which empowers him to ensure the cooperation of the local police with UN IPTF, Ambassador Farrand stressed that attendance at this meeting is mandatory and that representatives must have sufficient seniority and authority to make decisions.

## **Joint Police Forces**

On 22 August UN IPTF officials commented on the statement made by Momcilo Krajisnik, which implied that new senior police officials in Banja Luka had been illegally appointed, saying that the UN completely supported the opinion of the OHR that President Plavsic had full legal justification in appointing these individuals and in requiring them to exercise their normal police duties. For this reason and at the request of



the police in Banja Luka, the UN IPTF have begun their training programme and long awaited restructuring of the police in the RS. Additional UN IPTF instructors have arrived in Banja Luka for those purposes. The UN IPTF is now performing three main functions in the Banja Luka police stations, where it continues to operate on a 24-hour basis: monitoring the activities of the police; training and vetting police officers; and continuing its investigation into the allegations of human rights' abuses.

The UN joined the rest of the international community in urging the RS leadership, including Krajisnik, to ensure that the situation remained calm and peaceful throughout the RS.

The Central Bosnia Cantonal joint police force was officially inaugurated on 22 August at the Government building in Travnik. Formation of the joint police force was completed within the deadline agreed by the Bosnian Federation Forum session.

The formal inauguration ceremony for the Posavina Cantonal Police force took place in Orasje on 25 August. UN IPTF officials said that this represented the half-way point in the restructuring of the Federation's police force with the Posavina Canton being the fifth of the Federation's ten cantons to be formally inaugurated. UN IPTF expressed their confidence that the others would be formally restructured in coming weeks.

## **Right to Return**

UNHCR announced that on 21 August the return of DPs to the villages around Jajce had been completed without incident. Overall, up to 474 heads of families returned to the villages around Jajce.

The reinstatement of Bosniak displaced persons to villages in the Jajce area had been the focus of international efforts

during recent weeks following the violent incidents and demonstrations there between 1-3 August which caused some 300 Bosniak returnees to flee. On 12 August, Senior Deputy High Representative Ambassador Wagner chaired a meeting between Croat and Bosniak representatives to discuss implementation of an agreement for returns of these families to Jajce and to put in place a mechanism to facilitate this process. In a follow up meeting on 13 August, dates for return to the five main villages involved (Kruscica, Divicani, Bucici, Lendici and Sibenica) were agreed upon and local police were tasked to produce a security plan to ensure safe returns. Implementation of the agreement was monitored by OHR, UN IPTF, and OSCE. OHR has stipulated that international funding for reconstruction projects in the area be contingent upon its full implementation.

Germany's Foreign Minister Klaus Kinkel announced on 26 August that the one million DEM, which had been targeted for reconstruction of the Jajce region and frozen following the recent attacks, would be unblocked due to the successful return of the DPs to their homes.

In Bugojno on 16 August, three Croat-owned houses in the village of Curcica Lug were damaged by explosives and a fourth house was hit by a rocket-propelled grenade. The owners of the houses were recent returnees, one of whom was at home at the time of the incidents. The Deputy High Representative Ambassador Wagner visited Bugojno and the village of Curcica Lug on 19 August and met with the Mayor and community representatives to discuss the human rights situation and next steps toward returns.

On 16 August, two buses carrying Bosniak returnees to Stolac were stoned, damaging several windows. On the same day, four Bosniaks allegedly received minor injuries after they were assaulted by a group of Croats. International agencies have told the Stolac authorities that the remaining 45 families participating in the UNHCR pilot project must be allowed to

return by the end of September.

Further incidents of attacks and intimidation against minorities were also reported in Kupres and Capljina and Mostar.

## **OSCE**

The OSCE Election Appeals Sub-Commission (EASC) met on 15 August to consider allegations of registration irregularities in Zepce and allegations of non-compliance with decisions of the OSCE Media Experts Commission (MEC) by HDZ-influenced HTV Mostar:

### **• Zepce**

For the third time during this election period the EASC turned its attention to Zepce to decide on 230 individual appeals to register to vote in the municipality, as well as the wilful and continuing violation of the PEC Rules and Regulations (PECRR) by the HDZ in Zepce during the re-registration period of 7-9 August. The EASC denied all 230 appeals finding that the HDZ had violated PECRR by leading an organised, orchestrated plan to register residents of Maglaj and Zavidovici for Zepce. Since none of the 230 appellants were able to present valid documentation to enable them to register to vote in Zepce, the EASC ordered that they be registered in the municipality where they resided in 1991. The EASC found the conduct of the HDZ, police and other local authorities in Zepce was "particularly offensive" in view of the fact that the same violations that had led the EASC to strike the first two names off the Zepce HDZ list in June had been re-committed (including bussing citizens of Maglaj and Zavidovici to the Zepce registration centre and providing them with falsified documents). The EASC decided to strike seven

more candidates from the Zepce HDZ list and the first name from the HDZ party lists in both Maglaj and Zavidovici. The EASC also censured and barred the president of HDZ Zepce from serving in any capacity related to the elections process due to the veiled threats he made against OSCE personnel and his overall misconduct during the registration process. The EASC ordered that its decisions be announced in print and broadcast media in Zepce, Maglaj, and Zavidovici for three consecutive days. Failure to comply with EASC decisions would result in further sanctions against HDZ in all three municipalities.

### **• Mostar**

The MEC referred a complaint of non-compliance against HTV Mostar to the EASC regarding the failure of HTV Mostar to implement MEC decisions, including one regarding the broadcast of an inflammatory speech by Marko Radic, former Commander of the Herceg-Bosna police department in Mostar. HTV Mostar openly defied at least four MEC rulings regarding compliance with PECRR for ethical and professional media standards. The EASC found that the HDZ party was responsible for broadcasting inflammatory language on HTV Mostar and had failed to ensure that MEC decisions were implemented. In addition HTV Mostar was found to be financially supported by, and affiliated with, the HDZ party. The EASC struck the first name off the HDZ party lists in three of the six Mostar city municipalities (South, Southwest, and West), ordered compliance with all previous MEC decisions within three days, and required HTV Mostar to broadcast a public statement for three consecutive nights following the decision. The EASC stated that non-implementation within the given time frame would result in the elimination of three more names from each of the lists, and that one name would be struck from the lists

for each day of non-compliance.

The EASC also denied seven individual appeals to register to vote in Brcko because the appellants failed to satisfy the necessary criteria

On 5 August RS President Plavsic signed an agreement requesting, on behalf of RS, that the OSCE "extend its Mission, and also that of the Provisional Election Commission on the basis of the provisions defined in Annex 3, until the end of 1997, to supervise the preparation and conduct of general elections for the Assembly of the Republika Srpska." The document further stated that "it is understood and agreed that the register of voters prepared for the elections for the municipal governing authorities in 1997 will be the register of voters applicable for elections for the Assembly of the Republika Srpska."

On 6 August the OHR informed the OSCE Chairman-in-Office of its view that such elections, to be fair and democratic, should be supervised by the OSCE and be conducted according to the rules and regulations adopted by the Provisional Election Commission. In an informal meeting held on 7 August Thursday in Vienna, the OSCE Standing Committee requested its mission in Bosnia to prepare a concept for the polls for the RS People's Assembly.

OSCE's Senior Deputy Head of Mission Richard Ellerkmann announced on 19 August that OSCE had devised a plan for supervising the forthcoming local elections and had formed a committee to supervise the implementation of election results. The committee, which will consist of one representative from the BiH Federation and one from the RS, aims to secure the functioning of elected local authorities following the elections.

## BiH Federation

The Federation Forum (FF) convened in Sarajevo on 20 August, under the co-chairmanship of the Senior Deputy HR, Ambassador Gerd Wagner, and Chief of US Mission, Robert Beecroft. The Federation leadership was represented by President Vladimir Soljic, Vice-President Ejup Ganic, Prime Minister Edhem Bicakcic, and several Ministers. Representatives from Herzegovina-Neretva and Sarajevo Cantons as well as from international organisations such as SFOR, IPTF, UNHCR also attended.

The FF discussed the issues of "Police and Legal System", "Return, Human Rights and Property Legislation", "Municipalities", "Establishment of Sarajevo City Council", "Amendments to Herzegovina-Neretva Canton Constitution", "Federation Ministries" and "Federation Flag". Following preliminary discussions, the FF divided into working groups to tackle the above-mentioned issues in depth. Intensive talks resulted in some major achievements:

**Police:** Restructuring of joint police forces in the Herzegovina-Neretva and Central Bosnia Cantons was on track, and would be completed by August 22. All police within the Federation would be integrated and restructured by 9 September.

**Return and Human Rights:** A program for the return of all refugees and DPs in the Central Bosnia Canton would be formulated and adopted by 25 August. OHR would convene a follow-up meeting on return to the Central Bosnia Canton, in particular to Jajce, on 27 August.

The President and Vice-President of the Federation would jointly and regularly visit municipalities which were experiencing difficulties, to promote the return of refugees and DPs.

The Federation Ombudsmen would open its office in Travnik on

25 August.

Of particular note, was the FF's commitment that the Parliament would consider and adopt the required changes to property laws in order to ensure that the basic right of return to pre-war homes was fully respected.

**Municipalities:** Amendments to the Constitution of the Sarajevo Canton would now be adopted and the City would be established immediately thereafter. Concerning the amendments to the Herzegovina-Neretva Canton Constitution, a meeting with the cantonal HDZ leadership in Mostar would be held in the in an attempt to consider Croat changes regarding the agreed text of 6 June.

Co-Chairmen of the FF insisted that competent authorities should define the Usora municipality boundary by 1 September. In this regard, Federation Prime Minister Bicaokic issued a decision on 21 August on the forming of a Commission for defining the boundary of the new municipality Usora. In case of inability to reach an agreement it is likely that OHR would be asked to provide an binding arbitration decision.

**Other issues:** The four Federation Ministries foreseen to be seated in Mostar would be functional by 1 September. The Federation flag must be displayed at every public building in the Federation, in accordance with the Law.

## Central Bank

Governor of the BiH Central Bank, Serge Robert, announced on 11 August that the Central Bank, adopted by the Parliamentary Assembly on June 20, had officially started to function. The principle task of Bank will be issuing of the new currency – the convertible mark (KM) – and to guarantee its convertibility into the German mark at the rate of 1 KM = 1 DEM. Due to the failure thus far of the Entities to agree on the currency design, the KM will not be used in circulation

but in monetary transactions.

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

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