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Republika Srpska – SRT Media

Following the seizure of four SRT transmitters on 1 October by SFOR at the request of the High Representative (HR), Mr. Westendorp outlined in a letter to Mr. Krajisnik, in his capacity as Chairman of the Board of Directors of SRT, a series of criteria for the restructuring of SRT. Acceptance by him of these criteria are a prerequisite for the return of broadcast programming from Pale. Currently the Banja Luka studio is sustaining the programming output for SRT during the period while the Pale studio access to the network is curtailed. Mr. Westendorp's letter outlined that his aim was to create a truly balanced and impartial public TV service network for RS. This would involve wholesale restructuring of SRT and would include the removal of all political party influence on programming. This would allow SRT to operate in a fashion consistent with western democratic standards and in

accordance with the spirit and letter of the Dayton Peace Agreement. The HR also pointed out that he intended to form a new regulatory commission which would be responsible for restructuring and licensing all the broadcast media in BiH. In this context, he was particularly concerned with the performance of HTV Mostar.

In a similar letter to RS President Plavsic, Ambassador Klein made it clear that democratic and pluralistic principles were to be applied to the whole network, including Banja Luka. The OHR also made it clear that it was essential, particularly in the run-up to any elections in the RS, that all political opinions were equitably represented.

Letters of response had been received from the RS Prime Minister, Mr. Klickovic, and Mr. Krajisnik's office objecting to the restructuring criteria laid down by the HR and the International Community. SRT in Pale will nonetheless continue to be disbanded from the network until the criteria have been accepted.

ICTY

The international community welcomed the voluntary surrender on 6 October of ten Bosnian Croats indicted for war crimes to the International Criminal Tribunal for the Former Yugoslavia (ICTY). The ten were indicted on 10 November 1995 as a result of an investigation by the ICTY Prosecutors Office into the "persecution of political racial and religious grounds of the Bosnian Muslim population in the Lasva valley region, Central Bosnia, in 1993". The indictees: Dario Kordic, Pero Skopljak, Ivan Santic, Mario Cerkez, Zoran Kupreskic, Mirjan Kupreskic, Vladimir Santic, Drago Josipovic, Marinko Katava, Dragan Papic – are charged in two separate indictments – "Kordic and others" and "Kupreskic and others". All ten indictees pleaded not guilty to the charges.

At a press conference on the day of the surrender, Spokesman

for the High Representative, Simon Haselock, said that the OHR welcomed the news adding, *"certainly in principle, we welcome the notion that people should voluntarily, or their governments themselves, should encourage these people to present themselves to the Hague, and therefore, in that context, we see this as a welcome and a progressive move forward"*.

Brcko

In his statement on 10 October Brcko Supervisor Ambassador Robert Farrand described the next steps forward following the 9 October Provisional Election Commission (PEC) certified results of the Brcko municipal elections. Ambassador Farrand congratulated the people of Brcko for their part in *"showing the world outside Brcko that [theirs was] indeed a community of mature people seeking democracy. A community capable of holding a critical election, at a sensitive time, in a crucial place and without giving in to threats, intimidation or violence"*. Because of this participation, things were already beginning to change for the better – *"the grip of one party rule and nationalist slogans on the politics of BiH was beginning to weaken"*. Now that the people had demonstrated their will in the elections, it was important to work together to implement the results of those elections. Ambassador Farrand underlined the importance of a municipal government based on the rule of law, under which the fundamental rights of all citizens were protected equally.

In reviewing the factors integral to the process of implementing the election results in Brcko, Ambassador Farrand reminded that: (1) the Arbitral panel (or tribunal) on the status of Brcko had handed down an award on 14 February '97 which established the position of the Supervisor for Brcko to supervise the Peace Agreement in the Brcko area; (2) the Arbitral Award had also adopted a series of orders and provisions to implement the Peace Agreement in Brcko, which

were final and binding on all Parties; (3) the Arbitral Award mandated that following the elections the Supervisor was *"to issue such regulations and orders as may be appropriate to enhance democratic government and a multi-ethnic administration in the Town of Brcko"*.

As a result, and in accordance with the Award, Ambassador Farrand announced that he had issued to all political leaders in Brcko the Supervisory Order on Multi-Ethnic Administration on the RS Municipality of Brcko, which states (summarised):

1. The Municipal Assembly of Brcko shall have a President, a Vice President and a Secretary. All three shall be of different nationalities.
2. Decisions of the Assembly will be taken by a simple majority. Decisions on issues of vital national interest shall require a qualified majority, including approval of at least half of the Assembly Members of each national group represented with a minimum of 5 percent of the Assembly seats.
3. The President of the Executive Board (the Mayor) shall have two deputies (Vice Presidents). The President and the Vice Presidents shall all three be of different nationalities.
4. The President of the Executive Board shall represent the Municipality of Brcko and shall administer its Municipal Administration. He/she will be assisted in his/her duties by the two Vice Presidents.
5. The President and Vice President of the Executive Board shall ensure that the staff composition of the municipal administration as well as that of those public services which are financed by the municipality shall reflect the composition of the population of the RS Municipality of Brcko, based on the voters registry and as reflected by the results of the municipal elections of September 13 and 14.
6. Finally, no referendum shall be called during the period

of supervision in Brcko.

A Supervisory Order on Judiciary was also issued which states that the composition of the judicial bodies of Brcko shall be based on the following provisions and principles:(summarised):

1. There shall be a President and a Vice President of the Basic Court (hereinafter: the Court) who shall be of different nationalities.
2. The President and the Vice President of the Court shall be appointed or reconfirmed by the President of the RS, as representing the RS as party to the Brcko dispute, in consultation with the RS Prime Minister and the Supervisor, within 30 days after the technical certification of the municipal elections. If the President of the RS fails to appoint the President and the Vice President within the given time frame, the Supervisor shall make the appointments.
3. The composition of the Court shall reflect the composition of the population of the RS Municipality of Brcko, based on the voters registry and as reflected by the results of the municipal elections.
4. The Municipality of Brcko shall have a Public Prosecutor and a Deputy Prosecutor who shall not be of the same nationality and shall be appointed according to the procedure established in para. 2 above. The Public Prosecutor shall be of a different nationality than the President and Vice-President of the Basic Court.
5. The Magistrates' Court of the Municipality of Brcko shall have three magistrates who shall all be of different nationalities, to be appointed in accordance with the para. 2 above.
6. Everyone shall have the right to be represented by any attorney of his/her choice, registered with a Bar Association within the territory of BiH.

Ambassador Farrand noted that an Order on Multi-Ethnic Police would follow in the coming days.

Peace Implementation Council

The Steering Board (SB) of the Peace Implementation Council (PIC) met in Brussels on 1 October chaired by HR Carlos Westendorp. Following the meeting, Mr. Westendorp and Principal Deputy Ambassador Jacques Paul Klein held a press conference to explain what had been discussed at the meeting. Mr. Westendorp said that the SB members had reiterated their support for the Post-election Implementation Plan endorsed at Sintra, whereby the responsibility for implementation lay with the parties and the local authorities, monitored by the local and regional election commissions. This short-term problem of election implementation was accompanied by a long term problem; that of the need for truly fair and free elections. In order to achieve this, the main parties could no longer be only mono-ethnic parties. Two primary issues which were needed for a democratic environment were restructuring of the police and the opening up of a free and fair media. The SB members also re-emphasised the need to establish a Permanent Election Commission. International involvement was also envisaged in election issues and essential democracy building for the foreseeable future. Mr. Westendorp said that the SB members supported the post-election establishment of multi-ethnic administration, police force and judiciary in Brcko. They also supported the Brcko Supervisor Ambassador Farrand in taking measures to ensure that the process of returns remained peaceful, phased and orderly. A conference would be held on Brcko later this month to inform Arbitrator Roberts Owen of the current situation. The conference would also consider specific economic revitalisation efforts for the Brcko region.

The SB members also studied the issue of conditionality which would be applied by the Economic Task Force, chaired by the OHR. There was a need for rapid and flexible funding to support political openings, such as breakthrough on minority returns in Central Bosnia. Funds would be allocated only to those who complied with the Peace Agreement.

The SB also supported the OHR approach concerning corruption, which Mr. Westendorp said was caused mainly by smuggling and the deviation of funds coming from internal taxation. A range of proposals for tackling this issue would be examined at the PIC Ministerial Meeting in December in Bonn. In principle, the idea was to establish an inter-agency task force composed of the OHR, other international organisations and the local authorities. This aims of this agency would be to ensure transparency and fight corruption, whilst at the same time reinforce the CFAO.

Concerning Sintra issues, Mr. Westendorp said that the SB members had noted progress in many areas, e.g. military matters, opening of the airports etc. however substantial non-compliance on issues, such as Citizenship and Passports, the design of currency and the flags and symbols, still existed. The SB agreed to examine further measures to ensure resolution of these issues at the PIC meeting in December.

Human Rights

The OHR Human Rights Coordination Centre (HRCC) Steering Board (SB) – which comprises OSCE, UNHCR, the UN Commissioner for Human Rights, UNMIBH, SFOR, ECMM, the European Commission and the Council of Europe – expressed concern on 8 October over the Sarajevo Cantonal Court's failure to meet minimum fair trail standards in the case of Ibrahim Djedovic. Mr. Djedovic was arrested on May 7th at the Federation Parliament in violation of his immunity. Since that time, he has been detained in the Sarajevo Central Prison. At the time of his arrest, Djedovic voiced his willingness to face proceedings in Sarajevo. A statement released by the OHR HRCC said that to date the proceedings against Mr. Djedovic had been "fundamentally flawed" and did not accord to basic standards set forth in the European Convention on Human Rights. The SB emphasised that the European Convention was directly incorporated into the law of BiH by its Constitution hence

this denial of Mr. Djedovic's rights violated both Bosnian law and international standards.

In detailing the violations, the statement said that Mr. Djedovic's right to legal counsel had been "grossly violated" – during the entire pre-trial phase Mr. Djedovic's lawyers had not been allowed to meet with their client privately and were forbidden from discussing the case with him. *"These restrictions eviscerate the right to counsel, leaving Mr. Djedovic virtually without legal representation"*, said the statement. In addition, a preliminary review of the pre-trial proceedings had revealed a disturbing tendency towards according collective guilt rather than addressing the individual responsibility of Mr. Djedovic for the crimes at issue. The SB also noted that the Cantonal Prosecutor's decision to press an indictment against Mr. Djedovic had been published in the local press before the Court received the indictment and had an opportunity to examine it, and before Mr. Djedovic or his lawyers were aware of the indictment. *"This manoeuvre raises questions as to the independence and impartiality of the prosecution of Mr. Djedovic, and concerns over whether this case will be tried in the press rather than in the Court"*, said the statement.

Noting that the capability and credibility of the Federation Court system was at stake, the SB called for the legal process against Djedovic to be discarded and his right his right to effective legal representation and a fair trail to be respected.

The UN Special Rapporteur for Human Rights, Elisabeth Rehn, expressed her *"concern with the recent decision of the House of Representatives of the BiH Parliament to elect Mr. Velibor Ostojic as the Chairman of the Commission for Human Rights, Emigration, Refugees and Asylum"*. International as well as local human rights groups, in addition to opposition political parties had protested the appointment alleging that Ostojic was responsible for much of the ethnic cleansing in eastern

BiH during the war. Ms. Rehn said she was *"seriously concerned that [his] appointment (…) would undermine the credibility of the Commission"*. Ms. Rehn suggested that necessary steps be taken to remedy the damage caused to the credibility of the newly established Human Rights Parliamentary Commission.

The Office of the Ombudsperson opened a new office in Travnik on 9 October. The Travnik office is the seventh to open in the Federation and another four are scheduled to open in Orasje, Capljina, Gorazde, and Siroki Brijeg by the end of 1997.

Council of Ministers

On 2 October the CoM met at the National Museum with Dr. Silajdzic chairing. Discussions on the draft Law on the Council of Ministers continued with no conclusive results. It was decided that the OHR would forward a revised version of the draft Law for the next Council session. The CoM approved a Finnish water project agreement, and the OHR was provided with three names for the Northern Border Commission.

Following a cancellation of the CoM session on 7 October, the CoM met again on 9 October in Lukavica under the chairmanship of Mr. Bosic. A breakthrough was made on the disputed draft Law on the Council of Ministers, which regulates the work of the CoM, when the CoM decided to forward the draft to the BiH Parliamentary Assembly. Significant progress was also achieved on the draft Law on Passports and Citizenship. The CoM also discussed matters of foreign trade, delegations to the London Club and talks on succession issues. Principal Deputy HR Klein was present at the session.

North Atlantic Council

The High Representative Carlos Westendorp met with NATO Secretary General Solana, and the North Atlantic Council (NAC) members in Brussels on 8 October. In his speech to the NAC, Mr. Westendorp mapped out three key strategic objectives which

he said underpinned his work as High Representative, these were: security and stability; democratisation; and economic and social reconstruction. Mr. Westendorp paid tribute to the success and importance of SFOR and its predecessor, IFOR, in maintaining the peace in BiH since the signing of the Peace Agreement, saying that there could be no civil implementation without their presence. Recent and robust action against the RS media by SFOR troops had provided a clear example of their operational importance in civil implementation. SFOR's importance had also been dramatically demonstrated in Prijedor in early July with the operation to arrest persons indicted for war crimes. Speaking about the elections, Mr. Westendorp said that they were *"only a first step"*, adding, *"implementation of results will be our real test and, looking into next year, to future elections, we will continue to search for greater pluralism in the governments and not a continuation of war by other means"*. Positive achievements noted by Mr. Westendorp included the recent agreement on the naming of Ambassadors and the establishment of the Standing Committee on Military Matters (SCMM).

Despite the progress accomplished so far, problems still remained. The functioning of the Joint Institutions were, *"still painfully cumbersome and ineffective"* and little progress had been shown in the democratisation of armed forces. In addition, the presence of old political leaderships, the stigma of corruption and the continued influence of certain war criminals still lent an *"unpleasant flavour to Bosnian politics"*, as well as placing significant obstacles in the way of lasting peace. The prospect of renewed violence was never far from the surface and stability was still far from assured. *"Democratisation has a long way to go before one can safely say it has truly taken root in a country with no political experience of its benefits. Until that day, our ultimate guarantee still remains that of an international umbrella of security and stability"*, said Mr. Westendorp.

Mr. Westendorp noted the recent progress in the economic and social reconstruction, such as the opening of bridges in northern RS, the establishment of the Department for Civil Aviation for BiH, and the forthcoming opening of civilian airports in Mostar, Tuzla and Banja Luka. However, to attract investment long term stability was needed, and the *"endemic corruption which permeates all levels of economic and political life in the region"* had to be tackled.

The role of UNMIBH / UN IPTF in the restructuring of RS special police was important in developing a legitimate police force with all of the accompanying social benefits this would bring. Much had been achieved on this issue, though much remained to be done. Much also still remained to be done for *"one of the most emotionally charged aspects to contemporary Bosnian life"* – the return of DPs and refugees to their former homes.

Focusing on the longer term security and stability questions, Mr. Westendorp said that there was a need to look ahead to beyond June '98 – to develop a longer term security strategy. In taking stock of the current situation Mr. Westendorp said he felt sure that forces would be needed after June '98 *"to keep former warring factions in check and to give people a clear message that there [would] be no new war"*. The force in Bosnia would, however, have to be both readily available and effective. *"Over the horizon is not a good solution for Bosnia's security … [this] would lead to an over the horizon International Community (IC) and Dayton cannot be implemented from such a position"*, said Mr. Westendorp, adding, *"The IC needs to be on the spot, in a secure environment, giving immediate treatment to Bosnia's pains"*. Mr. Westendorp said he could not imagine any organisation other than NATO, with its depth of experience and ability to deliver, providing the level of command and control of a peace-keeping force within BiH. *"The way the NATO Alliance protected Western Europe form aggression for 40 years, coupled with the responsible and*

effective manner in which it has embraced the former Eastern Bloc Countries, signposts its legitimacy and suitability for the task".

In addition to international involvement, Mr. Westendorp said that the Bosnian military political establishment would have to take on greater responsibilities for their own security. Central to this was the SCMM, which in the longer term had the potential to develop into an effective central instrument of security. In due course, the SCMM would also provide the main contact point between the IC and the Bosnian military authorities and would be the main forum for inter-Entity transparency, and perhaps ultimately, inter-regional security. In concluding, Mr. Westendorp emphasised that Dayton remained the focus. The IC needed to be confident in holding a steady course and above all, there had to be a secure environment in order to continue taking the implementation forward.

Right to Return

In an attempt to continue to prevail on the Central Bosnian municipalities of Bugojno, Gornji Vakuf and Prozor to open themselves up for returns and joint police, and as a tribute to the work begun in the area by Ambassador Wagner, OHR political and humanitarian/refugees representatives travelled on 25 September to these municipalities with Federation officials President Soljic, Vice-President Ganic, Refugee Minister Kadic and Deputy Minister Ljubic.

The OHR officials were encouraged with the extent to which Bugojno had opened to returns and stated that sanctions would be officially lifted as soon as the election results were implemented. Bugojno Mayor Mlaco was requested to find a solution to the question of housing for the Cantonal Police as a priority concern.

In Gornji Vakuf problems concerning the location of the Cantonal Police also existed, but it was stressed that, though

setting up of the joint police was vital, returns could not be conditioned by their establishment.

Following the visit to Prozor, Mr. Ganic concluded that there was a need to hold more meetings at the local level. Once local resources were exhausted it would be possible to convene another meeting with the Cantonal and Federal Refugee Ministries and OHR to speak about follow-up. Economic assistance would only be forthcoming if there was the needed political will to allow returns.

Speaking about the recent destruction of the mosque in Tomislavgrad OHR officials pointed out the nationality of the perpetrators was not important. This and similar acts in the Federation were criminal and terrorist acts which created a collective feeling of insecurity and distrust. It was up to the leadership to jointly demonstrate that acts of this kind would not impede positive developments in the Federation.

On 8 October it was agreed that returns would start under the Cantonal Return Plan in Novi Travnik. The agreement was signed by representatives of the local authority in the presence of representatives of the Federation Presidency, the Federal Ministry of Refugees, the Cantonal Prime Minister, the Cantonal Minister for Refugees and her Deputy, as well as representatives from the UNHCR and OHR. The first steps of the return will take place in Donja Trenica, Zubici, Ratanjska, Lazinbe and Donje Pecine. As envisaged in the Cantonal Return Plan, where people are able to return to these areas vacated apartments and houses will become available for the pre-war owners and holders of occupancy rights. In order to facilitate the return, an Information Centre will be established in the Municipality.

Looking Ahead

15 October:

Standing Committee on Military Matters (SCMM), Lukavica

November:

RS National Assembly elections scheduled

9-10 December:

Steering Board of the Peace Implementation Council meets in Bonn

See our Chronology for a full list of activities

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