# Transcript of the Press Conference in Mostar

**Avis Benes – OHR:**

Good afternoon ladies and gentlemen. Welcome to the press conference of the international organisations seated in Mostar. I apologize for the old-way arrangement, next time it will be the way we agreed.

On behalf of the OHR I have a couple of items.

Firstly, a short reminder of the negotiations which are taking place in Sarajevo. They started at 10.00 hrs this morning. It was not planned to continue today but the discussion yesterday was quite constructive and therefore negotiations continue today. The OHR thinks that yesterday was a relatively good day and that certain substantial progress has been achieved on some issues. As the High Representative stated himself, around 80% of the issues that were supposed to be agree on were agreed on. However, of course the remaining 20% is the percentage pertaining to the most difficult and the most sensitive issues. As you know yesterday Mr. Dodik of SNSD walked out of the negotiations. However, representative of his party, Mr. Branko Neskovic, Secretary General, is present at the negotiations today which means that SNSD did not completely walked out. Last time I spoke to Sarajevo, representative of SDA Mr. Tihic did not arrive. We have seen some of his statements, saying that SDA would walk out of the negotiations on the Constitutional changes. We regret this and it is pretty odd since he did not announce this departure. So the talks are this ongoing and the OHR hopes the SDA representatives would appear.

Second item I am going to tackle and I think it is interesting for all of you pertains to the OHR's position on yesterday's

resignation of the Bosniak Ministers in the Cantonal Government. In principle, what I have to say is the OHR's position and it will not require any further clarifications. Namely, yesterday upon their request Deputy High Representative Mr. Bercot has received Bosniak Ministers of the Cantonal Government, who wished to explain the reasons for their resignations. Deputy High Representative, Mr. Bercot, has expressed regrets over the collective resignation but it was decision of the Ministers themselves and neither the OHR nor the Deputy High Representative does want to interfere or give any further comments on that resignation. It is clear that important decisions in the Cantonal Government such as payment of salaries require two signatures. Article 25 of the Law on the Cantonal Ministers reads that – in all important issues in the competency of a Ministry, decision is to be taken by a Minister with consent of a Deputy Minister. Namely, if it is established that the documents are signed with only one signature and that the decision was one-sided, there is a clear violation of the law and procedure. The issue of resignation of one part of the Cantonal Government is something that the Cantonal Assembly will obviously have to deal with. One more clarification – Mr. Bercot has expressed regret, which has been interpreted in some media as if he expressed support to the decision. You will all agree that the difference between regret and support is substantial. There have also been some other interpretations of his position – he said that it was courageous decision but not more than that. That is all about this issue.

Another item, there will be no need for translation. It refers to our old topic – implementation of the property laws.

In light of the on-going implementation of property laws and legal evictions connected with that process, OHR South wants to again remind about the following facts:

Firstly, legal regulations are clear and should not be disputable for anyone: multiple occupants have no right to

continue to occupy other people's property, nor do they have any right to alternative accommodation.

Secondly, implementation of property laws is an obligation and a duty of municipal officials and local authorities and it is expected that they fully accept this responsibility. In this sense, OHR wants to express its satisfaction with the recent examples of professionalism demonstrated by housing authorities and police in the implementation of property laws.

Thirdly, Criminal Codes of both entities stipulate that obstructing an official in the execution of official duty is a punishable offence.

Fourthly, it is indeed regrettable that certain politicians turn cases of legal evictions into political issues. If political parties or politicians want to help in solving social problems, there are other ways to do so.

And finally, OHR expresses its concern over some examples of media manipulation with such issues. The media have an obligation to the public to portray a situation accurately, as well as to point out the legal basis for the procedures of municipal authorities.

It should be clear that the problem is not the law or the people who are simply implementing the law, which is the same throughout BiH. The problem is that many people trusted in those whose concept was to promote occupying other people's property as a long-term solution. Unfortunately, many individuals as well as responsible authorities have not done enough to prepare themselves for the present situation. However, OHR is satisfied that citizens of this country are increasingly understanding that the rule of law has to be implemented.

That's all on behalf of the OHR. I think that the OSCE's statement is linked to the last statement of the OHR.

**Ludvik Skoberne – OSCE:**

Good afternoon. I am going to read you the position of the OSCE referring to what Ms. Benes stated.

OSCE wishes to make the following statement concerning a recent article printed in Dnevni List.

An article by Ms Sandra Avmedovski was published by Dnevni List on March 15, 2002. The subject was the eviction of an illegal occupant of another BiH citizen's home. In it, the reporter wilfully misrepresented and distorted the comprehensive and factual information earlier provided her. By permitting Ms Avmedovski's piece to appear in his newspaper, Chief Editor Marko Markovic not only violated Art V (Accuracy and Fair Reporting) of the Press Code of this country, but also insulted the hard, patient, careful work of Municipality West's Housing, Social Welfare officers and the local police. The professional implementation of the Property Law by these municipal authorities contrasts starkly with Dnevni List's approach to the Press Code.

That would be all. Thank you.

**Avis Benes:**

Thank you Luka. Now I would like to give the floor to Dominique Orsini of UNHCR.

**Dominique Orsini – UNHCR:**

Good morning ladies and gentlemen. UNHCR has a fairly short statement this morning.

UNHCR strongly supports OSCE's statement regarding the article published in *Dnevni List*. According to the current property laws, evictions are not to be postponed. UNHCR also has had to

deal with difficult evictions in its area of responsibility. Although UNHCR is pleased with the progress made in implementing property laws in *Mostar Stari Grad*, a lot remains to be done. The efforts at co-ordinating the work of the various actors involved in property law implementation are starting to bear fruit. During the first half of March, three difficult and long-standing property cases were resolved. As a consequence, four families repossessed their property. In order to enforce these three decisions issued by the proper authorities, it was necessary to involve police forces, IPTF, social workers, emergency medical services and the MHO enforcement officers. This process will be repeated as often as necessary to enforce property laws. UNHCR is determined to see to it that all actors, local and international, play their role in implementing the current legislation on property, including the enforcement of decisions issued by the MHO.

Thank you very much.

**Avis Benes:**

Thank you Mr. Orsini, and now let’s give the floor to Kirsten of the UN.

**Kirsten Haupt – UN:**

Good morning. First I have to apologize I am not able today to provide you immediately with the translated version of my statement, but we will fax it to you right after the conference. In the meantime you have the English version at your disposal down below with the other documents.

First of all, I would love to follow Avis in some of the comments on the resignation of the Bosniak Ministers of the Cantonal Government.

In this connection it must be said that the fact that only the Croat police officers were paid their salaries yesterday was

one of the reasons that led to this resignation. UNMIBH continues to support equal, timely and regular payment of salaries. In addition UNMIBH cannot fully integrate the Ministry of Interior with separate funding sources paying for salaries and all other material expenses. Bearing this in mind, UNMIBH calls for the unification of the cantonal budget and treasury.

This above situation has also caused the Police Union to threaten with strike. While we understand the concerns of police officers who have not been paid for several months, it must also be clear that, despite the strike, security for the citizens must be assured. We sincerely hope that the citizen's wellbeing and their security will be taken in consideration.

Following, just some short remarks on this one subject that has also been touched by all of my colleagues. I am talking about the subject of evictions in general and in particular about the eviction of last Friday and the comments in the press about it. UNMIBH fully supports the statement that have been made here today by OSCE, UNHCR and OHR regarding last Friday's eviction which has been carried out in full accordance with the law. Thus, the comments by certain media and political organizations, namely Dnevni List and the Croat Christian Democrats, do not reflect the reality and rather distorted the situation. From the side of UNMIBH it can be said that the police handled the eviction correctly and displayed professionalism in the execution of their duties.

Lastly I want to inform you that already last week, on 15 March, the third part of UNMIBH's "Your Police Serving You" campaign, was launched across the country. This third part is entitled "Know Your Rights" and focuses on police detention. This campaign has been developed to raise public awareness about citizens' rights and obligations during a police investigation. The previous two parts of this campaign focused on domestic violence and on citizens' rights when stopped by the traffic police. 22 TV stations and 23 radio stations

across the country will broadcast a TV spot and a radio jingle from 15 to 27 March. The spots encourage citizens to learn more about this subject by directing them to collect a leaflet at their nearest police station. This comprehensive leaflet answers common questions about police powers and obligations with regard to detaining citizens during the course of an investigation. This is the leaflet I have it here with me, you can take a copy, this is going to be available these days at the police stations.

Thank you very much.

**Avis Benes:**

Thank you Kirsten. On part of SFOR today Maj. Lebrun has nothing particular to say but of course he is open for your questions as all others.

## Questions

**Q: Mirjana Simunovic (CR Herceg Bosna):** I have a question for gentlemen from UNHCR and OSCE. Excuse my language but I am personally disgusted with the press statement of UNHCR. 'According to the currently valid property laws, evictions cannot be postponed' – do you gentlemen really think that you can play with the lives of people and their destinies with your laws that you have imposed in this country? Do you really think that you can forcibly move people around? That is the impression I have. The property law implenentation has to the significant extent provided one nation with the possibility….

**A: Avis Benes:** Is there a question?

**Q: Mirjana Simunovic (CR Herceg Bosna):** These are all questions. I demand answers!

**A:** The question is if the property law implementation is for benefit of one nation? No, it is not. I can respond immediately..

**Q: Mirjana Simunovic (CR Herceg Bosna):** My qestion will come in the end. Allow me. If we were listening to all of you then you should listen to us too. A great number of apartments in this city have been returned to their owners, but they are closed and empty, nobody lives in them. So my question is related to the property law implementation – do you really think that you can play with the lives of people, and kick them off around?

**A: Dominique Orsini:** What is important to remember is what we are enforcing here is the right of people to return to their pre-war property. The objective of the property laws is to help people repossess the property they had before the war and that is what we are doing. I do not want to get into the details on what happens or does not happen, this is what we are doing – we are enforcing the right that people have to repossess their property and this is what the property law is aimed at.

**A: Ludvik Skoberne:** I would not like to have a polemics about the interpretation of the law. What the OSCE wants and supports is implementation of the law as it is. In that context, we do of course, support the local authorities who are implementing them. And one more thing – the law applies equally to everyone. As far as OSCE is concerned, I am not aware of the case when somebody has kicked somebody around.

**A: Avis Benes:** I hope this issue is claryfied.

**Q: Mirsad Behram (RTV Mostar):** A question for the OHR – after the resignations of Bosniak Ministers in the Cantonal Government does it mean that this Canton does not have its Government? How will this whole thing function? Will this lead to even stronger divisions?

A question for OHR and UN – media have reported that criminal charges have been pressed against 15 persons for tax evasion. The amount of 100 million KM was mentioned, the amount that certain companies allegedly failed to pay. We have tried to contact some offices, everybody is hiding, nobody wants to give names of the companies. Do you have any information about this case. I suppose you know which case I am referring to?

**A: Avis Benes:** As for your second questin, I do not have any information. As for your first question, I think it is very obvious and clear and that the OHR does not need to tell that to anybody, I think it is clear to everybody that the Governmment is at this very moment in a crisis, that the functioning of the Government is in some way blocked, and that it is an exceptionally worrying situation. We do expect that the necessity to resolve this pat position as soon as possible will be recognized soon.

**A: Kirsten Haupt:** Unfortunatelly, I cannot add much on your second question. I can only recommend you to contact the Public Affairs Office of the Ministry of Interior who should actually be the first address for that question.

**Q: Zvone Jukic (Onasa):** I have two questions. The first one refers to the payment of salaries. Since the payment of salaries was carried out on the basis of document with only one signature I would like to know if there is a possibility for criminal prosecution for abuse of position?

Secondly, referring to the Granit company in Jablanica – namely, an extraordinary session of the Municipal Council Jablanica was held yesterday, at which Enes Baljic, Head of the municipality, stated that takeover of Granit by the Cantonal authorities is introduction of criminal elements into this company and that there is a wish for this company to be given to one interest lobby in this Canton. What is the OHR position on this issue?

**A: Avis Benes:** As for the second question, the issue of Granit is currently being discussed by the Federation Supreme Court. In the line with that, OHR does not have any further comments on that.

As for your first question, criminal prosecution for yesterday's action – it is a possibility. I think that Article 53 of the Cantonal Constitution requires consent of the Cantonal Assembly. However, this is not the only way that can lead up to the criminal prosecution in principle. At this very moment this is all I can tell you. I can make inquiries in the Legal Department and let you know afterwards.

**Q: Denis Vila (RTV Mostar):** A question for OHR. Apart from expressing regrets, does the Head of OHR South, Mr. Bercot, has plans to undertake some concrete actions to resolve this issue, since it is obvious that the Ministers cannot agree on anything.

**A: Avis Benes:** OHR is following this situation and it is surely very, very interested in the resolution of this situation. As far as some further steps of the OHR are concerned or some that has already been publicly required from the OHR, at this moment we do not want to comment. If they happen, the public will be informed in timely fashion.

**Q: Denis Vila (RTV Mostar):** Does it mean that there are some or not?

**A: Avis Benes:** It means that at this very moment the OHR does not have a comment.

**Q: Denis Vila (RTV Mostar):** I am asking again – does it mean that the OHR has plans to do something but does not want to comment or does not have plans and therefore does not want to comment?

**A: Avis Benes:** This is rhetorics. I think the fact that the

OHR is interested in meeting with people who are relevant for the resolution of this question itself shows that the OHR is not passive.

**Q: Denis Vila (RTV Mostar):** I thought that there could have been something.