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Bosnia and Herzegovina:

Compliance with obligations and commitments and implementation of the post-accession co-operation programme

Document presented by the Secretary General

Third quarterly report

(November 2002-February 2003)
following a Secretariat mission to Bosnia and Herzegovina
(3 to 8 February 2003)

Executive summary

Democratic institutions: *BiH authorities and the people of BiH should be congratulated on the successful organisation of the 5 October elections. These elections have resulted in a complete reshuffling of political institutions in BiH (at State and Entities level) in conformity with the Constitutional provisions, which require equal participation of the 3 constituent peoples. The new authorities will have the necessary stability to undertake the required reforms on the way to a modern democratic State, which include honouring BiH commitments with the CoE. The capacities of the various layers of administration in BiH to undertake the necessary reforms will be assessed on the basis of future action.*

Human rights: *the mandate of the Dayton human rights institutions (in particular the Human Rights Chamber and Ombudsman Office) comes to an end on 31.12.03; clear solutions concerning successor institutions have still to be found. As regards the situation of refugees and IDPs, great progress has been achieved in the return of properties, but this has not resulted in a similar level of sustainable return of refugees and IDPs to their places of origin. Continued support of the international community is necessary to complete the return process based on the principle of free choice.*

Rule of law: *progress has been achieved in the setting up of BiH judicial system (establishing a State Ministry of Justice, creating the BiH Court, appointment of judges etc.). The entry into force of new criminal legislation should pave the way for a more efficient criminal justice system, particularly with regard to the fight against corruption and organised crime.*

TABLE OF CONTENTS

Executive summary

	Page
I. Introduction	3
II. Main conclusions and recommendations	3
A. Democratic institutions	3
B. Human rights	4
C. Rule of law	5
D. Education and civil society	5
E. Cooperation programmes	6
III. General political context	6
IV. Democratic institutions	8
A. State level	8
B. Entity level	9
C. Local democracy	9
D. Electoral legislation	10
V. Human rights	10
A. Accession to relevant human rights mechanisms	11
B. Cooperation with the ICTY	12
C. Human rights institutions	12
D. Return of refugees and IDPs	13
E. Minority protection	14
VI. Rule of law	15
A. Reform of the judiciary, police and fight against corruption and organised crime	15
B. Domestic legislation	16
VII. Education and civil society	17
A. Education	17
B. Civil society	19
C. BiH School of Politics	20
Appendix: programme of the mission of the Secretariat delegation	21
ADDENDUM: Principal Council of Europe texts and lists of commitments [to be issued as a separate document]	

I. INTRODUCTION

1. On 24 April 2002, Bosnia and Herzegovina (BiH) joined the Council of Europe (CoE) as the 44th member State. Accession of BiH to the CoE became possible following the adoption of Opinion No 234 (2002) of the Parliamentary Assembly of the Council of Europe, which lists a series of commitments to be met by BiH following its accession to the Organisation (see the Addendum to the present report).

2. This report is the third quarterly report prepared by the Secretariat following the Committee of Ministers decision of May 2002 mandating the Secretariat to provide the Committee of Ministers Rapporteur Group for Democratic Stability (GR-EDS) with quarterly progress reports on the honouring of commitments undertaken by BiH, as well as developments in the post-accession co-operation programmes (and their possible up-dating). The first two reports were presented in July [doc. SG/Inf(2002)27] and November 2002 [doc. SG/Inf(2002)40]. This report is based on the information gathered during a Secretariat mission to BiH which took place from 3 to 8 February 2003. During the visit, in addition to meetings in Sarajevo, the Secretariat delegation travelled to Banja Luka and Mostar. The report is also based on discussions with the High Representative for BiH and European Union Special Representative in BiH, Lord Paddy Ashdown, during his visit to Strasbourg on 28 January 2003.

3. The programme of the Secretariat delegation's visit is appended to this report.

4. The Secretariat delegation would like to express its gratitude to the Ministry of Foreign Affairs of BiH, and Ambassador Igor Gaon, Permanent Representative of BiH to the CoE, for their cooperation and the perfect arrangements for the visit. The Secretariat delegation greatly appreciated being allowed to meet the highest authorities in the country both at State and Entities level. This testifies to the importance attached by the BiH leadership to Council of Europe membership and the fulfilment of obligations accepted when BiH joined the Organisation. The staff of the Secretariat Sarajevo (and Mostar) office also greatly contributed to the success of the mission. At the end of the visit, the Ambassador of the Kingdom of Netherlands, on behalf of the Chairmanship of the CoE Committee of Ministers, organised a very useful meeting with representatives of CoE member States diplomatic missions in BiH.

II. MAIN CONCLUSIONS AND RECOMMENDATIONS

A. Democratic institutions

5. Following the 5 October 2002 elections, conduct of which was positively assessed by the international community, all new authorities (executive and legislative branches of power) at State and Entities level are now in place. These institutions with a 4-year mandate and clear majority have now all the political means to undertake the necessary reforms and to strengthen the process of ownership of responsibilities. It is on the basis of their future decisions and acts that the reformist capacity of the new authorities will be assessed.

6. The new political institutions have been established in accordance with the Constitutional amendments, which secure equitable participation of the three constituent peoples. It remains to be seen whether this participation of peoples, which are a minority in the respective Entities, will be purely formal or whether they will really take an active part in the political decision-making.

7. At State level, major progress has been achieved with the strengthening of the government (Council of Ministers). The creation of a State Ministry of Justice and the steps towards establishment of the judiciary at State level are also welcome.

8. The role and competences of the newly established Directorate of European Integration under the authority of the Prime Minister (Chairman of the Council of Ministers), will have to be examined in particular as regards its possible role in the implementation of commitments of BiH with the CoE. In this context, the recent changes in the structure of the Council of Ministers will necessitate close cooperation between the ministries, notably the Ministry of Human Rights and Refugees, the Ministry of Justice and the Prime Minister, in particular in the framework of the European Convention on Human Rights (ECHR) compatibility exercise.

9. Strengthening of state institutions must be accompanied by development of local democracy. The local authority situation is different in the two Entities, but in both cities and municipalities lack the financial resources to provide proper services to the population, in particular in economic development and creation of jobs. The accession of BiH to the European Charter of Local self-government (ECLSF) will offer the Congress of Local and Regional Authorities of Europe (CLRAE) an opportunity to assess local democracy in BiH.

10. In the Federation (FBiH) the superposition of 4 levels of administration with 4 different bureaucracies, which result from the Washington agreements, constitute an obstacle to any form of initiative and a heavy financial burden on already scarce resources.

11. The proposal for the creation of a 'Local Democracy Agency' in Mostar should be followed up with all necessary political and financial support.

B. Human rights

12. The mandate of the human rights institutions established by the Dayton Peace Agreements (in particular the Human Rights Chamber and the Ombudsman Office) with international participation will come to an end on 31.12.03. To date, no clear solution has been found for successor institutions. The situation is particularly delicate for the Human Rights Chamber and its backlog of 13.000 pending cases. Failure to find a proper solution this backlog will undermine the future of any Bosnian institution for the protection of human rights. The transfer of responsibility from the Human Rights Chamber to a Bosnian institution (most likely the Constitutional Court) should be accompanied by specific measures to deal with those pending cases. A political decision on the way forward needs to be taken as soon as possible so that the technical preparations for the transfer can be initiated forthwith. As regards the Ombudsman institutions, the possible merger, in the long-term, into one single pluri-ethnic institution should not result in reducing their effectiveness or accessibility. At present, and prior to any possible merger in the long term, the authorities should ensure that the human rights institutions are able to perform their functions independently and that their recommendations are acted upon.

13. Non-execution (or lack of consistency in the execution) of the decisions of the Human Rights Chamber and insufficient budgetary provision for compensation (in the State and Entities budgets) remain a major problem and could create great difficulties in the execution of future decisions of the European Court of Human rights.

14. The return of refugees and displaced persons (IDPs) is still progressing. However, the return of properties, which has significantly increased in recent years, does not necessarily result in actual return or in a sustainable return of refugees and displaced persons. Although the security situation has generally improved, the unfavourable social, economic and cultural conditions, remain major obstacles for those who still wish to return. The potentialities of a possible contribution from the CoE Development Bank (including BiH accession) to solving this problem could be further explored.

15. Cooperation with the Hague Tribunal (ICTY) should also improve. The continued presence of well-known persons indicted for serious crimes is detrimental to post-conflict normalisation and to confidence in human rights protection mechanisms and the rule of law.

C. Rule of law

16. Non-execution of court decisions and the continuing wide spread corruption undermine the authority of the judicial system.

17. Major steps were taken in 2002, in terms of institution building and legislative reform, towards reform of the judiciary. However, most of the reforms have been imposed by the High Representative and subsequently adopted by the BiH authorities. This illustrates the major role the international community still plays in the reform process and the need for BiH authorities to take ownership of their responsibilities as regards honouring the commitments undertaken upon accession to the CoE.

18. Much remains to be done at State and Entity level to complete this reform. At State level, the new Court, inaugurated on 28 January 2003, has still to become operational. As regards the Entities, they still have to harmonise their own criminal legislation with the new State Codes.

19. The appointment of all judges and prosecutors, at all levels, should be completed by the end of 2003. Training will be crucial for the functioning of the new judicial system. It remains to be seen whether the new judicial system will function properly and whether the independence and authority of the judiciary will be significantly strengthened.

20. Continued improvement of the criminal justice system will also be of the utmost importance in combating corruption and organised crime. Here the role of the newly certified police will be crucial and deserves appropriate attention. Reform of the penitentiary system will also be necessary.

D. Education and civil society

- Education

21. The draft State-level law on primary and secondary education, establishing a common core curriculum in BiH, has been finalised. It should be adopted as soon as possible in order to be implemented by September 2003. Complementary legislation at Entity level, and at cantonal level in the Federation, has still to be finalised and adopted. The common core curriculum laid down in the draft State law will provide the framework for revising and unifying the three separate curricula now in use in BiH and will be decisive in tackling segregation and discrimination in classrooms.

22. In higher education, it will be necessary to engage in a structural reform of the public governance of higher education BiH as a whole in order to secure that higher education qualifications are recognised from one Entity to the other or from one sub-Entity to the next, making international recognition possible.

- Civil society

23. The number of NGOs operating throughout BiH is limited and civil society remains weak and too often divided on an ethnic basis. Cases of harassment of NGOs, in particular human rights organisations, were reported. The development of a sound civil society is also hampered by the legal framework, in particular the fiscal regime governing NGOs, which should be reviewed.

24. The creation of a School of Politics (on the pattern of other schools in the region) in Sarajevo involving participants from both Entities is a positive development.

E. Cooperation Programmes

25. A Joint Programme has just been concluded with the European Commission to assist BiH in fulfilling its commitments and in developing democratic institutions. Activities foreseen in this programme focus on judicial reform, prison reform, training for legal professionals and education.

III. GENERAL POLITICAL CONTEXT

26. The visit by the Secretariat took place 4 months after the 5 October general elections and the period covered by the present report was dominated by the implementation of the results of the elections and setting up of the new political institutions at State and Entities level. During the visit, the delegation was able to meet most of these newly-established institutions: the three members of the State Presidency, the Chairman of the Council of Ministers, the Praesidium of the State Parliamentary Assembly (leadership of both the House of Representatives and the House of Peoples), the Presidents of the FBiH and of the RS as well as the Prime Minister and members of the Governments of both Entities. All these authorities, with the exception of the Government of the Federation of BiH, took office after the 5 October elections and will be in power for the next 4 years, on the basis of the mandate the elections gave them.

27. The new executive and legislative powers are in place for 4 years; they will have sufficient time for undertaking the necessary reforms. The question which many ask is whether the political forces which will dominate the State and Entities institutions will have the political will to undertake these reforms on the way to strengthened statehood and a fully functioning European democratic state.

28. At the time of the visit political debate was dominated by the question of introduction of VAT and setting up a common customs service for BiH. This is a vital issue for the sustainability of BiH State institutions. With the creation of a single economic space and a common customs authority, the State institutions will for the first time, have resources of their own and will no longer entirely depend on contributions from the Entities. This explains the fierce debate on this issue, in particular in RS, which insists on maintaining as large fiscal autonomy as possible. Whilst not directly connected with the commitments undertaken when joining the CoE, this debate is of great importance for the development of BiH Statehood and reinforcement of the central institutions which are one of the main strategic objectives of BiH membership of the CoE. It is to be hoped that VAT and a common customs service will be introduced by the authorities of Bosnia and Herzegovina themselves rather than imposed by the High Representative.

29. The VAT and customs issues are symptomatic of the reform process in BiH, whereby the inability of the BiH authorities to take decisions rapidly results in the international community (through the High Representative) imposing reforms. Many local interlocutors both at State and Entities levels have expressed frustration and complaints about the constant intervention by the international community and the imposition of decisions by the High Representative. At the same time, the High Representative clearly reiterated when visiting the Council of Europe his intention to limit the use of his "Bonn powers" and to progressively transfer responsibilities to the local authorities. However, the local authorities at State and Entities level must show their willingness and capacity to take decisions and assume their responsibilities. All too often BiH authorities give the impression that they are not able to decide and prefer to leave the responsibility to take –sometimes unpopular– decisions to the High Representative.

30. The difficulties for BiH authorities (State and Entities levels) of adopting timely decisions could create a problem when it comes to the fulfilment of commitments with the CoE. In the pre-accession period, a majority of the pre-accession commitments were in fact imposed by the High Representative. Will the situation be the same with the post-accession commitments? If the Bosnian authorities at State and Entities level are not able to carry out reforms efficiently, the High Representative might be obliged to impose measures regarding some of these major commitments. This was already the case with the State Criminal Code and the Code of Criminal Procedure which were imposed by the High Representative on 25 January 2003; the same could apply to the necessary harmonisation of the Entities' codes with the newly-enforced State Code. The process of ownership of responsibilities by the BiH authorities is indispensable if achievements are not to be lost when the international community hands over its responsibilities to the Bosnian institutions.

31. On the other hand, some progress was noticed on the way to ownership and capacity to take decisions by the Bosnian institutions. In this context, at the time of the Secretariat visit, the Council of Ministers agreed on a draft law on ministries which the BiH Parliament adopted under accelerated procedure. However, the mere fact that the adoption of this law by the competent national authorities was considered a major achievement is eloquent testimony that a properly functioning modern democratic system in BiH is still some way off.

32. In relation to the High Representative's political priority of "jobs and justice", at the time of the visit many interlocutors (both national and international) were concerned with the feasibility study to be prepared for a possible future Association and Partnership Agreement with the European Union. Bearing in mind the disastrous economic and social situation in the country, the negotiation of such an agreement with the EC is of vital importance. However, the political and legal prerequisites for such an agreement should not be underestimated. In this context, meeting of the commitments undertaken by BiH when joining the CoE is of prime importance.

33. The High Representative, rightly, linked promotion of an independent and properly functioning judiciary with economic development and creation of jobs. Negotiating an Association and Partnership Agreement with the EC and the promotion of a sound economy depend on a legal and judicial environment favourable to foreign investment.

34. In this context some progress has been registered recently, notably with the creation of a Ministry of Justice at State level, the setting up of the Court of BiH and the process of selection and appointment of judges. However, the problem of non-execution of Court decisions remains a serious obstacle to a properly functioning judicial system respectful of the rule of law and as such an obstacle to investment and proper economic development.

35. The absence of any specific reference to human rights in the 'jobs and justice' slogan of the High Representative has been interpreted by many to mean that the protection of individual rights is a lower priority. The promotion of a more efficient and independent judicial system is certainly a direct contribution to the protection of human rights. However, there are many factors point to a lesser priority for human rights in the present political situation in BiH. To mention a few: the lack of progress in the cooperation with the Hague ICTY and impunity of war criminals; the uncertainties about the human rights institutions established by the Dayton Agreements (Annex VI) [Human Rights Chamber and Ombudsman Office] whose mandate finishes at the end of this year; absence of any specific reference to human rights in the terms of reference of the European Union Police Mission (EUPM) which replaced IPTF on 1 January 2003 and the pressure from some parts of the international community to close the process of returns of refugees and IDPs.

36. All these elements underline the high importance of BiH membership of the Council of Europe and the need for full, proper implementation of its commitments. All interlocutors (national and international) welcomed the opportunities offered by BiH membership and the obligations linked to it, as well as the importance and quality of the cooperation established between the CoE and all institutions active in the country. All agreed that inviting BiH to join the CoE was the right political decision; but at the same time, all interlocutors considered that a lot remained to be done if all the benefits of that decision were to be realised and BiH was to become a fully active member of the Organisation, respectful of its Statutory and specific obligations.

IV. DEMOCRATIC INSTITUTIONS

37. The period covered by the present report - the 4 months following the successfully organised 5 October elections - was primarily concerned with setting-up new institutions at all levels. The cornerstone of this institution-building effort has been the increased stability conferred by the 4-year mandate resulting from the elections, together with participation of representatives of the three constituent peoples in all institutions at State and Entities level.

A. State level

38. At the level of BiH, the main advance is the strengthening of the Government with the appointment of a non-rotating Prime Minister and the increased number of State ministries. With a 4-year mandate the newly-appointed Prime Minister will have increased authority to undertake the necessary reforms. The new Directorate for European Integration, replacing the largely powerless Ministry for European Integration will also contribute to establish the authority and influence of the Chairman of the Council of Ministers. However, it should be noted that during its visit the Secretariat delegation failed to get clear information on the exact competences and resources (human and financial) of the Directorate, which potentially has a very important bearing on future relations between BiH and the different European institutions. It was not clear in particular whether the Directorate will have specific responsibility for meeting the commitments with the CoE. Bearing in mind the very close links between institutional and legal commitments on the one hand and the prospects for future economic integration, the Directorate should also oversee meeting the obligations resulting from CoE membership.

39. Another important development is the creation of the first State Ministry of Justice, which, combined with the setting up of the BiH Court represents a start on establishing a judicial power at State level. The exact competences of this newly-created Ministry of Justice and its relations with the Ministry of Human Rights and Refugees, remain to be clarified.

40. Another undeniable advance concerns the structure of the ministries. Previously each Minister had two Deputies representing the other constituent peoples; now each Ministry has only one Deputy Minister. This constitutes progress in terms of coherence of ministries' policies. A first positive decision was the adoption by the Government (and subsequently by the Parliament) of the law on ministries which lays down the responsibilities of each ministry.

41. However the crucial test for the strengthening of State institutions and the capacity to develop will be the adoption of VAT and the introduction of one single customs office. As long as State institutions and their budget depend entirely from subsidies from the Entities they will not be able to develop or to secure their authority. The strategic importance of this decision certainly explains the fierce debate and opposition registered at Entities level.

B. Entities level

42. While the delegation was able to meet with the newly appointed Government of the Republika Srpska, including the Prime Minister and Ministers of Education and Justice, the new Federation Government had not been formed and the delegation met with the outgoing Prime Minister and members of his Government.

43. An important issue in the constitution of the new Entities Governments was implementation of the Constitutional amendments requiring proper participation of representatives of the three constituent peoples in all institutions. The new RS Government respects the constitutional provisions and the three constituent peoples are represented in the Government. However, it remains to be seen whether the newly acquired multi-ethnic character of the government will result in the active participation of all in the political debate and decision making.

44. In the Federation BiH, at the time of the visit, the situation was more confused. The appointment of the new Prime Minister was a very delicate issue. In the light of the results of the 5 October elections, the FBiH Prime Minister should normally be a member of the SDA majority, i.e. a Bosniak. However, the appointment of the Prime Minister should respect the constitutional provision that 6 major functions (Prime Minister, President of each Chambers of FBiH Parliament, President of the Constitutional Court, President of the Supreme Court and Prosecutor General) should be distributed equally amongst representatives of the 3 constituent peoples. The problem was that two of these positions (Chairman of the Supreme Court and Prosecutor General) were already occupied by Bosniaks. Hence the difficulty in appointing a Prime Minister from the SDA majority. At the time of the visit, the delegation was informed that the appointment of the President of the Supreme Court (who had been nominated by the High Judicial Council for a 6-year term of office) was being reviewed to allow appointment of a Prime Minister representing the Bosniak nationality. In the meantime, a Federation Prime Minister has been appointed, whilst the President of the Supreme Court remained in place. All 6 posts are filled at present, but everybody is aware that further negotiations to meet the constitutional provisions will have to follow shortly.

C. Local democracy

45. BiH ratified the European Charter of Local Self-Government (ECLSG) in July 2002 and the Congress of Local and regional authorities of Europe (CLRAE) will monitor implementation of the Charter by BiH. As a result of the Washington-Dayton constitutional structure of BiH, the position regarding local self-government is very different in the two Entities: very centralised in RS, extremely decentralised (even fragmented) in FBiH.

46. In RS, the main question in local self-government is the financial resources of the municipalities. The main source of revenues of RS municipalities is subsidies from the Entity level; local revenue and taxation are practically non-existent. This is a matter which will require attention in the context of CLRAE monitoring of the ECLSG. The RS government has requested CoE expert advice in the revision of the present law on local self-government. A formal request with the text to be analysed by CoE expert should reach the CoE in the near future.

47. The situation is radically different in the FBiH. As a result of the Washington agreements, FBiH is structured with 4 levels of administration: Entities level (FBiH), 10 cantons, cities and municipalities. Product of the war, the 10 cantons are still today the more powerful level of self-government in FBiH. The existence of 4 levels of administration with 4 layers of responsibility and a hierarchy of 4 bureaucracies is certainly not the most efficient structure of government. Streamlining of the administrative structure of FBiH is unavoidable for proper economic and social development of the Entity. However, is it possible to undertake such

a reform, in the context of the present constitutional arrangements resulting from the Washington agreements? In any case a reform of the administrative structure of FBiH would certainly meet with serious opposition, as it could affect political and personal interests .

48. The city of Mostar is a good illustration of the present situation. It straddles the river Neretva and is composed of 6 municipalities (3 for East Mostar and 3 for West Mostar) which in spite of some returns of IDPs remain largely divided along ethnic lines. Most powers and financial resources are in the hands of the municipalities and the City - the only pluri-ethnic level - is totally dependant on subsidies provided by the 6 municipalities. This situation is not conducive to reunification of the City and restoration of its pluri-ethnic character. However different factors point towards a more optimism. The reconstruction of the Old Bridge which should be completed in early 2004 is more than symbolic. The security situation in the City has greatly improved; peoples do not hesitate to cross the river and exchanges between East and West Mostar are developing. Still insufficient movement of returns of IDPs has been registered. However, the progress towards restoration of a pluri-ethnic united Mostar is still very fragile. During the meeting with the Mayor and the Deputy Mayor (a Croat and a Bosniak), it was agreed that the CoE would now officially launch the project for the creation of a Local Democracy Agency (LDA) for Mostar, a project which failed a few years ago due to insistence on two separate LDAs, one for each side of the river. This agreement, which constituted a very significant and symbolic breakthrough in the reunification of the City, was announced to the press immediately after the meeting. However, a few days later the Deputy Mayor resigned from his functions; there have been various interpretations of his resignation. The delegation expects that all parties in Mostar will continue to support the agreement on setting up an LDA for a united Mostar.

49. During the visit to Mostar the Secretariat delegation received contradictory information on several issues raised – evidence of very different analyses of the situation. This testifies to a certain lack of communication between the local authorities and representatives of the international community which might be indicative of a general problem in BiH.

D. Electoral legislation

50. The review of electoral legislation has not started yet. However, several interlocutors underlined that the current legislation needs amending and requested the assistance of the Venice Commission in that connection. The Secretariat delegation underlined that this review must produce results and lead to the adoption of new electoral legislation well before next elections. Initial contacts have been made with the Parliament in this matter.

V. HUMAN RIGHTS

51. The human rights situation is rather uneven. Since BiH's accession to the CoE in April 2002, including in recent months, significant progress has been achieved in certain areas - in particular property rights' implementation and the return of refugees and IDPs- while in others (such as execution of courts' decisions, human trafficking, and the social situation), things have not improved or have even deteriorated. The decrease in execution of human rights institutions' decisions since last summer gives rise to particular concern. Several interlocutors also stated that there is a growing perception in BiH that human rights are no longer a top priority. This would be most regrettable and the CoE can only express its concern regarding developments which could, if confirmed, jeopardize effective, lasting measures to honour of commitments undertaken when joining the Organisation.

A. Accession to relevant human rights mechanisms

52. The ECHR and Protocols Nos 1, 4, 6 and 7 were ratified on 12 July 2002. Protocols 12 and 13 were signed but not ratified. The selection of 3 candidates for the post of BiH Judge at the Strasbourg Court is in process. The Launching Conference of the compatibility exercise of all legislation with the ECHR was held in Sarajevo 12-13 December 2002. The conference was well attended by representatives from the highest judicial levels and governmental authorities in BiH. The conference will be followed by a study of legislation in BiH and its compliance with the ECHR.

53. Recent changes in the structure of the BiH Council of Ministers will necessitate continued and close cooperation between ministries, in particular the Ministry of Human Rights and Refugees (MHRR), the Ministry of Justice, the Prime Minister who is, notably, responsible for the Directorate for European Integration. This cooperation, which will have to include the Government Agent, when appointed, is of particular importance for the compatibility exercise, under the competence of the MHRR. The OHR is also expected to take due account of this compatibility exercise when proposing or imposing legislation.

54. Another issue still under consideration concerns the creation of an Office of Government Agent to the European Court of Human Rights and the nomination to this post; the CoE has provided the authorities with information on the role and function of a Government Agent and various options have been under discussion since May 2002 (currently the bodies involved are the Ministry of Human Rights and Refugees, Ministry of Justice, Directorate for European Integration, and the Ministry of Foreign Affairs) but no decision has yet been taken.

55. Following the ratification of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on 12 July 2002, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) will carry out its first periodic visit to BiH this year. An information seminar will be organised in Sarajevo on 27 and 28 March 2003.

56. The first information seminar on the revised European Social Charter for State and Entity parliamentarians and officials will take place in Sarajevo, on 19 and 20 March 2003. This meeting will allow BiH to receive all the information necessary to sign and ratify the revised Charter.

B. Cooperation with the Hague Tribunal (ICTY)

57. In December 2002, the former President of RS, Mrs Plavsic, pleaded guilty to crimes against humanity. She was subsequently sentenced to 11 years' imprisonment. In BiH, the continued presence of well-known persons indicted for serious crimes is an obstacle to post-conflict normalisation process. At the end of last year, Lord Ashdown and C. Del Ponte urged the authorities to cooperate and to arrest suspected war criminals. During the CoE secretariat visit, when asked about the latest developments in cooperation with the ICTY, the RS interlocutors referred to the statement made by the RS Prime Minister on the occasion of the recent visit of the US special envoy for war crime issues, Mr Prosper. As concerns setting up of a war crimes chamber at State level, Lord Ashdown considers that giving BiH a proper domestic capacity to try its own war criminals is one of the key steps to building a self-sustaining, stable state. OHR and ICTY experts' discussions on this started this year. However, none of the institutional, legal and financial aspects of such a transfer have been resolved, although it is clear for example that there is no secure prison facility with a capacity to house suspected or convicted war criminals.

C. Human rights institutions

58. The mandate of specific human rights protection bodies at State level set up by the Dayton Agreement - the Commission on Human Rights (composed of the Human Rights Chamber and the Ombudsman Office) and the Commission for real Property Claims (CRPC) – will end on 31 December 2003. The transfer of responsibilities to the domestic authorities, which cannot be dissociated from the solution to the problem of the backlog of the Human Rights Chamber, and the structural changes this will need are therefore the major issues this year and has dominated many discussions during the Secretariat delegation visit. This transfer should be another important step in the ownership and State-building process.

i. Human Rights Chamber and Constitutional Court

59. Non-execution or the lack of consistency in the implementation of the decisions of the Human Rights Chamber were raised on several occasions during the visit. In fact, the rate of execution has fallen since the accession of BiH to the CoE and, in particular since last summer. The delegation was also informed that the Federation authorities have apparently offered applicants, who have received decisions from the Human Rights Chamber immediate payment, but less than they are entitled to, and on condition that they waive their right to full compensation.

60. The resolution of some of the Chamber's leading decisions could clear the way to dealing with substantial numbers of outstanding cases and reduce the Chamber's backlog. But, first of all, execution of decisions is vital to uphold the authority of the judiciary. Bearing in mind future judgements of the European Court of Human Rights, this issue needs to be followed up more vigorously with the State and Entity authorities. Rapid and significant progress is necessary.

61. The merger of the Human Rights Chamber and Constitutional Court is one of the BiH commitments. However, as neither the Chamber nor the Constitutional Court is in favour of a merger there has been little headway in preparing the ground since May 2002. The OSCE has now put forward a paper for endorsement by the international community and national authorities which proposes a framework for merger while presenting the alternative proposal from the Chamber that the Chamber becomes a permanent national institution after December 2003.

62. The CoE maintains that the most appropriate solution would be a transfer of competences (merger) from the Human Rights Chamber to the Constitutional Court. Further, it believes that a political decision on the way forward needs to be taken as soon as possible so that the technical preparations for the transfer can be initiated forthwith. Whatever the solution finally adopted, a serious problem will remain to be solved - the backlog of 13.000 unresolved cases, since any transfer of these cases to a national institution, without all appropriate measures, could result in a blockage of the system. The OSCE has announced its intention to involve the Venice Commission in assisting the Constitutional Court in adapting to its new task and in particular in dealing with the backlog of cases.

63. As regards the Constitutional Court, it is most unfortunate that it has still not been constituted (there are still 2 Serb members missing). Nevertheless, the appointed members and the registry are acutely aware of the need to consider switching to a court in permanent session and revising the Rules of Procedures as necessary, in particular if the Constitutional Court were to take on the functions performed up to now by the Human Rights Chamber. This may require re-evaluating the role of the international judges or even appointing new ones, given that they were appointed on the basis of sessions every 4-6 weeks.

64. On all these various questions the CoE is available to provide its technical expertise, possibly in the form of a round table involving all interested parties; the experience and know-how gained by the CoE through the creation of the single European Court of Human Rights should be utilised. However, the CoE believes such assistance would only be meaningful once a political decision has been taken by the authorities of BiH on the transfer of competencies (merger) between the two institutions.

ii. Ombudsman institutions

65. At present, there is an Ombudsman Office at State level and multi-ethnic institutions at Entity level. In the RS, the three Ombudsmen indicated that their budget for 2003 is inadequate and called for additional support.

66. Contrary to the opinion expressed by the State Ombudsman, all Entity Ombudsmen stressed that the time is not ripe for establishing a single unified human rights ombudsman's office at State level. Much remains to be done to improve the situation regarding human rights in BiH and there would be no popular confidence in a unified State organ. Offering efficient and concrete assistance to BiH citizens, they consider that their institution should be allowed to continue its work beyond 2003. However, "in the long term" (as specified by the Venice Commission), there could be a unified institution. They believe that this future institution could be modelled on the Spanish one.

67. At present, and prior to any possible merger in the long term, the authorities should ensure that the human rights institutions are able to perform their functions independently and that their recommendations are acted upon.

iii. The Commission for Real Property Claims (CRPC) and property law implementation

68. The CRPC will cease to exist at the end of the year. Its competences will be transferred to domestic authorities which also presupposes the merging of databases. The State will have to monitor implementation of decisions. Such a transfer also supposes that the national institutions, in particular at State level, have appropriate capability to take over .

69. According to international organisations (OHR, UNHCR, OSCE, CRPC and UNMIBH), property law implementation reached 69 % as of the end of 2002 throughout BiH. While some municipalities have resolved all their property cases (or soon will), others, including larger towns and cities, are lagging behind (as Sarajevo and Banja Luka, for instance). According to the New Strategic Direction endorsed by the Peace Implementation Council on 30 January 2003, all property claims are to be resolved by the end of 2003.

D. Return of refugees and IDPs

70. Real and tangible progress in the return of refugees and IDPs has been achieved: according to UNHCR, some 907 000 former refugees and IDPs have returned, including some 367 000 minority-returnees (out of an estimated 2 millions persons).

71. The return of property has also significantly increased. However, property law implementation and repossession of property do not always equate with actual return of refugees and IDPs or sustainable return based on the principle of free choice. Many refugees and IDPs get their property back and sell it instead of inhabiting it.

72. The education system (with different curricula), discriminatory access to utilities, healthcare, pensions and depressed economic conditions (with lack of job opportunities) were still mentioned by international bodies, local NGOs, refugees and IDPs themselves as major obstacles

to return. In addition, the Association of Refugees and Displaced Persons in BiH underlined that there is a new trend of returnees now leaving once more the places they returned to because of poor prospects.

73. The security situation has considerably improved but NGOs still report cases of intimidation of 'minority' returnees. They also reported that some local authorities, especially in the RS, are pressing refugees and IDPs to stay on so that the ethnic majority outnumbers returnees. Unlawful distribution of land and illegal construction of housing were also mentioned.

74. Authorities throughout BiH should support the return process and decisions on property should be fully implemented. Political, social, economic and cultural conditions conducive to voluntary return and harmonious reintegration of refugees and IDPs without preference for a particular group, remain to be established. The use of funds for the return of refugees and IDPs should be made transparent and NGOs should be given a statutory right to oversee the use of these funds.

75. The international community should also continue to support returns (housing reconstruction and economic sustainability). In this context, the potentially very significant contribution of the CoE Development Bank was stressed by several interlocutors (national and international), provided a solution is found to the question of the accession of BiH to the Bank.

76. A CoE contribution towards training in ECHR protection of refugees, for staff of the Ministry of Human Rights and Refugees, Entity ministries of the interior, the state border service and the state court is being planned in cooperation with UNHCR.

E. Minority protection

77. The MHRR informed the Secretariat delegation that the State report on the implementation of the Framework Convention for the Protection of National Minorities which was due on 1st of June 2001, might be submitted by the end of March 2003. In this connection, the Deputy Minister for Foreign Affairs also indicated that they would need assistance and 'know-how' in the drafting of State reports on the implementation of conventions.

78. The full cooperation of the Entities in providing the relevant data for this reporting mechanism will be of the utmost importance.

79. The Secretariat delegation was also informed that the State Parliament is facing procedural difficulties with the Law on national minorities since the law adopted by the House of Peoples differs from the law adopted by the House of Representatives. CoE assistance was offered with respect to the content of the law.

80. At its first session, the Council of Ministers was reportedly provided with information on the Advisory Council on Roma established last year following a series of meetings organised under the Joint CoE/EC/OSCE-ODIHR Project "Roma under the Stability Pact". This new body will draw up a national programme for Roma.

VI. RULE OF LAW

A. Reform of the judiciary, of the police and fight against corruption and organised crime

i. *Judiciary*

81. The lack of execution of court decisions and the wide spread corruption undermine the judicial system.

82. Major steps were taken in 2002 and at the beginning of this year to reform the judiciary, both in terms of institutions (i.e. establishment of Judicial and Prosecutorial Councils at State and Entity level, of Judicial Training Centres, restructuring of the court system) and legislation (e.g. reform of Criminal and Civil Codes and procedural codes). However, most of this new legislation was imposed by the High Representative.

83. In January 2003, to help BiH fight organised crime and corruption and to accelerate judicial reform, the High Representative imposed the BiH Criminal Code, the Criminal Procedure Code, laws on witness protection and the BiH Judicial Police, amendments to the BiH Law on Prosecutors Offices and the Law on the BiH Court. This legislation will also allow the BiH Court, which was inaugurated in January, to begin its work. Entities' legislation must now be harmonised accordingly. In this context, the Secretariat delegation was informed that the RS authorities were preparing the law on harmonisation of the RS Criminal Procedure Code with the newly-adopted State Code. This law was to be presented to RS Parliament before the summer 2003. When meeting a representative of the OHR in Banja Luka, the Secretariat delegation was informed that such a law was also in preparation by the OHR services and would most likely be imposed in the next few days, in order to be in force by 1 March 2003. This is only one example of the complexity of the legislative process in BiH and of a certain lack of coordination between local authorities and the international community.

84. The appointment of judges and prosecutors at all levels should be completed by the end of 2003. Reform of the Civil Codes, Codes of Civil Procedure and laws on the executions of decisions is still in progress. The CoE is ready to provide assistance in finalising the texts and providing the necessary training.

ii. *Police reform*

85. The mandate of the United Nations Mission in Bosnia-Herzegovina (UNMIBH) terminated in December 2002. UNMIBH has established multi-ethnic and certified police forces together with inter-entity and inter-cantonal police cooperation machinery. Police academies have also been institutionalised and independent Police Commissioners are now heading police administration throughout BiH. Deployment of the State Border Service has also been completed. However, in December 2002, Ambassador Klein reported that the funding of fundamental crime-fighting institutions, crucial to the security and stability of the country and the region, must be addressed.

86. On 1 January 2003, a European Union Police Mission (EUPM) took over from the UN Police Task Force. The EUPM will concentrate on the fight against organised crime, corruption and trafficking. A mechanism was established to allow EUPM to recommend dismissal of police officers, officials or their superiors, found to be acting outside the Dayton Agreement.

87. Given that EUPM will be providing training for local police, the CoE could play a leading role in terms of human-rights training at the Police Academies. A fact-finding mission

(planned for March 2003) could assess the current situation and draw up a more detailed plan for meeting training needs.

88. With respect to respect of human rights by law enforcement officials, NGOs, during the secretariat's visit, insisted on the need to have some kind of monitoring of the police at local level.

iii. *Fight against corruption and organised crime*

89. Fight against corruption and organised crime is closely linked to the recent restructuring of the judiciary, the new penal codes and the police reform. Specialised judges, prosecutors and police forces as well as better cooperation between Entities and State institutions will also be essential. Following its visit to BiH in July last year, GRECO report on corruption will put forward concrete recommendations.

90. A trafficking network has flourished in BiH. The BiH authorities should provide witness protection and assistance to trafficking victims, as part of the drive to arrest and prosecute traffickers.

91. CoE could provide assistance through its cooperation programme, in particular the *PACO* programme. The *Lara* programme (fight against trafficking in south-eastern Europe) could also provide expert assistance.

iv. *Penitentiary reforms*

92. The lack of penitentiary institutions at State level and overcrowding in Entities' penitentiary institutions were also frequently underlined during the visit. This problem should receive greater priority within the international community. The CoE assistance programmes will be enhanced by the new Joint Programme with the European Commission, and the CoE-chaired Joint Steering Group on Prison Reform should be able to step up its actions on the ground, particularly in the area of training. Following BiH accession to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, a first visit by the European Committee for the Prevention of Torture (CPT) will take place in 2003.

B. *Domestic legislation*

i. *Immigration and asylum*

93. The 1999 Law on Immigration and Asylum is still in force. The CoE will work with the UN, OHCHR and UNHCR, as well as the Ministry for Human Rights and Refugees on a revised draft law 'on movement and residence of foreigners', to replace the 1999 law. The revised law should be ready by end of April 2003. The law on ministries also needs revising to clarify and streamline the division of responsibilities between the various ministries concerning immigration and asylum.

ii. *Citizenship*

94. On 30 December 2002, the High Representative imposed amendments to the BiH Law on citizenship, extending the right of citizens of BiH to possess dual citizenship for another 13 years, during which time the authorities should complete the necessary bilateral agreements. As regards the proposed amendments for radically extending the withdrawal of citizenship, the CoE remains concerned about certain pressures on the authorities of BiH to adopt a law which has not been properly thought through and conflicts with international and European standards.

iii. Recognition of public documents

95. The State law on recognition of public documents has not been adopted.

iv. Law on the civil service

96. BiH and Entity laws were imposed. A BiH Civil Service Agency (CSA) was launched on 6 February 2003. The CSA is responsible for transparent, professional recruitment of civil servants at State level, including the appointment of heads of key agencies and institutions.

VII. EDUCATION AND CIVIL SOCIETY

A. Education

i. CoE contribution

97. As mentioned in the previous quarterly report, a CoE Education Officer co-chairs two of the six working groups set up by the OSCE to identify and implement strategic objectives for reforming the education system in BiH: the Working Group for Quality and Modernisation of Higher Education (co-chaired with the European Commission) and the Legislative Reform Working Group (co-chaired with the OSCE). The working groups had a first short-term goal: to produce an education strategy paper. The Ministers of Education presented this reform agenda at the Peace and Implementation Council meeting on 21 November 2002 in Brussels. This Education Reform Agenda will be the basis for reforms in education in BiH over the next four years.

ii. Laws on Schools on primary and secondary education

98. As early as January 2002, the CoE began work on a draft law on primary and secondary education. The draft text was submitted, through OHR, to the BiH Minister for Human Rights and Refugees (MHRR) as well as the Entity Ministers of Education.

99. A working group composed of BiH experts, with the participation of the CoE and under the chairmanship of MHRR, prepared a finalised text which is much more comprehensive than the original CoE/OHR draft. Although very detailed for a state-level law, the finalised draft law outlines some important provisions: the primacy of a child's rights, the establishment of catchment areas (particularly important for the return of refugees), an increase from eight to nine years of compulsory schooling and, perhaps most importantly, the principle of the establishment of a common core curriculum in BiH by September 2003. It should be noted that the law was developed through a consultative, inclusive process by the responsible ministry and thus enjoys local ownership.

100. The OHR and OSCE asked the Council of Ministers to push the law through by means fast-track procedures, but have not received any response yet. The Education Reform Agenda calls for a deadline of 24 April 2003 for the adoption of the law, the anniversary of BiH's accession to the CoE, which would allow time for the preparation and adoption of corollary regulations and the establishment of the mechanisms and governance bodies called for in the legislation within the 2 year time-frame. This is necessary to meet the objective proclaimed by the BiH Chairman of the Council of Ministers, i.e. the reform needs to be in place for the next school year starting in September 2003

101. The draft law was submitted by the MHRR to the Council of Ministers on 9 January 2003. Due to a request that the law be submitted by the new ministry responsible, the Ministry of Civil Affairs, the law was not discussed by the newly-formed Council of Ministers on 13

February 2003 as planned. On 25 February 2003 the Ministry of Civil Affairs convened a final meeting of the working group in order to prepare the draft law for resubmission to the Council of Ministers. Although it was clear that the Ministry of Civil Affairs would do their utmost in support of the law, there is still a strong opposition to the adoption of a modern, progressive law which will have a positive impact on the Bosnian educational system.

102. This meeting highlights the issue of whether the notion of a state-level education law, given the constitutional situation in BiH, will be accepted by some parliamentarians. There is also a potential danger that some of the main provisions of the law could be removed thus reducing the impact of the text. Close CoE support in this parliamentary process – in collaboration with the OHR and OSCE - will continue to be vital to ensure that the commitment is met.

103. Complementary legislation at the canton (FbiH) and Entity levels for the relevant authorities will be prepared with the support of the CoE as from February 2003 in order to ensure compatibility and transferability of education throughout BiH. Due to the asymmetrical structure of education governance provided by Dayton, it is especially important that agreement be reached on a combination of some delegation of authority to the State level while maintaining the real educational management capacity at the Entity, cantonal and even municipal level. A co-ordination function for education at the State level could facilitate the fulfilment of commitments.

iii. Higher education

104. Both the educational authorities of RS and of the Federation have expressed the high priority they place on higher education reform with a view to full participation in the structures of the joint Council of Europe and UNESCO Lisbon Convention. In order to attain this objective it will be necessary to engage in a structural reform of the public governance of higher education in throughout BiH. According to OSCE, at the moment higher education qualifications are not necessarily recognised from one Entity to the other or from one sub-Entity to the next, making international recognition difficult if not impossible.

105. This work was launched by the CoE during its first meeting on the Lisbon Convention and the Bologna process, held in Sarajevo on 11 and 12 November 2002. A follow-up seminar is planned in spring 2003, focusing on the establishment of a National Information Centre on Academic Recognition and Mobility (ENIC).

106. Underpinning this work will be the new legal framework for higher education legislation. At the request of the OHR, the CoE launched a drafting process and a draft state-level law should be prepared by July 2003.

iv. Reform in the field of education to end segregation and discrimination

107. The common core curriculum defined in the draft state-level law will provide the framework for revising and unifying the three separate curricula now in use in BiH and will be a driving force in tackling segregation and discrimination in the classroom.

108. In the first half of 2003, the CoE will be closely involved in assisting the authorities in establishing the common core curriculum through the newly-established Core Curriculum Steering Board.

109. In addition to establishing the common core curriculum, there is a need to clarify the means of application and implementation of the “national components” – meaning ethnically differentiated rather than national - of the curricula, including guarantees as to the script used in

education. The place of religious education or alternative courses on comparative religion in the public schools is one such issue. In November 2002, a CoE seminar was organised on inter-religious and cultural dialogue, during which a new course under consideration, on 'Culture of Religions' was presented.

110. An Independent Commission for Textbook Review is identifying objectionable material which is then removed from textbooks and the CoE can continue to support this process. Other provisions of inter-Entity agreements, such as training for human rights and civics teachers, improvements to the school curriculum, also substantially improve the quality of education. Activities in this field will be intensified through a recently-approved EC/COE Joint Programme for BiH. In addition, there is a need to encourage and support a regular dialogue of education ministers at cantonal and Entity level, with significant input from representatives of local or municipal government. For the time being, within the Federation, all educational decisions, fall within the jurisdiction of the cantons. As a result there are significant differences in the level of financing for public education per pupil across BiH, as well as significant variation in the level and quality of education and the accessibility of public education. These elements, amongst others, represent a difficulty for effectively ending segregation and/or discrimination based on place of origin and therefore in most instances ethnic origin.

111. In order to address these issues, the CoE will (in cooperation with OHR and the OSCE) continue to support the Conference of Entity Ministers of Education as the primary forum for establishing shared education reform policies and shared strategies for ending discrimination and segregation in the education system. The Director of Education (CoE) will be co-chairing the next meeting of Entity and cantonal ministers in Sarajevo on 5 March 2003.

B. Civil society

112. Legislation on associations and foundations (at State and Entity level) has been adopted. However, according to NGOs, implementation is extremely complicated and bureaucratised. In addition, NGOs are confronted with financial and fiscal problems. As regards taxation, NGOs are treated as profit-making commercial entities and, as such, subject to the higher tax rate for the provision of all general services.

113. Civil society is reportedly still weak and too often divided on an ethnic basis. But at the same time, the Secretariat delegation was also informed that the role of national NGOs, representing only the interest of one ethnic group, is increasing and that some of the latter are trying to extend their influence on media and Universities.

114. Last December, following increasingly serious threats against the RS Helsinki Committee for Human Rights (RS HCHR), the International Helsinki Federation appealed to International Organisations for assistance in stopping attempted intimidation of civil society groups which championed human rights in RS. These threats should be viewed in the context of a series of public appeals made last year: in September, the RS HCHR called the RS government official report on the Srebrenica tragedy shameful and unacceptable, it warned of individuals in RS who are still actively against multiethnic tolerance and the return of refugees and IDPs and it also informed the High Representative that persons tried by BiH courts for corruption, abuse of offices and organised crime, had been put forward by political parties as candidates; in addition, in November, it held a press conference where it accused some political parties of having received revenues from dubious sources for their election campaigns. These threats are unacceptable. The authorities should take the steps necessary to find out who is responsible for this campaign of intimidation.

C. BiH School of Politics

115. The visit of the Secretariat coincided with a first full-scale meeting in February 2002 of the founding partners of the School of Politics in BiH. The main partners are the Centre for Civil Society Promotion, a Sarajevo-based NGO, and the Multilateral Academy, based in Dortmund, Germany. The school will be based on the existing model of the Sofia, Moscow and Tbilisi schools and should take its place in an emerging network of schools of politics in south-east Europe. It will involve participants from both Entities of BiH. A preliminary broad-based Advisory Board has been set up, comprising exclusively Bosnian personalities. The plans for this year are ambitious, aiming at two seminars in BiH, as well as a final seminar in Strasbourg in the autumn. It is planned that the Advisory Board meets at the end of February 2003, in order to prepare a programme for this year, discuss the selection of students and adopt a budget. The partners will immediately commence awareness-raising about the school and its concept in BiH.

116. The establishment of this school is a positive development which is in line with Council of Europe priorities and should help to foster democratic dialogue and practice in a wide range of fields in BiH.

APPENDIX
Programme of the Secretariat delegation visit to Bosnia and Herzegovina
 (3-9 February 2003)

Monday 3 February 2003

- 17:00 Mr Steven SEGAL, Executive officer of the Commission for Real Property Claims (CRPC) and Ms Vandana Patel, Executive Legal Advisor
- 20:00 Working dinner with representatives of International Organisations in Bosnia and Herzegovina: Ms Monica MACOVEI, Council of Europe resident expert (Independent Judicial Commission); Mr Claude KIEFFER, Deputy Director of Education Department, OSCE and Mr Charles BRIEFEL, Deputy Head of Human Rights Department, OSCE

Tuesday 4 February 2003

- 9:00 Mrs Branka RAGUZ, Mr Esad MUHIBIC, Mrs Vera JOVANOVIC, FBiH Ombudsman institution
- 10:15 Mr Dusko KALEMBER, Secretary General of the Constitutional Court of BiH, Mr Faris VEHABOVIC, Deputy Secretary General
- 16:00 Mrs Lidija TOPIC, Deputy Minister, BiH Ministry of Foreign Affairs
- 17:00 Mr Mirko SAROVIC, Chairman, Mr Dragan COVIC, Mr Sulejman TIHIC, Joint Presidency of BiH
- 18:15 Mr William POTTER, Deputy Head, OHR, "Rule of Law Pillar"
- 19:00 Ambassador H. ZIPPER DE FABIANI, OSCE, Deputy Head of Mission
- 20:00 Working dinner with Mr Marcus COX, European Stability Initiative and Mr Senad SLATINA, International Crisis Group

Wednesday 5 February 2003

- 09:00 Mr Adnan TERZIC, Chairman of BiH Council of Ministers and Representative of the Directorate of European Integration
- 10:00 Mr Mirsad KEBO, BiH Minister of Human Rights, Refugees and Displaced Persons
- 11:00 Meeting with BiH Parliamentary Assembly:
 - House of Representatives: Mr Sefik DZAFEROVIC, Chairman, Mr Borisav PARAVAC, Mr Martin RAGUZ,
 - House of Peoples: Mr Velimir JUKIC, Chairman, Mr Mustafa PAMUK, Mr Goran MILOJEVIC;
 - BiH Delegation to the CoE Parliamentary Assembly: Mr Hasan MURATOVIC and Ms Ljiljana Milicevic;
- 12:30 Departure to Mostar (part of the Secretariat delegation)
- 15:00 Visit to the 'Old bridge' building works and meeting with the architects

- 16:00 Mr Antonio TRESGUERRES, Deputy Head of the OHR Mostar office, Mr Henrik Andersen, Head of the Independent Judicial Commission (IJC) Mostar Office
- 17:00 Mr Hamdija JAHIC, Mayor; Mr Neven TOMIC, Deputy Mayor, Mostar city
- 18:30 Mrs Amra KAZIC, FBiH Deputy Ombudsman, Mostar Office; Mr Risto-Brano MILOVIC, FBiH Assistant Ombudsman
- 19:00 Meeting with NGOs:
Mr Dzermal SUNJE, Mostar Helsinki Committee for Human Rights; Mr Milivoj GAGRO, Mostar Helsinki Committee for Human Rights; Mr Djordje Andric, Association for Human Rights Protection, Mr Jurica MUSA, Association for Human Rights Protection, Ms Mirna HADJALIC, Association for Human Rights Protection
- 20:00 Departure to Sarajevo

Parallel programme for members of the delegation in Sarajevo on Wednesday 5 February

- 12:00 Mrs Therese NELSON, Executive Officer and Mr Ulrich GARMS, Registrar, Human Rights Chamber
- 14:00 Ms Alma ČOLO, Secretary of FBiH Prosecutors Association
- 15:00 Mr Vlado ADAMOVIĆ, President of FBiH Judges Association (and Judge of the State Court)
- 16:00 Mr Srđan DIZDAREVIĆ, Sarajevo Helsinki Committee for Human Rights
- 17:00 Mr Guy VINET, EU Police Mission, Planning Team
- 18:00 Mr Milan MRĐA, Secretary of the Centre for Promotion of Civil Society

Thursday 6 February 2003

- 09:00 Mr Robert BEECROFT, Head of Mission, OSCE Mission in BiH together with the Chief of Staff and Heads of Political, Human Rights, Education and Democratisation Departments
- 11:15 Mr Dzermaludin MUTAPCIC, Assistant Minister, Mr Resad FEJZAGIC, Assistant Minister, Criminal Sanctions, Ministry of Justice of the Federation of Bosnia and Herzegovina (FBiH)
- 12:30 Mr Philippe MIALHES, Deputy Commissioner, EU Police Mission (EUPM)
- 14:00 Mr Niko LOZANCIC, President of the Federation of Bosnia and Herzegovina
- 14:50 Mr Alija BEHMEN, FBiH caretaker Prime Minister, Mr Mijat TUKA, FBiH Ministry of Refugees and Displaced Person, Mr Dubravko LOVRENOVIC, FBiH Deputy Minister of Science, Sport and Education
- 16:00 Mr Michael HUMPHRIES, Head of the EC Delegation in BiH, with Advisers

17:00 Departure for Banja Luka

Friday 7 February 2003

- 09:00 Mr Dragan CAVIC, President of Republika Srpska (RS)
- 10:00 Mr Dragan MIKEREVIC, RS Prime Minister, Mr Jasmin SAMARDZIC, RS Minister of Refugees and Displaced Person, Mr Gojko SAVANOVIC, RS Minister of Education, Mrs Ljiljana PEJIC, Assistant Justice Minister
- 10:45 Mrs Sanja STEFANOVIC, Head of the Legal Department, OHR Banja Luka
- 12:15 Mr Mirko DABIC, President of Association, Mrs Zivana BAJIC, Secretary of Association, Association of Judges and Prosecutors of RS
- 13:15 Working lunch with representative of NGOs: Mr Branko TODOROVIC, RS Helsinki Committee for Human Rights, Mr Goran BUBIC, International Lex, Mrs Lidija ZIVANOVIC, Helsinki Citizens Assembly
- 13:15 Mrs Branka KOLAR-MIJATOVIC, Mr Zlatko KULENOVIC, Mr Franjo CRNJAC, RS Ombudsman institution
- 16:00 Departure to Sarajevo
- 20:00 Working dinner with: Mr Udo JANZ, Acting Head of UNHCR, Mrs Rakel SURLIEN, Head of the IJC, Mrs Michele PICARD, President of BiH Human Rights Chamber, Mrs Georgette GAGNON, OSCE, Head of the Human Rights Department

Saturday 8 February 2003

- 08:30 Mrs Merhunisa KOMARICA, President, Mr Jovo JANJIC, President of Serb Association, Association of Refugees and Displaced Persons in BiH
- 10:00 Briefing with Representatives of Council of Europe Member States, Embassy of the Kingdom of the Netherlands
- 12:00 Meeting with Mr Frank ORTON, BiH Ombudsman Office
- 13:00 Mrs Lidija TOPIC, BiH Deputy Minister, BiH Ministry of Foreign Affairs
- 14:00 Departure of a part of the Secretariat delegation

Sunday 9 February 2003

- 10:00 Meeting with the main partners of the future BiH School of Politics