



*Branko Todorovic and Sadik Pazarac of the Helsinki Committee in RS speaking with a returned refugee whose house was completely destroyed in the July riots in Janja.*

© Helsinki Committee for Human Rights in RS

**IHf FOCUS:** Elections; freedom of expression and the media; rule of law; independence of the judiciary and the judicial system; misconduct by law enforcement officials; international humanitarian law; return of refugees and displaced persons; religious intolerance; women's rights; rights of the child.

Five years after the signing of the Peace Agreement in Dayton and Paris, Bosnia and Herzegovina (BH) remained unstable both in respect of its domestic political reality and its international position. The 2000 Constitutional Court rulings were of extraordinary importance for the complex human rights situation. Through the rulings, the Parliaments of the Bosnia and Herzegovina Federation (BH Federation) and Republika Srpska (RS) were to harmonize the entity Constitutions with the Constitution of BH in order to ensure the full equality of all the three main ethnic groups: Bosniaks, Serbs, and Croats. In this way, at the level of the Constitution, the regulations that had formed the basis for segregation and "apartheid" were to be abolished. However, the harmonization of the Constitutions was not completed until the general elections in November.

At the institutional level, the establishment of the Ministry for Human Rights and Refugees in the BH Council of Ministers, as well as the setting up of an institution of Ombudsmen in RS (three Ombudsmen—one Serb, one Croat and one Bosniak) were of utmost importance. However, a series of measures must still be undertaken in order to establish the legal and institutional framework for the implementation and protection of human rights in accordance with the ECHR and other international human rights standards.

The situation in BH continued to be burdened by the fact that numerous indicted or suspected war criminals remained at large. The situation was best illustrated by the fact that, through the mediation of the International Organization for Migration (IOM), about 100,000 people had left BH between the signing of the Dayton Accord

and the end of 2000. In total, more than 625,000 refugees and 857,000 displaced persons continued to live outside their pre-war homes.

In the internal political scene, the most dominant phenomena included the continued obstruction of the Peace Agreement and the blocked development of a system of authority based on the rule of law by the nationalist forces. The nationalist parties - the Serb Democratic Party (SDS), the Croatian Democratic Union (HDZ) and the Bosniak Party of Democratic Action (SDA) - still in a form of coalition, did all to preserve the concept of a three-party BH and decision-making outside the adequate political institutions. Alija Izetbegovic resigned from the BH presidency, citing his old age and health reasons. Zivko Radisic and Ante Jelavic, in their capacity as members of the presidency, made statements that destabilized the peace process and were directed against the interests of the State they headed.

There were still no corresponding effects in BH following the positive political changes in the neighbouring Croatia and Federal Republic of Yugoslavia (FRY). The relations between Bosnia and Herzegovina and Croatia were not on the level of political statement, by which BH would be recognized as an independent State with equal rights and needs, although the establishment of diplomatic relations between FRY and Bosnia and Herzegovina was initiated. At the same time, the idea of an eventual referendum in RS was reactivated as long as a right to referendum were to be given to Albanians in Kosovo, inadequately putting the situation in these two regions on equal footing: Bosnia and Herzegovina has a historical statehood continuity that Kosovo does not.

In addition, the expectations created by the Stability Pact for South-East Europe were not even partially fulfilled. In fact, the entire region, including BH, awaited effective international consensus on the stabilization of the region and its international borders in the region.

In 2000, the international peace mission was more active, particularly the High Representative of the International Community in BH, Wolfgang Petritsch. The activeness of the OSCE Head of the Mission, Robert Barry, could be attributed to the municipal and general elections. Both intervened to stop local authorities' from obstructing the passing of essential laws and poor or unlawful work of the functionaries at all levels of state organization. Many politicians were punished for disrespecting electoral rules and regulations.

Generally, the political context continued to negatively reflect the general human rights situation: serious violations of basic rights occurred daily throughout BH. A series of terrorist acts were directed against the return of refugees and displaced persons, as well as attacks against political, national and religious minority groups. Moreover, there was clear inactivity among the local police to clarify and prevent such incidents. Minority group members also faced discrimination throughout BH, but particularly in RS, the area under the control of HDZ, and in the Una-Sana Canton (BH Federation) under SDA control.

A positive sign was the fact that human rights issues came more into the focus of public and political life: for example, increasing awareness of the importance of the realization of human rights and freedoms for the peace process, normalisation and democratization, and even for the survival of the state of BH.

## **Elections**

Several elections were held in BH in 2000: municipal elections in both entities (April), general elections for Parliaments at the state, entity and cantonal levels (November); presidential and vice-presidential elections in RS (November); and those for the municipal assembly of Srebrenica (November). All the elections took place without major violations of the electoral process and were deemed fair and free. However, many political leaders

and candidates violated the agreed campaign rules, particularly with regard to the dissemination of nationalist propaganda and hate speech.

The results of the municipal elections indicated the further success of alternative political groups to overcome the virtual monopoly of the three leading nationalist parties. Of them, the Social Democratic Party (SDP) was most successful in the territory of the BH Federation, and the new Party of Democratic Progress (PDP) as well as the Party of Independent Social Democrats (SNSD) in RS. In that entity, the Provisional Election Commission (PEC) banned the Serbian Radical Party (SRS) from participating in both municipal and general elections. This party did not remove certain candidates from the election list as required by the PEC rules. At the initiative of the Helsinki Committee for Human Rights in Bosnia and Herzegovina and the Helsinki Committee on Human Rights in RS, those candidates who illegally occupied someone else's house or apartment were removed from the election lists. This regulation resulted in dozens of dismissals of potential candidates.

The November general elections were deemed the best organized since the signing of the Dayton Agreement. In those elections, the old nationalist power holders - the SDA, HDZ and the SDS - won again. The SDP and the SDA were the most powerful political parties in BH Federation. In RS, the PDP and the SNSD could not endanger the supremacy of the SDS even though they formed a coalition after the elections. There was not yet any real competition for the HDZ. As of the end of 2000, doubt remained as to whether the SDP, SBH, PDP and the SNSD could succeed in initiating an alliance to avoid the participation of SDS, HDZ and SDA in the central and entity administration.

On the eve of the elections, international and local officials took some measures to encourage the homogenisation of the nationalist parties: the OSCE proposed

to change the decision-making process in the Constitution of the Houses of Peoples (BH Federal Parliament); Richard Holbrooke requested that the work of the SDS be banned; and the Party for BH of Haris Silajdzic suggested that the system of entities be abolished. The reaction in RS to Silajdzic's request was the announcement of a possible referendum for its secession from BH. The HDZ and its leader, Ante Jelavic, used the change in the form of the elections of the Houses of Peoples to organize an unlawful referendum on the declaration of the Croatian Peoples' Assembly. The idea behind the referendum was the abolishment of the BH Federation and the re-formulation of the State Constitution according to the principles of equality and constitutionality of all the three peoples. This proposal would mean the full implementation the principles of a national parity, providing for consensus and veto and would work against the civic State. The Archbishop of Vrhbosna, Cardinal Vinko Puljic, supported the revision of the Dayton Accord on the basis of the HDZ requests.

### **Freedom of Expression and the Media**

The international authorities made efforts to create legal regulations for the public information system and the protection of freedom of expression and investigative journalism. The BH Parliamentary Assembly passed the Law on Free Access to Information in October, strongly lobbied by the Helsinki Committee. Much of the media, particularly local, fell under the control of the respective strong political parties and promoted their policies. Criticism of local authorities was not welcomed, particularly in RS. Critical journalists faced threats, judicial proceedings and violence. Most independent media outlets struggled with serious financial problems. The Independent Media Commission (IMC) oversaw the operation of the electronic media.

The IMC interrupted the broadcasting of the EROTEL Mostar studio because it was unlawfully using 38 out of 48 trans-

mitters to re-transmit programs of the neighbouring Croatian RTV and virtually promoted Croatian nationalism and hegemony. The operation of the transmitter of Radio-Yugoslavia (FRY) was also forbidden in RS: it had promoted Serb nationalism during the rule of Slobodan Milosevic.

The IMC began issuing long-term operation licenses to the electronic media, but did not grant them to the Bosniak Radio-Television International (RTV), which was under SDA control.

The manipulation and nationalism spread through the media were particularly notable in the pre-election campaigns. The most frequently fined media outlets were those under the control of the nationalistic parties in RS and the HDZ.

The delay in the transformation of the public radio and television network in BH had a significant negative impact on the free flow of information. High Representative Petritsch decided on the establishment of a public broadcasting system for the entire territory of BH, and separate entity broadcasters for the Federation BH and RS. The whole procedure, however, remained under political trading at the expense of the needs of individuals and the peace process. It appeared that the international authorities were unable to decide what they wanted, their employees were not committed and creative in their work and, in the meantime, there was a degradation of the potentials of RTV BH.

The pre-election campaign showed that RTV in RS fell completely under the control of Prime Minister Milorad Dodik.

#### Harassment of Journalists

The newly established SOS line for journalists registered 130 assaults and attacks against journalists. The most frequent violators were the authorities and the representatives of the ruling parties. Journalists and editorial boards were exposed to physical and verbal threats and other forms of pressure.

◆ Marko Asanin, the President of the Regional Council of SNSD, physically assaulted Lubisa Lazic, a journalist working for the pro-Serbian *Oslobodenje* on the premises of Radio Srpsko Sarajevo on 12 August. A few days later, the RS Government appointed Asanin the General Manager of the RS Elektroprivreda, a public electricity supplier.

◆ The President of the Directorate of Intelligence-Security Service of RS threatened to institute legal proceedings against Perica Vucinic, editor-in-chief of *Reporter* of Banja Luka. The weekly was a target of several attacks. Vucinic and another *Reporter* journalist, Zeljko Civijanovic, were summoned to the police station and questioned about their articles on the alleged secret bugging of RS citizens by the secret service.

◆ Former RS Minister of Information, Rajko Vasic, publicly threatened journalists because of alleged false reporting.

◆ An anonymous letter with symbols of Serb and Croat fascists arrived at radio Hayat in Tuzla, threatening that the station be blown up and two journalists butchered because of programs of a "Bosniak-Muslim character."

◆ The inspectors of the Ministry of Internal Affairs of Tuzla Canton interrogated Elvir Huremovic, a journalist with *Dnevni avaz*, without telling him in what capacity he was called to the hearing (as a suspect, witness, etc.). He was interrogated about a dispute between a politician and a judge from Tuzla.

◆ Mensur Osmovic, editor-in-chief of the Sarajevo daily *Dnevni avaz*, refused to receive the award of the Association of Journalists of BH for the paper of the year because BH Federation Prime Minister Edhem Bicakcic was present at the ceremony as its patron. Bicakcic's driver, Enes Colpa, had assaulted a journalist with *Dnevni avaz* because of his critical articles about the Prime Minister. Bicakcic replied by insulting the editor-in-chief. Later, the fi-

nancial police, accompanied by federal police officers, raided the premises of the newspaper, disrupting the operation of the paper and creating a threatening atmosphere. Only the intervention of High Representative Petritsch prevented the newspaper and press house *Dnevni avaz* from being reprimanded and probably closed down. They had just recently been released from SDA control.

◆ The three Ombudsmen of the BH Federation were forced to intervene with the President of the Municipal Court II in Sarajevo, who had handed down a three-month prison sentence and a one-year suspended sentence to Edin Krehic and Arijana Kuci of *Oslobodenje* for defamation and libel despite the fact that such acts were legally no longer regarded as crimes for which prison sentences could be handed down. Judge Kenan Tahirovic was suspended only following the intervention of the Ombudsmen.

The material situation of the independent media was extraordinarily difficult and expected to worsen with the introduction of new tax rates. In addition, the insufficient organization of journalists was a serious problem: there were five associations which, apart from the Independent Union of Professional Journalists in BH, acted mainly on national principles, thus making the establishment of the Press Council more difficult. The tasks of this Council would be to self-regulate the written media and to protect the unhindered work of journalists.

### **Rule of Law**

The slow progress in the return of property reflected the general attitudes among the BH authorities in both entities. The work of the Parliament and the Government was virtually paralysed due to obstruction by the nationalists. In RS, the Government functioned even without support from the Parliament. High Representative Petritsch removed RS President Nikola

Poplasen from office because he obstructed the implementation of the Dayton Agreement. Another 60 functionaries were dismissed for the same reason, or for corruption and other unlawful acts. The inability to pass a series of important laws despite pressure from the international community, the arrogant behaviour of the Government of Edhem Bicakcic (SDA) toward the Federation Parliament, and obstruction by HDZ representatives characterized the operation of the Federation's political organs. Incompetence was also typical of all levels of authority. A person's suitability for office was determined by a political party on the basis of belonging to specific "political clan," and not because on the basis of competence. In general, irresponsibility and decision-making outside the democratic system reigned.

High Representative Petritsch abolished the entity property laws (including three in RS) that were tailored to maintain the results of ethnic cleansing and corruption. There was no feedback on the effects of the orders, suggesting that the abusive patterns of local authorities had not changed.

### **Independence of Judiciary and the Judicial System**

Special efforts were made to reform the judiciary, and attempts to release the judiciary from the control of the political parties yielded tangible results. Through measures taken by international mediators, parties' opinions about a person's suitability to be a judge no longer mattered, and the candidates' competence and moral qualities were considered. In addition, the public was encouraged to comment on the competence and moral qualities of the prosecutor, deputy prosecutor and judges. The results of this action were not known as of this writing.

Judges were overburdened by cases that dragged on for years, and, at the same time, poorly paid - making them vulnerable to bribes. It was only in September that

their salaries were increased in order to make them more independent. Many judges and their families were under police protection because of threats.

Prosecutors were often afraid to press charges against perpetrators who were politically influential or had powerful supporters.

The BH Constitutional Court, which had been completely inactive for a long time, regained trust in the potential establishment of the rule of law and the protection of human rights after handing down several significant decisions. However, the key rulings would not have been passed without the votes of the three foreign judges (there were six domestic judges). The Court's Serb and Croat members, who were under the control of the leading nationalist parties, openly obstructed the work of the Court. Moreover, the decision handed down by the Constitutional Court on the equality of all the three main ethnic groups throughout BH had yet to be implemented. It was also speculated that the Court's increased engagement was linked to the pre-electoral needs of SDA.

The Cantonal Court and the Municipal Court I in Sarajevo showed the highest quality work.

### **Misconduct by Law Enforcement Officials**

The interventions of the international community in the police force did not yield the expected results although there was regular training according to reformed methods for police officers representing all three nationalities and women. There were varied experiences with the multiethnic composition of the police. The situation was best in Sarajevo, although there were not enough Serb police officers.

Nationality did affect the work of the police force. International mediators in police issues announced that the Croatian police, both within the BH Federation police and cantonal police forces, did not react adequately against the ill-treatment of re-

turnees and discrimination against national minorities. Some police officers reportedly even warned persons under an arrest warrant in order to help them escape imprisonment and court proceedings.

The RS police carried out their duties more adequately than in previous years, although they still tended to only protect the Serbs. In most cases they failed to initiate investigations and identify attackers of Bosniak returnees. Moreover, members of local police units watched passively as several attacks were carried out and houses were set on fire.

◆ The developments culminated on 24-26 July when displaced Serbs staying in Janja burned down three Bosniak-owned houses and cars and stoned another fifty houses. The police did not react.

◆ Police officers were present but did not react when Serb demonstrators prevented fire fighting vehicles from extinguishing fire on the house of M. Korajkic. The demonstrators only allowed the vehicle to proceed when the house was completely burned down.

◆ Following the incidents, the local police commander was removed from office.

◆ In the area controlled by SDA, the most serious situation was in the Una-Sana Canton where the police were not only inefficient in investigating assaults and other forms of harassment but were involved in criminal acts themselves. In that canton, persons not in favour of SDA and preferring a civic political option were discriminated against (e.g. dismissed from jobs) and often ill-treated. Executive authorities, the police, the judiciary, and some other institutions were a part of the conspiracy.

◆ The UN Mission in BH accused the Ministry of Interior of the Zapadnohercegovački Canton (under HDZ control) of systematic human rights violations, and a failure to investigate violations and punish abusive police officers. The police of this

canton were accused of ill-treatment and other inappropriate conduct.

◆ After giving several warnings, the High Representative removed Minister of Interior Branko Matic (of the Livno Canton, under HDZ control) from office because he repeatedly used nationalist (not official) symbols that created an atmosphere of intimidation, encouraged discrimination against minority members and obstructed the return of Bosniaks and Serbs. It was believed that Matic had also unlawfully stored arms. In addition, he took no measures to establish a multi-ethnic cantonal police force: none of the 17 nominated Bosniak and Serb police officers were hired.

◆ A member of the special police unit of Tuzla Canton (BH Federation) was suspected of having killed Dani Percic and seriously wounding his brother Dino in Tuzla. Hundreds of young people in Tuzla participated in the civil protest against the incident and the inefficiency of the police forces in the region.

◆ The Tuzla police also reacted rigidly against evictions in Tuzla and the neighbouring municipality Banovici, using batons even against women and children in front of TV cameras. Ten police officers were also reportedly injured. The International Police Task Force (IPTF) claimed that the police acted within its authorization. The public disagreed, not trusting IPTF because it had been involved in organized prostitution and trafficking in women in Prijedor. Six of its members were suspended and sent home.

The multi-ethnic police in the District of Brcko acted professionally despite strong chauvinistic Serb provocation and physical and verbal attacks. However, illegal demonstrations in Brcko showed that the organization and efficiency of the local authorities under international supervision remained far from the proclamations in the Statute of Brcko, which provided that multi-ethnic society, multi-confession and cultural plural-

ism were to be reaffirmed. Brcko should have been a model and example for encouragement for the entire BH. However, it remained a stronghold of Serb nationalism.

## International Humanitarian Law

### Accountability for War Crimes

Throughout the year, the process of discovering evidence of war crimes and victims continued slowly, both because of the inadequate cooperation of local authorities and the lack of financial resources for the exhumations and other auxiliary measures. There was also a lack of adequate space to keep and identify the corpses.

On the positive side, all three national commissions for missing persons (Bosniak, Croatian and Serb) were able to work undisturbed in the territories of both entities with the cooperation of local authorities.

Many mass graves, especially those of Bosniaks who had fallen victim to Serb extremists, were discovered in eastern and northwestern Bosnia, while Croatian victims of Serb ultra-nationalists and Bosniaks were generally found in northwestern and central Bosnia. The RS commission was particularly engaged in finding the truth about the murders of Serb civilians in Sarajevo and their burial in the Sarajevo cemetery Lav.

Still, the fate of more than 20,000 individuals, officially registered as missing persons, remained unknown. The key problem was that the authorities ignored the issue, particularly in the FRY and RS. The FRY authorities had, as of this writing, not yet responded to a request for information about 12,000 BH citizens.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) intensified its activities in encouraging the international public and local authorities to fulfil their obligations to discover and arrest indicted war criminals. For example, pressure against NATO was increased. The ICTY Chief Prosecutor Carla Del Ponte asked NATO to, *inter alia*, establish special units to arrest in-

dicted war criminals, which had not been realized by the end of 2000. Under ICTY pressure, RS authorities promised to adopt a law on cooperation with the Hague Tribunal. However, the RS authorities did not want to undertake any independent action to discover and arrest indicted war criminals.

The International Stabilization Force (SFOR) was more actively engaged in arresting war criminals and handed them over to the ICTY<sup>3</sup>, which pronounced several sentences to indicted war criminals:

- ◆ The former commander of the Croatian Council of Defence, Tihomir Blaskic, was sentenced in the first instance to 45 years imprisonment. His compatriot Ante Furundcija was sentenced to 10 years imprisonment. The sentence given to Croat Zlatko Aleksovski was increased from two and a half to seven years, while the sentence given to Serb Dusko Tadic was reduced from 25 to 20 years imprisonment.

- ◆ Serb Mirko Graovac was sentenced in a second trial in Croatia to 15 years imprisonment for crimes committed against the imprisoned Croats and Bosniaks in the camp of Manjaca in BH. He had previously been sentenced to 20 years imprisonment.

Domestic courts in the BH Federation (contrary to RS) were also more active in discovering, arresting and sentencing indicted war criminals.

- ◆ At the order of the Court of the Sarajevo Canton, Serb Dragan Stankovic was arrested in the area of the Posansko-podrinje Canton. Croats Dominik Ilijasevic and Vlatko Buzuk were arrested on suspicion of committing war crimes against Bosniaks.

- ◆ Croats Erhad Poznic, Zoran Soldo and Zeljko Dzidic, indicted for crimes against Bosniaks, surrendered to judicial bodies in Mostar.

- ◆ The Cantonal Court in Mostar sentenced Bosniaks Miralem Macic and Adem

Landco to 12 and 9 years imprisonment respectively for murdering a Serb family.

- ◆ Eight out of 23 Bosniaks indicted for war crimes against Croats surrendered to the bodies of the Hrvatsko-Neretvanski Canton.

- ◆ As of the end of 2000, two trials were pending in Sarajevo: one against Bosniaks for war crimes committed against Serb civilians, and another against a Serb suspected of murdering Bosniaks.

Despite some improvements, the number of war criminals that were indicted, arrested and sentenced remained out of proportion to the acts of genocide and other forms of war crimes that were committed. Some 50 publicly indicted war criminals were at large in the territory of FRY and RS, including Radovan Karadzic and Ratko Mladic; Slobodan Milosevic remained politically active.

### **Return of Refugees and Displaced Persons**

The Ministry for Human Rights and Refugees of the Council of Ministers published in its first report the realization of Annex 7 of the Dayton Accord relating to the return of refugees and displaced persons. According to the report, approximately 625,850 refugees from BH were living in more than 40 countries, with the largest groups in the FRY (about 225,000) and Croatia (about 85,000). Approximately 300,000 refugees did not enjoy refugee status. BH hosted 40,000 refugees, mainly from the FRY and Croatia.

In addition, there were about 870,000 internally displaced persons in BH, including 55.3 percent in the BH Federation and 44.7 percent in RS. Out of the total number of displaced persons in the BH Federation, 65 percent originated from the territory of RS.

At the same time, about 100,000 BH citizens had left the country following the signing of the Dayton Agreement as a result of mediation by IOM.



By 1 September, the return of 682,478 refugees and 321,730 displaced persons had been registered. Of the total number, 81.55 percent were realized in the BH Federation and only 18.45 in RS. In the BH Federation, 78.64 percent of returned persons were minority members, compared with 21.45 percent in RS.

The number of returning refugees and displaced persons increased compared with figures in 1999 - according to some sources, it doubled - primarily due to the self-initiated and self-organized return of people who had lost confidence in the readiness and ability of domestic and international organizations in charge of the issue. Numerous returnees initially stayed in tents and ruined houses. Some of them succeeded in repairing houses with foreign assistance, others entered the winter period in provisional accommodation.

An important positive development was the return of people to the territory of Central Bosnia and partly to Mostar. It appeared at the end of 2000 that the new mayors of Sarajevo municipalities had adopted an active return policy in order to realize a two-way return and to evict illegal residents from apartments of returning refugees and displaced persons. According to some information, the best results were achieved in the territory of the municipality of Prijedor under Serb control, to which several thousands Bosniaks, Croats and others returned. Successful return to that area was of extreme importance in view of the fact that Serb ultra-nationalists committed massive atrocities in eastern and north-western Bosnia during the war. The arrest of war criminals from that region contributed to the creation of a new atmosphere.

The return of Bosniaks to eastern BH, i.e. to the territories in which the worst crimes were committed against them, was encouraging. However, the return of non-Serbs to RS did not even reach ten percent, although prior to the war they constituted the majority of the region. As for the area

under the control of the HDZ, the return was slow. Returning Serbs were unwelcome in the Una-Sana Canton (under SDA control).

Returnees, particularly in RS, were continuously exposed to terrorist acts, provocation and discrimination.<sup>4</sup>

The Roma faced serious discrimination in RS and local authorities did their utmost to hinder the return of Roma to their pre-war homes. Municipal and entity military and civil institutions were situated in former Roma houses in Bijeljina, including the Ministry for Displaced Persons and Refugees, the Military Court, and the RS Directorate for Privatization. Bosniaks, Roma, and partially Croats were not hired for jobs in the municipal and entity administration or in the education, health or judicial sectors.

Attacks were also registered in eastern Bosnia. Croatian nationalists tried to prevent people from returning to localities where they had been in the majority. Tension remained particularly in Drvar, a town where there had been virtually no Croats prior to the war.

After much effort, the eviction of *mujahedeens* - naturalized BH citizens originating mainly from the Islamic countries - started from the Serb settlement Bocinja near Maglaj.

The key hindrance in the effective return was the negative attitude of local authorities towards returning refugees and displaced persons: returnees were offered little or no protection and the return of property, houses, apartments and businesses was slow.

Contrary to the decisions of High Representative Petritsch, according to which private and former social ownership (converted mainly to state-owned) was to be protected in the entire BH, usurpation and misuse of the land was common, particularly in RS and the HDZ controlled area. Numerous private properties and social property in RS were unlawfully allocated to Serb refugees and displaced persons. The

same applied to the land surrounding Mostar, where Croats profited illegally. Such usurpation and misconduct, including corruption, directly contributed to the non-implementation of crucial stipulations of the Peace Accord, which provides for the right to return and for the return of property as well as the establishment of legal security, democratization and normalisation in BH.

Tens of thousands of claims for repossession of property had been filed by the end of 2000, but only a few percent of the claims were decided. The return of apartments was more successful, particularly in the BH Federation, in which 43 percent of the claims were positively resolved and 14 percent were realized. In RS, the respective figures were 15 and 9 percent. According to data from 31 July, in the territory of the BH Federation, the gravest situation was in the Hercegovina-Neretva Canton and Zapadnohercegovacki Canton, where the HDZ was in power. Good results were achieved in the Central Bosnia Canton.

Positive examples of the return of property were rare and typical of just a few localities: visible progress was made in Sarajevo, where the atmosphere improved following the taking of office of the new municipal authorities and due to pressure from the international community.

### Religious Intolerance

Inter-religious dialogue took place at the level of the leadership of all the four religious communities in BH, i.e. the Islamic, Roman Catholic, Orthodox, and Jewish communities. This dialogue, however, did not have much impact in everyday life because of the politicisation of the religious communities.

On the basis of the RS Constitution – but in violation of the BH Constitution – the Serb Orthodox Church (based in the neighbouring FRY), had the status of “state church” with a monopoly position. This led to discrimination against other religious communities and individuals who were not

Serbs and Orthodox. In addition, the anthem and oaths (in assemblies, courts, etc.) in RS were imbued with exclusively Orthodox content and were imposed even on the non-Orthodox. In addition, the state institutions had mainly Orthodox saints as their patrons.

The Roman Catholic Church in BH, headed by Archbishop Cardinal Vinko Puljic, again openly supported the HDZ in the general elections. The Islamic Community continued to cooperate with the SDA.

In RS, all mosques were destroyed during the war and in its aftermath and Muslim clergy were expelled. The authorities, despite the decisions passed by the Human Rights Chamber, which are final and binding, and the order of the High Representative, slowed down the reconstruction of the main mosque in Banja Luka, as well as those in Bijeljina and Zvornik. The reconstruction of the Muslim and Catholic places of worship in RS occurred together with the return of Bosniaks and Croats. The first renewed mosque was opened in the village of Kozarusa (Prijeedor community) in September; it remained the only mosque in RS.

The cemeteries of all confessions remained targets of clerical and nationalistic aggression.

A group of teenagers destroyed 28 tombstones in the Jewish cemetery in Sarajevo.

The Roman Catholic Church put large provocative crosses in places that irritated Muslims, e.g. the hill above Mostar from which the Croatian extremists were firing at Bosniak settlements during the war or sites of Islamic religious or cultural value.

In RS, new buildings were erected for housing, businesses and even for the use of the Orthodox Church (e.g. in Divic, Zvornic community) on the sites of former mosques.

Some Muslim extremists celebrated *Bairam* in a provocative and aggressive way, particularly in Tuzla and Sarajevo.

### Rights of the Child

The agreement for the establishment of unified curricula for all pupils in BH that respected national, religious and cultural needs remained a rhetorical commitment in many places, without a foothold with local authorities and religious-national organizations.

The most threatening form of nationalist manipulation took place in Brcko.

◆ The SDS and the Chetnick movement incited Serb high school pupils to demonstrate against attending school together with ethnic Bosniaks and for the annexation of Brcko to the neighbouring FRY. Some parents and teachers supported such chauvinistic outbursts. Furthermore, Serb pupils provoked Bosniak pupils and even attacked them physically. It was only after this kind of escalation that the authorities in Brcko organised education for teachers with the aim of informing them about the crucial stipulations of the Statute of the District of Brcko, which provides for multi-ethnic education.

The HDZ also insisted on separate schools and faculties for Croatian pupils and students in Mostar despite the agreement between the Ministers of Education of the BH Federation cantons, according to which Bosniak and Croatian children should at least attend the same school even if their curricula remained different. According to the Helsinki Committee in Bosnia and Herzegovina, there cannot be reconciliation in BH in the long run if the school children have different curricula on the basis of nationality and religion. In 2000, Serb and Croatian classes still used textbooks from the neighbouring States, the FRY and Croatia. The Helsinki Committee stated that it is necessary to exclude content that incites hatred or national and religious intolerance from pupils' textbooks.

Prior to the Brcko incident, children in RS were manipulated for chauvinistic purposes in Modrica, where children took part

in stoning Bosniak returnees. It was also discovered that children were responsible for the destruction of tombstones in the cemeteries of all four confessions. None of the instigators were discovered.

In RS, the Orthodox religion was a compulsory subject in all schools, regardless of the pupils' confession. Similarly, in the area of Una-Sana Canton - contrary to the entity law - Islam was a compulsory subject. According to the law, children should have been able to decide themselves which foreign language to learn. However, in the Una-Sana canton - again in violation of the law - all children had to learn Arabic as a compulsory subject. Children whose parents did not support the ruling SDA were discriminated against, and in some schools they were even excluded from receiving humanitarian aid.

◆ Teachers Nurka Behric and Sakib Selimovic of the elementary school "25 November" in Velika Kladusa dismissed four pupils from their lessons because they did not wear traditional Muslim clothing.

◆ There were cases of the harassment of pupils in the Catholic school in the Sarajevo settlement Stup.

Social misery seriously affected the youngest pupils, with cases of suicide among elementary school pupils.

◆ A pupil in Sarajevo committed suicide after being expelled from school. Due to poverty, he had not had the basic conditions at home to study (i.e. a desk and a chair).

Children were forced to beg and even engage in prostitution. In 2000, increasing information was also received about the physical and mental abuse of children, including sexual violence. As a rule, the abused children knew the perpetrators (they were parents, relatives, or family "friends"). In an alarming number of cases, charges were withdrawn under pressure from the parents, especially if the suspected perpetrator was a "friend".

There was no established system to prevent such abuse or to assist the rehabilitation of victims. In addition, there were no specialised educational/corrective institutions for minors.

The danger of drug addiction as a post-war symptom and as a result of the difficult social situation among young people was a serious problem. Many drug-related deaths

were registered, particularly in Sarajevo and other bigger cities.

There was no evident support for projects aimed at establishing communication among young people regardless of their origin or ethnic or religious orientation. However, there were some projects aiming to bring schools from both entities together through sport and other activities.

---

### Endnotes

<sup>1</sup> Based on Helsinki Committee for Human Rights in Bosnia and Herzegovina, *Report on the State of Human Rights in Bosnia and Herzegovina, January-December 2000*, and Helsinki Committee for Human Rights in Republika Srpska, *Review of the Human Rights Situation in the Republika Srpska, November 2000*.

<sup>2</sup> See IHF, *Women 2000: An Investigation into the Status of Women's Rights in Central and South-Eastern Europe and the Newly Independent States, November 2000*.

<sup>3</sup> Between December 1999 and the end of November 2000 the following Serbs were arrested: Momcilo Krajisnik, the closest collaborator of Radovan Karadzic; Stanislav Galic, retired general; Zoran Vukovic, police officer; as well as Mitar Vasiljevic, Dragoljub Prcac, Dragan Nikolic and Dusko Sikirica. Janko Janjic committed suicide in custody by activating two explosives.

<sup>4</sup> See Police Misconduct.