



## Bosnia and Herzegovina

### Country Reports on Human Rights Practices - [2000](#)

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The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords) ended the 1991-95 war and created the independent state of Bosnia and Herzegovina, previously one of the constituent republics of Yugoslavia. The agreement also created two multiethnic constituent entities within the state: The Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS). The Federation, which has a postwar Bosnian Muslim (Bosniak) and Croat majority, occupies 51 percent of the territory; the RS, which has a postwar Bosnian Serb majority, occupies 49 percent. The Constitution (Annex 4 of the Dayton Accords) establishes a statewide government with a bicameral legislature, a three-member presidency (consisting of a Bosniak, a Serb, and a Croat), a council of ministers, a constitutional court, and a central bank. The Accords also provided for the Office of the High Representative (OHR) to oversee implementation of civilian provisions. The High Representative also has the power to impose legislation and remove officials who obstruct the implementation of the Dayton Accords. The entities maintain separate armies, but under the Constitution, these are under the ultimate control of the presidency of Bosnia and Herzegovina. Municipal elections held in April and general elections conducted in November were generally free of violence, although there were some voting irregularities in both elections. Multiethnic parties committed to building on the foundation established at Dayton, such as the Social Democratic Party (SDP), made inroads against the support for the nationalist, ethnically based parties in the November elections, resulting in a state House of Representatives almost evenly divided between the two groups. In the RS, the ethnically based Serb Democratic Party (SDS) maintained its dominant position, while the nationalist Croatian Democratic Union of Bosnia and Herzegovina (HDZ) remained strong in Croat-majority municipalities. The Party of Democratic Action (SDA) remained the largest nationalist Bosniak party. Although formally independent, the judiciary remains subject to influence by political parties and the executive branch and is unable to prosecute complex or even simple crimes fairly and effectively.

One of the two entities that make up Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, was established in March 1994 and transformed the government structure of the Bosnian territories under Bosniak and Croatian control. The President of the Federation appoints the Prime Minister subject to parliamentary approval. The Federation Parliament is bicameral. Federation structures continue to be implemented only gradually. Major steps were the creation of canton governments, the unification of Sarajevo under Federation control in spring 1996, and the 1996, 1998, and 2000 elections of the Federation Parliament. However, serious ethnic and political rivalries continue to divide Croats and Bosniaks. Parallel Bosniak and Croat government structures continued to exist in practice.

The Republika Srpska of Bosnia and Herzegovina is the other entity that makes up Bosnia and Herzegovina. In 1997-98, most of the RS political and administrative agencies moved from Pale, a stronghold of former Bosnian Serb leader and indicted war criminal Radovan Karadzic, to Banja Luka. The President and Vice President were elected in November for 4-year terms. The RS National Assembly is unicameral and elected on a proportional basis. The November general elections in the Republika Srpska were relatively free and fair, and resulted in the nationalist parties, led by the SDS, increasing their strength at the expense of the pro-Dayton moderates.

Demilitarization of the city of Brcko, which was made a "self-governing neutral district" in March, was completed in February. A districtwide multiethnic police force also was established. The internationally appointed supervisor is empowered to address such issues as taxation, law enforcement, district management, and composition of the district assembly.

The State-level Constitutional Court declared during the year that a number of provisions of the entity constitutions were unconstitutional; they had been challenged in a lawsuit filed by Presidency member Alija

Izetbegovic in 1998. The court ruled unconstitutional provisions in both entity constitutions that designated a specific ethnic group or groups as "constituent" in that entity, making clear that the three major ethnic groups--Serbs, Croats, and Bosniaks--as well as "others," are constituent in both entities. The decision also invalidated parts of the entity constitutions that named an official language or script, or that called for government support for one church, among other provisions. The decisions established the principle of ethnic equality in the country; however, this decision of the court has not yet been implemented in practice.

The Constitution gives the Government of each entity and the individual cantons within the Federation responsibility for law enforcement in accordance with internationally recognized standards. The Stabilization Force (SFOR), led by NATO, continued to implement the military aspects of the Dayton Accords and to attempt to create a secure environment for implementation of the nonmilitary aspects of the settlement, such as: Civilian reconstruction, the return of refugees and displaced persons, elections, and freedom of movement of the civilian population. The International Police Task Force (IPTF), which was established by the U. N. under Annex 11 of the Dayton Accords, monitors, advises, and trains the local police. The IPTF also may investigate human rights abuses. Local police in both entities have violated international standards and discriminated on political, religious, and ethnic grounds; however, these cases decreased compared with 1999. During the year, police in both the Federation and the RS used internal affairs units to investigate and dismiss officers for committing abuses. Police continued to suffer from the legacy of a Communist system, with "special" or secret police operating in all areas. These forces operated outside the normal police chain of command, exceeding ethnic quotas and reporting directly to the senior political leadership. In addition to locally recruited police forces, each entity also maintains an army. Security forces committed human rights abuses, primarily police brutality, in many parts of the country.

The economy remains weak and dependent upon international assistance. Gross domestic product (GDP) is estimated at \$5 billion; per capita GDP doubled, at approximately \$1,350. GDP continued to be lower in the RS than in the Federation. The entity governments have made only minor structural reforms in privatization, banking, and taxation. Official unemployment estimates range from 40 to 50 percent, and many individuals are forced into the informal economy for work. Workers in the "gray" market typically receive no benefits, but those with formal employment often are paid only partial salaries and months late. Pensions and other benefits are also paid only in part and are delayed 6 months or more due to a lack of government resources. The continued return of refugees from abroad is expected to compound the problem of job creation and to reduce remittances. International assistance provided loans to the manufacturing sector and guidance on structural reform.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remain. The degree of respect for human rights continues to vary among areas with Bosniak, Bosnian Croat, and Bosnian Serb majorities. There was one death in custody (a suicide), and isolated instances of political, ethnic, or religious killings continued. Killings due to bombs also continued. The police continued to commit human rights abuses during the year, and serious problems persisted. Police continued to commit abuses in many parts of the country, principally the physical abuse of detainees. Members of security forces also abused and physically mistreated other citizens. Police also used excessive force, or did not ensure security, to discourage minority resettlement in majority areas. Prison conditions met prisoner's basic minimum needs for hygiene and access to medical care; however, overcrowding and antiquated facilities continued to be a problem.

In the RS, police detained suspects for long periods of time before filing charges; lengthy prearrest detention was a problem in numerous cases in the Federation as well. However, there were fewer cases of arbitrary arrest and detention than in the previous year. Confusion over the rules governing local arrest, detention, and prosecution of suspects for The Hague-based International Criminal Tribunal for the Former Yugoslavia (ICTY) led in some instances to questionable detentions in both the Federation and the RS. The RS continued its de facto refusal to take action against any Serbs indicted by the ICTY. In contrast, RS authorities have made arrests of Serbs based solely on warrants issued by the Federal Republic of Yugoslavia (Yugoslavia); however, in a recent case the authorities later released the suspects.

The judiciary in both entities remained subject to influence by dominant political parties and by the executive branch. Overlapping and poorly defined layers of judicial responsibility and outdated procedures made the administration of justice sporadic and vulnerable to manipulation. In many areas, close ties exist between courts of law and the ruling parties, and those judges and prosecutors who show independence are subject to intimidation by the authorities. Even when independent decisions were rendered, local authorities often refused to carry them out. Authorities in all areas infringed on citizens' privacy rights.

Authorities and dominant political parties exerted influence over the media, and freedom of speech and of the press was restricted to varying degrees in the different entities. Government threats against journalists increased during the year. Academic freedom was restricted. Authorities continued to impose some limits on freedom of assembly and association. Religious discrimination remained a problem. Both governments and

private groups continued to restrict religious practice by minorities in majority areas. Although freedom of movement continued to improve, some restrictions remained in practice. At times, mobs blockaded roads, restricting freedom of movement.

Discrimination against women persists, and violence against women, in particular domestic violence, is a persistent yet underreported problem. Severe discrimination continued in areas dominated by Serb and Croat ethnic groups, with some discrimination in Bosniak-majority areas, particularly regarding the treatment of refugees and displaced persons. The political leadership at all levels, in varying degrees but more so in the RS than in the Federation, continued to obstruct minority returns in certain localities. Local authorities and mobs (in most cases believed to be organized or approved by local authorities) harassed minorities and violently resisted their return. The destruction of minority-owned houses continued in some areas of the RS and in Croat-controlled areas of the Federation. Marginal economic conditions and discrimination in the educational system also complicated returns. Enactment of property legislation proceeded in both entities under pressure from the international community, but implementation was sporadic and slow. Mob violence was a serious problem in the eastern RS. In December, several returning Bosniaks were wounded and one killed by mine explosions, raising suspicions that the mines had been laid to deter return. There were several killings of Bosniaks in the northern RS in the fall that may have been ethnically motivated. Ethnic discrimination remains a serious problem. Prostitution is widespread, and trafficking in women and girls to and within the country is a serious problem.

During the year, there were increased efforts on the part of SFOR to apprehend alleged perpetrators of wartime atrocities. SFOR's more aggressive approach of apprehending individuals indicted by the ICTY, which began in the summer of 1997, resulted in the apprehension of 5 indictees out of the 96 publicly indicted by the Tribunal (one committed suicide rather than submit to arrest). This brought the total number of indictees taken into custody since the Tribunal's inception to 48. At year's end there were 38 persons in ICTY custody either awaiting trial, involved in ongoing trials, released provisionally, or awaiting transfer to begin serving their sentences. Three indictees already are serving sentences. There were 27 public indictees still at large at year's end. ICTY trials during the year resulted in six convictions and one acquittal.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

There were no reports of political killings by police; however, there was one death in custody. Violent incidents continued throughout the year, many between members of different ethnic groups or political parties.

A prisoner died in Mostar West prison where he was being held on charges of aggravated assault. An investigation by the IPTF's Human Rights Division determined the death a suicide and found no evidence to suggest police abuse or irregularities.

Federation authorities made several arrests in connection with the March 1999 killing of Federation Deputy Interior Minister Jozo Leutar. In spite of ethnic divisions within the police and political interference from some quarters, the investigation, one of the most politically contentious in Bosnia, was continuing in cooperation with officials in third countries at year's end. By contrast, a series of attacks on Croat policemen in Travnik in 1999 remains unsolved, mainly due to political interference.

Many, if not most, of the perpetrators of killings and other brutal acts committed in previous years remained unpunished, including war criminals indicted by the ICTY, individuals responsible for the up to 8,000 persons killed by the Bosnian Serb Army after the fall of Srebrenica, and those responsible for up to 13,000 others still missing and presumed killed as a result of "ethnic cleansing" in Bosnia. The local prosecution of war crimes cases has proceeded slowly due to political interference, but Bosnian authorities made some progress during the year with the arrest of several suspects that have been charged and are to be tried in the Bosnian courts.

There was an increase in the number of arrests by Federation police of war crimes suspects for local prosecution, particularly in Croat areas of the Federation. Officers of the Federation Interior Ministry arrested suspected Croat war criminal Dominik Ilijasevic August 28 in Kiseljak. Erhad Poznic and Ivan Suljo, former Croat special police officers charged in connection with the disappearance and presumed execution of 13 Bosniak prisoners of war in Mostar in 1993, both surrendered voluntarily to cantonal authorities in September. In addition, Dragan Stankovic, a Bosnian Serb indicted for local prosecution for actions targeting the Bosniak civilian population in Foca in 1992, was arrested by cantonal police in Gorazde on September 20, while crossing through Federation territory. A Croat police official in Travnik surrendered himself to a Sarajevo court

in March following his reported indictment on war crimes charges. The court subsequently released the officer, ultimately explaining that he had been questioned as a witness in an ongoing war crimes investigation.

During the year, there were continued efforts on the part of SFOR to apprehend alleged perpetrators of wartime atrocities. SFOR's more aggressive approach of apprehending individuals indicted by the ICTY, which began in the summer of 1997, resulted during the year in the apprehension of 5 indictees out of the 94 publicly indicted by the Tribunal. All were detained forcibly, and none voluntarily surrendered to NATO troops. On October 13, Janko Jancic committed suicide rather than submit to arrest by SFOR troops. This brought the total number of indictees taken into custody since the Tribunal's inception to 48. At year's end there were 38 persons in ICTY custody.

On January 25, SFOR troops detained Mitar Vasiljevic, allegedly a member of the paramilitary "White Eagles," who is accused of killing over 100 Bosnian Muslim civilians in the Visegrad area. On March 5, SFOR arrested Dragoljub Prcac. Prcac is accused of being the deputy commander of the Omarska concentration camp, whose 3,000 Bosnian Muslim and Bosnian Croat captives were held in inhuman conditions. Momcilo Krajisnik, a senior Bosnian Serb politician before, during, and after the war, was arrested on April 3. Krajisnik is charged with genocide, crimes against humanity, and other war crimes for his direction of efforts to ethnically cleanse the Serbian Republic of Bosnia and Herzegovina. SFOR arrested Dragan Nikolic on April 21; he is charged with crimes against humanity and other violations committed while he was in command of the Susica concentration camp and for participating in inhuman acts against more than 500 civilians. The alleged commander of the "Keraterm" concentration camp, Dusko Sikirica, was arrested by SFOR on June 25. Keraterm camp held over 3,000 Bosnian Muslim and Bosnian Croat captives in inhuman conditions. Of the 27 publicly indicted persons still at large at the end of the year who remain in the country, the majority reportedly live in the RS. Although RS cooperation with the ICTY has improved, RS authorities made no effort to arrest indictees. The ICTY during the year issued 6 convictions and 1 acquittal. This brings the total number of convictions to 13 since the ICTY's inception.

In January, Zeljko Raznjatovic, also known as "Arkan," a notorious paramilitary commander from the Croatian and Bosnian wars who was indicted by the ICTY, was shot and killed by unknown assailants in the lobby of a hotel in Belgrade. In Prnjavor in the RS, a Bosniak man was killed in March in a hand grenade explosion on his property (see Section 1.c.). An unknown assailant shot and killed Ljubisa Savic, also known as Mauser, the former RS Minister of Interior Chief of Uniformed Police, on June 7 in Bijeljina. Savic was indicted for alleged unlawful conduct during a murder investigation by the Sokolac prosecutor in March (see Section 1.c.). His death was seen by many as the result of conflicts between Serb political factions and criminal elements. In mid-December, in Glogova, near the Serb hard-line town of Bratunac, a Bosniak was killed when a mine exploded while he was clearing his property. After an investigation, RS authorities concluded that the mines were recently placed as a booby trap to prevent return (see Section 1.c.).

There were no developments in the IPTF investigation of the death in police custody of a Bosniak returnee who had killed the leader of an Orthodox religious association in 1999.

#### b. Disappearance

There were no reports of politically motivated disappearances during the year. There still are an estimated 20,000 to 30,000 persons missing from the wars in 1991-95.

The OHR in late 1997 negotiated an agreement among the Bosniak, Bosnian Croat, and Bosnian Serb commissions for missing persons to expedite exhumations across the interentity boundary line (IEBL). The OHR reported that the remains of 1,308 persons had been recovered during the year. These numbers were significantly lower than the previous year because the Government did not provide promised funds for exhumation until May. The International Committee of the Red Cross (ICRC) reported that since 1995 it received requests from family members to trace 20,484 people missing from the war years, including 16,979 Muslims, 719 Croats, 2,537 Serbs, and 249 others. A total of 2,231 of these persons were accounted for (292 of whom were found alive). The ICRC noted that the Working Group for Tracing Missing Persons, which serves as a channel for passing tracing requests to local authorities, had ceased functioning in July, due to lack of cooperation from local authorities and a dispute over the rotating chairmanship among the Bosniak, Bosnian Serb, and Bosnian Croat representatives. The group had not resumed work by year's end and negotiations currently are underway to reform the working group.

In August the Missing Persons Institute (MPI) was inaugurated to coordinate the recovery and identification of remains, provide support to families of the missing, and apply political pressure to Bosnian officials to provide information on missing persons. MPI is a state institution that assumed many of the functions previously carried out by the International Commission on Missing Persons (ICMP), which continues to conduct regional identification activities in the countries of the former Yugoslavia. In August MPI began the first systematic in-

country DNA identification program and began collecting blood samples from living family members of missing persons to assist in the identification of recovered remains. In its first month of operation, the DNA program tested 28 presumptive identifications, which were based on circumstantial evidence such as clothing and personal items found on the body. The testing confirmed 19 identities and excluded 9.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides for the right to freedom from torture and cruel or inhuman treatment or punishment; however, in all areas of the country, police and prison officials abused and physically mistreated persons at the time of arrest and during detention.

A pattern of poor police protection and of violence against minority communities continued in several areas. Police in Stolac, Drvar, Gacko, and Srebrenica proved unwilling or unable to contain the numerous instances of arson designed to intimidate returnees. While there was some improvement in the behavior of local police in the RS and the Federation toward returning minorities, there still were numerous instances of poor police protection in several areas. In February the U.N. Mission in Bosnia and Herzegovina (UNMIBH) called for increased police patrols after an attempted arson attack on a Bosniak home in the settlement of Ilici in southwest Mostar. In March the OHR suspended the deputy police chief and three policemen in Kopaci, a suburb of Gorazde in the eastern RS, who, despite being stationed around a Bosniak house, failed to prevent a Serb from throwing a grenade at it. In Srebrenica, police failed to apprehend anyone responsible for more than 12 burnings of houses occupied by minority families in June and July. In July in Janja police stood by and watched as rioters burned three houses and damaged 15 others during a protest against Bosniak returns that was sparked by the scheduled eviction of three Serb families. The subsequent police investigation was marked by significant omissions, and police refused to identify suspects during court hearings. In the Federation, returning Serbs in Drvar were subjected to physical attacks and intimidation during attempts to evict temporary Croatian occupants.

At times some police officers impeded the enforcement of the law by their unwillingness to carry out eviction orders for persons illegally occupying homes of internally displaced persons (IDP's). Government leaders in both the RS and the Federation often used a variety of tactics, including public statements, to inhibit the return of IDP's (see Section 2.d.).

The IPTF made significant progress in its efforts to restructure and increase professionalism in the police forces. The IPTF completed its programs to provide human dignity and basic skills training to all Federation police officers and neared completion of officer training in the RS. The IPTF continued its certification of Federation and RS police and also decertified officers on a variety of charges. This process involved written and psychological examinations, as well as background investigations. In addition, an IPTF unit in The Hague checks the names of all police officials through the ICTY database. In August the RS police academy graduated its third multiethnic class. Minority officers are beginning to be deployed in areas where minority returns are occurring. All Federation canton governments have agreed to an ethnically mixed police force in principle; however, many cantonal governments continue to resist integration in practice. In the Federation police include Croat, Bosniak, and Serb officers and generally reflect the appropriate ethnic mix within each canton. However, Bosniak and Croat police in the Federation often operate under separate, parallel budget and command structures, divided along ethnic lines. Police in the RS generally do not meet target standards of ethnic representation, as mandated by various agreements. Cooperation between the RS and the Federation Interior Ministries often is better than cooperation between federation cantons. The integration of women into the police forces is uneven but improving, with substantial female representation in the Brcko district and in recent police academy classes in both the RS and the Federation.

IPTF certification of officers proceeded more slowly in the RS, but there was progress on significant law enforcement reforms. An interentity agreement negotiated under U.N. auspices allows the voluntary redeployment of officers across entity lines to redress ethnic imbalances. By year's end, 33 officers had volunteered for redeployment (22 from the Federation and 11 from the RS). Police officials attempted to recruit more minority candidates; individual cantons in the Federation held positions open for minority candidates. Since 1999 international monitors have been establishing an IPTF physical presence within police facilities to ensure proper IPTF monitoring of police reforms. Authorities in the RS are implementing a policies and procedures manual that institutes, among other reforms, a public information bureau and internal affairs unit. Under these reforms, the RS authorities continue to remove officers accused of graft or brutality. Professional standards units have reviewed over 1,000 cases, substantiating approximately 35 percent of complaints received and administering punishments ranging from fines to suspensions. A total of 20 officers were removed and 16 cases were registered for criminal prosecution.

On January 14, the IPTF Commissioner removed the provisional authorization to exercise police powers from seven police officers in the Federation. The removals were enforced for violations ranging from illegal deprivation of liberty to assault on civilians in custody and assault while off duty. In one case, an officer shot

and injured a civilian while intoxicated. There were scattered reports of police brutality throughout the country, although local professional standards units were increasingly active in holding law enforcement officers, including senior officials, accountable for their actions.

In June the Human Rights Chamber ruled that the Federation army had violated the human rights of two Serbs who were shot and detained while driving near Sarajevo in 1996. The two were detained at various locations for over a month before appearing before a judge and were released 15 days later by the then-Higher Court of Sarajevo. A month after their detention, the Army launched an investigation a month after their detention into whether they had committed war crimes. The Chamber ruled that the treatment of one of the two men during detention constituted torture and that both men suffered inhuman and degrading treatment and punishment because they were Serbs. During the year, there were no reports of the Army detaining civilians.

On March 1, the Sokolac prosecutor indicted nine former RS police officers for their alleged unlawful conduct during the investigation into the murder of the Deputy Chief of the Pale Public Security Center (PSC), Srdan Knezevic, in August 1998. Among those indicted were the former RS Minister of Interior Chief of Uniformed Police (who was shot to death by unknown persons in June), Head of the Pale PSC Crime Unit, and the Chief of Staff of the Pale PSC. The charges included unlawful deprivation of freedom, extraction of statements by duress, maltreatment during the discharge of duty, illegal search, failure to render aid, and unauthorized photography. Several of the indictees had been cited by the IPTF for illegal deprivation of liberty, torture, and ill-treatment of 14 suspects and witnesses, as well as coercing several detainees into confessing and into signing incriminating statements.

Sporadic violence against international community representatives continued throughout the year. On January 31, a hand grenade was thrown at the IPTF police station in Pale in the RS, damaging three vehicles. On April 3, a hand grenade was thrown at a SFOR patrol near Modrica in the RS. Two cars and a shop were damaged. On June 21, a landmine damaged an SFOR armored personnel carrier near Gacko in the RS. Three SFOR soldiers were wounded in the incident, which followed protests against minority refugee returns to the area. On July 24, six rocket-propelled hand grenades were fired at the living quarters of the Joint Commission Observer in Zvornik. The attack was similar to one carried out in May 1998. The attack damaged the house, but did not result in any casualties. RS police arrested two suspects, and still are searching for another. On August 3, a false bomb threat was made against offices in Zenica that house international community organizations, local government, media, and NGO's. In August, an IPTF monitor was assaulted and slightly injured in the Zvornik area by unknown assailants.

Federation and RS government officials also were attacked. The private business premises of Mostar mayor Safet Orucevic were damaged in a rock throwing incident on May 15. An improvised explosive device detonated in a Travnik municipal office in June, injuring one employee. An official vehicle used by the RS Minister of Information was destroyed by an explosion in Banja Luka on June 15. In July municipal officials in Maglaj complained of death threats during the eviction of foreign-born Islamists who illegally were occupying homes owned by displaced persons. A car belonging to the head of the local refugee government department in Modrica in the RS was heavily damaged by a hand grenade on August 7. Early in the year, a cantonal judge in Sarajevo received death threats during the deportation proceedings of a naturalized Bosnian citizen who was wanted on international terrorism charges. In August the interior minister of Central Bosnia canton received threats following the arrest of a Croat war-crimes suspect. There was no progress reported by year's end in the Foca police chief's investigation of the attack of the Foca IPTF station. There was no progress reported by year's end by the RS police on the investigation of the death of municipal council member Munib Hasanovic.

A number of housing authorities responsible for implementing property law were threatened or assaulted. The head of the Banja Luka housing authority resigned after receiving death threats. He had been under pressure not to carry out evictions of Croatian Serbs and war veterans illegally occupying property owned by displaced persons. On April 10, the head of the housing authority in Bijeljina was stabbed and seriously wounded. Police determined that the assailant was a displaced person who was dissatisfied with the manner in which his case had been handled. The perpetrator was arrested and sentenced to 60 days in prison. On April 29, the head of the Stolac Housing Board was beaten by an alleged illegal occupant, who also attempted to stab him. Local police did not respond adequately and the IPTF subsequently issued two noncompliance reports against local police and continued to monitor the investigation. On December 7, the head of housing in Pale resigned after receiving threats for implementing property laws.

A few violent incidents marred the municipal elections on April 8. Two such incidents were directed against the international community, while others resulted from intraethnic conflict between political parties within ethnic communities (see Section 3). There were no violent incidents involving international community representatives during the November elections, as had been the case in past elections.

Individual and societal violence motivated by ethnic conflict continued to be a serious problem, and numerous

bombings, shootings, and assaults caused deaths, injuries, and significant material damage; however, violence decreased compared with 1999. Such violence often was connected to the return of refugees and displaced persons to their prewar homes in areas where the returnees are now a minority. A growing level of violence associated with criminal activity compounded the problem.

There continued to be numerous violent incidents directed at returning refugees. In Posavina, a Croat returnee's windows were broken by Croat HDZ hard-liners. There have been reports of intimidation against Serbs in Drvar. On January 18, the newly renovated house of a returning Bosniak refugee in Aladinici, near Stolac (currently a Croat majority area), was burned. The next night another Bosniak house, still under construction, was destroyed. In early March, three Bosniak houses in Janja were set on fire and three of the inhabitants injured. In March a group of Serbs in Vlasenica in the RS beat a number of Roma who had been deported from refugee camps in Italy. On March 11, a group of Serbs threw a hand grenade at a house holding more than a dozen Bosniak heads of families in Kopaci, the Serb suburb of Gorazde. The Bosniaks were the first returnees to the suburb and previously had been camped nearby in tents for more than 5 months, waiting for Serb authorities to evict illegal Serb occupants from their property.

Also in March, there were several attacks against returning Bosniaks near the RS town of Prnjavor. On March 21, a hand grenade severely injured a Bosniak male who had returned with his family to the settlement of Babanovac only 1 week earlier. On March 23, another Bosniak family physically was threatened and told to leave the area. On March 24, a hand grenade exploded and killed a Bosniak returnee who was burning trash on his property in the Prnjavor settlement of Lisnja (it remains unclear whether the grenade was placed deliberately in the fire to harm the Bosniak or merely was there by accident).

In April a group of approximately 100 Bosnian Serbs stoned 6 Bosniaks who were rebuilding their houses in Brcko. On April 26, a mine exploded in the house of a Croat returnee in the Modrica area of the RS, damaging the dwelling but injuring no one. On May 11, several buses carrying 180 Bosniak women to a memorial ceremony to mark the 8th anniversary of a massacre in the Bratunac area were stoned by an angry mob of Serbs. At least 10 Bosniak women were injured slightly by broken glass. RS authorities charged 29 Serbs for disturbing the peace several days later (see Sections 2.b. and 5). In late May there were minor attacks on Bosniak returnees and Croat IDP's outside of Stolac. The next day the governor of the canton visited the return site to criticize the incidents.

On June 21, an unidentified person fired at the office of the Association of Refugees from Derventa in Bijelo Brdo. On June 25, a hand grenade exploded under the truck of a Bosniak returnee to Janja in Bijeljina municipality. The explosion damaged the house and garage.

Arsonists set fire to more than a dozen Bosniak returnee homes in and around Srebrenica in the summer in an effort to intimidate returnees. No one was injured but property was significantly damaged and, in some instances, destroyed. One fire was timed to coincide with the July 12 ceremony at Potocari marking the 5th anniversary of the Srebrenica massacre. Several of the homes had been renovated recently. None of the perpetrators were arrested.

On July 24 a crowd of 250 Serbs, protesting against the eviction of Serbs in Janja, rioted in a Bosniak neighborhood of the town, burning 2 Bosniak houses, destroying several vehicles, and stoning 6 other dwellings. Two hand grenades exploded during the incident, injuring several people. Local police and SFOR looked on without intervening. Approximately 11,000 Bosniaks lived in Janja before the war; only 700 had returned by July.

In mid-August a bomb destroyed a cafe in downtown Glamoc that was owned by a Bosniak returnee. Three days later the owner's father's rebuilt home was set on fire. The OHR dismissed the Croat mayor of Glamoc on September 8, partly due to his inaction regarding these two incidents.

On August 23, a group of Serb IDP's angry over their displaced circumstances blocked the Zvornik-Vlasenica road for several hours. When police broke up the blockade, they were assaulted by the crowd and 12 police officers were injured.

On September 9, a Bosniak house in Srebrenica, which had been empty after a Serb had vacated it, was set on fire.

On September 12, the vehicle used by the head of the Banja Luka branch of the RS Ministry for Refugees was destroyed in an explosion. The explosion appeared to have been an attempt to intimidate the official, who is in charge of evicting illegal occupants and returning refugees to Banja Luka.

In mid-December, there were two mine incidents that may have been deliberate attempts to deter Bosniaks from returning. In the destroyed village of Glogova, near the Serb town of Bratunac, a Bosniak was killed when a mine exploded while he was clearing his property. After an investigation, RS authorities concluded that the mines were recently placed as a booby trap to prevent return. In southern Bosnia, outside the Serb town of Gacko, a landmine exploded under a car carrying Bosniaks to the refugee village of Fazlagica Kula. The occupants were severely wounded, but survived. The OHR suspects that the mine was set recently. These landmine incidents prompted OHR to make a statement criticizing what appeared to be increasing violence against returnees.

There was no progress in the local authorities' investigation of a car bomb that injured a Bosnian Croat police officer in Travnik in 1999. There was no investigation into 1999 incidents of arson of homes of Bosniak returnees in Borovnica. There was no progress in the investigation by canton and Federation antiterrorism officers into a bomb explosion at the home of Ivan Saric, former middle Bosnia canton governor, in a village outside Gornje Vakuf in 1999.

While prison standards for hygiene and access to medical care meet prisoners' basic needs, overcrowding and poor, antiquated facilities are chronic problems. There was one report of a death in custody in Mostar West prison (see Section 1.a.).

International community representatives were given widespread and for the most part unhindered access to detention facilities and prisoners in the RS as well as in the Federation.

#### d. Arbitrary Arrest, Detention, or Exile

There were fewer cases of arbitrary arrest and detention in both the Federation and the RS compared with 1999. In prior years, police in both entities enjoyed great latitude based on Communist-era criminal procedure laws that permitted them to detain persons for up to 6 months without bringing formal charges against them. The Federation revised these laws in 1998, removing this power from police and vesting it solely in the investigative judge. The Communist-era detention laws remain in force in the RS.

Federation law permits prearrest detention of up to 24 hours; in the RS prearrest detention may extend for 3 days. International monitors report numerous instances in which these deadlines have been violated. In one case, a detainee was held for 11 days in the Federation before appearing before a judge. Some accused persons have been in detention for several years while awaiting a final action by the appellate court. The absence of psychiatric facilities in the Federation and RS has led to persons being detained rather than properly treated.

Human rights NGO's contend that there are cases in which persons who ostensibly are detained on criminal charges actually are incarcerated for political reasons. For example, Ibrahim Djedovic, a parliamentary deputy for the Democratic National Union (DNZ), which the ruling Bosniak SDA views as a renegade party due to its activities during the war, was arrested and jailed in May 1997 for war crimes, after he arrived in Sarajevo to take up his parliamentary seat. The ICTY investigated Djedovic and decided not to arrest him for his alleged activities. Most local and international observers believe that Djedovic was arrested due to his political affiliation and not because of alleged war crimes. Although the Sarajevo cantonal court convicted and sentenced Djedovic to 10 years in 1998, he was released in March after winning an appeal and returned to his seat in the Federation Parliament.

There were no reports that forced exile generally was used as a legal punishment. There were no reports during the year of attempts by local Croat authorities to expel returning Serbs in some Croat-dominated areas of the Federation, as had been the case in the past. However, Croat hard-liners in Capljina continued to intimidate Serb returnees. The Croatian Government also continued to deny electricity to Serb returnees in Ivanica, a small town in Bosnia near Dubrovnik.

#### e. Denial of Fair Public Trial

Both the Federation and RS Constitutions provide for an independent judiciary; however, the executive and the ruling nationalist political parties continue to influence the judicial system. Party affiliation and political connections weighed heavily in the appointment of prosecutors and judges. The legal system is unable to adequately protect the rights of either victims or criminal defendants because of its inefficient criminal procedure codes and complicated trial procedures.

The judicial hierarchy in the Federation varies among its different constituent cantons. In the seven mixed or Bosniak cantons, original court jurisdiction exists in both municipal and cantonal courts, with more serious

offenses typically tried in the cantonal courts. Appeals are taken to the Federation Supreme Court. However, in the three Croat-dominated cantons, the municipal courts have exclusive original jurisdiction over all offenses, and appeals are heard by the cantonal courts. The Croat-dominated cantons refuse to recognize the appellate jurisdiction of the Federation Supreme Court; however, no litigant has attempted to appeal to the Federation Supreme Court yet. The differing judicial practices in the cantons of the Federation present obstacles to prosecutors, criminal defendants, defense attorneys, and civil litigants and their attorneys.

In August 1999, the OHR imposed a law allowing the Federation Supreme Court to claim immediate jurisdiction as the "court of first instance" in cases involving terrorism, organized crime, smuggling, and intercantonal crime, which would be difficult for lower courts to try because of pressure from political parties. However, no such cases had been tried in the Supreme Court by year's end.

The Federation Constitution provides for the appointment of judges by the President, with the concurrence of the Vice President and the approval of the Assembly, to an initial term of 5 years. Judges may be reappointed following this initial term to serve until the age of 70.

The RS judicial hierarchy includes a Supreme Court to provide for the unified enforcement of the law and a Constitutional Court to assure conformity of laws, regulations, and general enactments with the Constitution. The RS has both municipal and district courts, with the district courts having appellate jurisdiction. Judges are appointed and recalled by the National Assembly and have life tenure.

In June 1999, judicial associations in both entities adopted identical codes of ethics for judges and prosecutors. In August 1999, the OHR imposed laws strengthening the Federation prosecutor's office and protecting the identity of witnesses in sensitive cases in the Federation. There have been no test cases to date, however. The international community continued training programs in the Federation to familiarize judges, prosecutors, defense attorneys, and the police with the Federation's reformed Criminal Code, which entered into effect in November 1998. The RS has not adopted similar criminal law reforms yet. Some NGO's expressed concern over the judicial selection process in eight federation cantons, especially in Sarajevo and Tuzla. Legal experts argued that the laws on judicial selection in those two cantons were inconsistent with the canton and Federation Constitutions.

Both the Federation and RS Constitutions provide for open and public trials and give the accused the right to legal counsel.

The Dayton Peace Accords also created the Human Rights Commission for Bosnia and Herzegovina, which consists of the Human Rights Chamber and the Human Rights Ombudsman. The Chamber may consider alleged violations of the European Convention on Human Rights if the matter is within the responsibility of one of the parties to the Dayton Agreement and occurred after its signing. Decisions of the Chamber are final and may not be appealed to the Constitutional Court. The Ombudsman may investigate allegations of human rights abuses either on his or her own initiative or in response to any party, or may refer matters to the Chamber.

Human rights organizations reported that judicial institutions in both entities were controlled or influenced by the ruling parties. Likewise, the various prosecutorial offices throughout the two entities remained subject to political pressure. There were numerous anecdotal reports of politicians pressuring judges to rule in favor of the local party members in cases before the courts. Courts often were reluctant or unwilling to try cases of human rights abuse referred to them. A lack of resources and a huge backlog of unresolved cases provided a convenient excuse for judicial inaction. Even when the courts rendered a fair judgment, local officials often refused to implement their decisions. This was especially the case for those who won decisions mandating eviction of illegal occupants from their property, although this improved somewhat during the year under pressure from the international community. In addition, organized crime elements sought to pressure judges, especially in central Bosnia and Herzeg-Neretva canton.

The Federation and the RS maintain separate structures of courts and prosecution agencies, with little or no cooperation across the entity line. Although there have been isolated instances in which the 1998 Memorandum on Inter-Entity Legal Cooperation has been used successfully, little sustainable progress has been made in creating viable and effective structures for such cooperation. For example, there is no mechanism between the Ministries of Interior to enable arrest warrants to be executed throughout the country.

In the Federation, the High Representative implemented the Law on Judicial and Prosecutorial Service on May 17. In the RS, the National Assembly adopted the Law on Courts and Court Service and the Law on the Public Prosecutor's Office. These laws provide a merit-based, nonpolitical structure for the appointment and dismissal of judges and prosecutors and provide uniform standards for their professional conduct. The laws provide for a review period, during which all prosecutors and sitting judges who fall below the standard of professionalism set out in the laws will be removed. Review commissions were established in June and began reviewing files in

September.

The caseload of the Human Rights Chamber continued to grow rapidly (see section 4) as more citizens turned to the Chamber to redress human rights violations after national institutions and domestic courts failed to provide an effective remedy.

In February the Human Rights Chamber ordered a retrial for Sretko Damjanovic, who was convicted by a military court in Sarajevo in 1993 of war crimes against the civilian population. The Chamber ruled that Damjanovic had not been granted a fair trial in the proceedings that led to the rejection of his petition for a retrial. In May and October 1997, the Sarajevo Cantonal Court had denied his request to reopen proceedings and his appeal was finally rejected by the Federation Supreme Court in February 1998. The Chamber stated that the cantonal court's reasoning for rejecting the appeal was "grossly inadequate and devoid of the appearance of fairness" and that Damjanovic did not have a fair chance to appeal to the Federation Supreme Court.

In February the Sarajevo Cantonal Court acquitted Bosniak Ibrahim Djedovic of charges of war crimes. Djedovic had been convicted and sentenced to 10 years' imprisonment in October 1998, after a trial that was viewed by international observers as unfair.

On August 4, Sarajevo Canton police arrested former Interior Minister and Bosniak organized crime figure Alija Delimustafic on "abuse of power" charges filed by the Federation Prosecutor. Delimustafic is purported to have ties across the political spectrum. Some observers believe that his arrest and arraignment indicate that the Bosnian judicial system is attempting to address the most serious corruption cases. Others are doubtful that the law enforcement community will have the political support to successfully prosecute the case.

No new trial was held in the May 1999 RS Supreme Court case in which the court ruled that three Bosniaks were wrongfully convicted of 1996 murders of four woodcutters.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to "private and family life, home and correspondence" and the right to protection of property; however, authorities in all areas infringed on citizens' privacy rights.

In the RS, police routinely conduct searches of private homes without obtaining search warrants, citing emergency provisions in the law even in routine cases. This problem has not been observed in the Federation.

Since the war, large numbers of citizens have been unable to reclaim their real property, either private or collectively owned, to which they had occupancy rights under the Communist system. Enactment of property legislation has proceeded in both entities under pressure from the international community. In October 1999, the High Representative issued several directives intended to accelerate evictions and enable more returns. However, implementation of the revised property laws has been extremely slow. In the Federation, as of the end of October, 54 percent of the property claims had been adjudicated and 25 percent of the property returned. As of the same time in the RS, only 28 percent of the property claims had been decided and 11 percent of property returned. By some estimates, resolving property claims in the RS at the current rate will take another 10 years. The political leadership at all levels in both entities, but especially in the RS and in Croat areas of Herzegovina, continues to obstruct minority returns by delaying needed reforms and not implementing evictions and other property-related decisions. In Sarajevo, delays persisted due to the large backlog of cases, but political manipulation and obstruction decreased. During the year, approximately 10,000 Serbs returned to Sarajevo Canton, usually because of evictions of illegal occupants from their homes.

Throughout the country, membership in the political party affiliated with one's ethnic group was considered the surest way to obtain, retain, or regain employment, especially in the management of socially owned enterprises (see Sections 2.b., 3, And 5).

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides a general statement supporting freedom of speech and of the press. Actual laws regarding freedom of the press are delegated to the cantons in the Federation and to the central authorities in

the RS. Freedom of speech and of the press was respected partially in the Federation and in the western RS, but to a lesser extent in the eastern RS. Within the Federation, press freedom was restricted more severely in Croat-majority areas. The primary restraints on press freedom are control of the principal media by governing political parties and the politicized use of tax and financial inspections instigated by the dominant nationalist parties. In Croat-majority areas of the Federation, party-controlled media are the dominant electronic media and source of information. While there were some improvements in the development of a free and independent press, most media continued to be biased noticeably. In addition, threats to journalists from Government and extremist groups increased during the year.

Some opposition and independent newspapers operate in the Bosniak-majority areas of the Federation and in the RS, principally in Banja Luka. Dnevni Avaz, which in the past was controlled largely by the SDA party, is the daily with the highest circulation. It has noticeably distanced itself from the SDA during the year. Dani and Slobodna Bosna are the most influential independent magazines in the Federation. One of the few independent magazines in the RS is Reporter, a weekly published by a former correspondent of the Belgrade-based independent magazine Vreme. Nezavisne Novine is an independent newspaper published previously only in the RS, but is now distributed in the Federation.

There are two printing facilities in the Federation; the government-controlled Oko company and the facility owned by the newspaper Dnevni Avaz. After a series of labor strikes at Oko in late June, Dnevni Avaz took over printing of almost all publications previously printed by Oko until the strike ended several months later. In the RS, the state-owned printing company, Glas Srpski, has a virtual monopoly.

The ruling parties exerted economic pressure by refusing to allow state-owned companies to advertise in the independent media. Some independent media in the two entities, for example, Dani and Reporter, assist in the distribution of each other's publications in their respective entities.

The number of registered threats against journalists increased during the year. The Organization for Security and Cooperation in Europe (OSCE)-sponsored media helpline, established in November 1999, registered 128 cases of possible violations of the rights of journalists from November 1999 through October. Complaints of abuses to the helpline increased markedly during the April municipal elections and the November general elections. Intimidation of journalists and media outlets most commonly took the form of verbal or written threats to stop a particular line of inquiry or a concerted effort to harass media outlets through the misuse of government agencies, by performing tax audits or cutting off power and telephone lines. Groundless defamation lawsuits also were used against journalists, as well as actual physical attacks.

In a survey conducted among representatives of 50 media outlets attending a countrywide journalist conference, 62 percent responded that they personally had experienced intimidation and interference with their work, including direct and indirect pressure applied by both political parties and elected or appointed officials.

In April a journalist for Dnevni Avaz was assaulted by the driver of Federation Prime Minister Edhem Bicakcic, allegedly because of critical articles about the Prime Minister. Bicakcic initially refused to take responsibility for the actions of his driver or to discipline him, but after strong pressure from the international community, he took mild disciplinary action.

Zeljko Kopanja, the editor in chief of Nezavisne Novine who lost both legs in a car bomb in October 1999, was threatened several times during the year by unknown persons. In June RS authorities arrested six individuals, including two former members of the RS police antiterrorist brigade, for attempted blackmail of Kopanja; however, they had not been charged in connection with the bombing by year's end.

On June 10, Edin Avdic, a journalist from the weekly Slobodna Bosna, was assaulted at the entrance to his home hours after he received verbal threats from SDA Chief of Cultural Affairs Muhamed Korda. The journalist claims Korda warned him to stop writing articles about the cultural activities of the SDA. Avdic claimed that his attackers repeated the warning and added that next time he would be killed.

On August 12, Srpsko Oslobođenje journalist Ljubisa Lazic was assaulted on the premises of Radio Srpsko Sarajevo by Marko Asanin, president of the regional board of the Srpsko Sarajevo Independent Party of Social Democrats (SNSD). According to Lazic, the attack was allegedly the culmination of a series of threats and harassment by Asanin, who at one point attempted to have local media excluded from sessions of the assembly of the Srpsko Novo Sarajevo municipality.

On September 20 in Doboj, municipal SDS leader Milan Ninkovic publicly threatened Radio ZOS director and Oslobođenje correspondent Azemina Mulahuseinovic during an interview on NTV Doboj. On October 9, Deputy Manager of Glas Srpski Anton Kasipovic sustained serious head injuries during an assault by unknown

persons. The police conducted an investigation but there was no progress at year's end.

In April leaflets were distributed in the hard-line Croat town of Livno insulting the editor in chief of the independent radio station Studio N and one of its journalists. The pamphlet accused the two of being "miserable mercenaries" and "spitting and vomiting on everything that represents Croat legal authority in Livno." Studio N had been the object of politically motivated pressures in the past, including the March 1999 beating of the wife of the journalist mentioned in the pamphlet.

On June 6, tax authorities raided the daily Dnevni Avaz. Agents of the Federation Tax Administration initially arrived without explanation or a court order. These provisions were eventually met, but only after distribution of the newspaper was delayed. The Tax Administration subsequently presented Dnevni Avaz with a bill for \$450,000 (928,000 KM) for unpaid taxes in 1998, which the newspaper contested and claimed it is unable to pay. The raid followed the newspaper's transformation from partisan reporting in favor of the nationalist SDA party to more neutral reporting. The newspaper's transformation began in late 1999, before the April municipal elections, in which the SDA fared poorly. Editor in chief Mensur Osmovic said the newspaper had received threats from the SDA leadership for months and claimed that the main reason for the audit was Dnevni Avaz's articles about corruption implicating SDA leaders. Federation Prime Minister Edhem Bicakcic publicly attributed SDA losses in the elections to loss of control over the media and explicitly said Dnevni Avaz had to be brought under control.

There was a decrease in the selective application of the slander laws by authorities to punish opponents since the High Representative suspended criminal penalties for libel in July 1999. Previously the possibility of imprisonment for slander and libel often was used to threaten journalists. In December 1999, the Federation presented a draft Law on Compensation for Damage Caused by Defamation and Libel, which was criticized severely for the excessive fines it sanctioned. The law had not yet been adopted at year's end. Although fewer allegations of defamation are reaching the courts, the overall number of cases remains high, due to a slow rate of resolution and court backlogs.

In March Slobodna Bosna editor Senad Avdic, who was convicted of defamation in June 1999, appealed his case. Bakir Alispahic, a public official, successfully charged Avdic with defamation over articles stating that Alispahic was a party to illegal financial transactions involving several banks, including Narodna Banka. Avdic has requested that his case be retried subsequent to resolution of a case involving Narodna Banka, which revealed evidence that may support his claims.

The Independent Media Commission (IMC), established by the High Representative in 1998, is empowered to regulate broadcasting and other media in the country. In this capacity, the IMC licenses broadcasters, manages and assigns spectra for broadcasting, sets licensing fees, and enforces adherence to the code of practice. The IMC has broad authority to punish violations to the code of practice. It may issue warnings, impose fines, suspend or terminate licenses, seize equipment, and shut down operations of any broadcaster or media outlet in violation of the code of practice. The IMC issued numerous fines for violations of broadcasting standards to stations in both entities during the year.

The largest television broadcasters are Radio Television Bosnia and Herzegovina (RTV BiH) in the Federation and Radio Television of Republika Srpska (RTRS) in the RS. The international community launched the Open Broadcast Network (OBN) in 1997 as a cross-entity broadcaster and source of objective news and public affairs programming. However, only a minority of viewers cites the OBN as their key source of news. Independent television outlets include TV Hayat, Studio 99, OBN Banja Luka affiliate Alternative TV (ATV), and several small television stations located throughout the country. Some of these broadcasters originally were municipal stations. They have not yet been fully privatized, and their legal ownership status remains unclear.

The High Representative's decision of July 1999 to restructure the broadcasting system of Bosnia and Herzegovina still has not been implemented fully. The restructuring was to liquidate the existing broadcaster, Radio Television Bosnia and Herzegovina, and create a statewide public broadcasting corporation, the Public Broadcasting System of Bosnia and Herzegovina (PBS BiH). Plans to incorporate elements of the OBN into the new PBS BiH still have not been implemented due to difficulties linked to producing a quality PBS news and public affairs program.

The July 1999 decision also established Radio Television of the Federation of Bosnia and Herzegovina (RTV FBiH) as the public broadcasting company of the Federation. RTV FBiH is to broadcast on two channels offering a blend of Bosniak and Croat programming. The High Representative's decision specifies that "programming must be based on truth, must respect human dignity and different opinions and convictions, and must promote the highest standards of human rights, peace and social justice, international understanding, protection of democratic freedoms and environment protection." The OHR appointed all 21 members of the Board of Governors, including the 7 members who were to have been chosen by Parliament. SDA officials

attempted to delay the transition to RTV FBiH and have attempted to exert influence on members of its new Board of Governors.

The August 1999 decision by the High Representative imposing amendments to the RS broadcasting law has not been implemented fully. These amendments required Serb Radio Television (SRT) to change its name to Radio Television of Republika Srpska (RTRS). The High Representative required RTRS to comply with the country's broadcasting laws, regulations promulgated by the IMC or its successor, and the laws of the RS. On July 27, the High Representative dismissed the RTRS Board of Governors for obstructing international efforts to improve RTRS programs and management. The High Representative mandated that the new Board work with RS authorities and international experts to develop new legislation for the RTRS to bring it into conformance with international standards for public broadcasting.

Until February Mostar-based Erotel TV conducted an extensive operation that retransmitted programs from state-run Croatian Television. The IMC declared Erotel broadcasts illegal in November 1999, but Erotel refused to go off the air until the IMC, with SFOR and OHR assistance, forcibly shut down Erotel's transmitters on February 17. Nationalistic Croat television continued to be broadcast by HTV-Mostar, which is owned by the three Croat municipalities in Mostar and is financed by the HDZ.

Radio broadcasting in the Bosniak-majority areas of the Federation--particularly in Sarajevo, Zenica, and Tuzla--is diverse. Opposition viewpoints are reflected in the news programs of independent broadcasters. Independent or opposition radio stations broadcast in the RS, particularly in Banja Luka. Nez Radio and Radio Pegas report a wide variety of political opinions. Local radio stations broadcast in Croat-majority areas, but they are usually highly nationalistic. Local Croat authorities do not tolerate opposition viewpoints. One exception is Studio 88, in Mostar, which broadcasts reports from both sides of that ethnically divided city.

Academic freedom was constrained. In the Federation, Serbs and Croats complained that SDA party members receive special treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka limits its appointments to Serbs. All institutions suffer from a lack of resources and staff. The University of Mostar remains divided into eastern and western branches, reflecting the continued ethnic divide in the city. However, the East Mostar University, despite persistent reports of ethnic discrimination, has significant ethnic diversity in its student body and staff. The rector of West Mostar University, Marko Tadic, was forced out of office by the university board of directors following his efforts to reform the University, which has been politicized and dominated by Croat nationalists since the war. Tadic had introduced strict standards for hiring and retention of faculty, removed photos of Croatian generals and other nationalist symbols, initiated contact with the Bosniak University in East Mostar, and proposed a review of the legitimacy of degrees issued during and immediately following the war.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, authorities imposed some limits on this right in practice. Opposition political parties freely staged rallies and campaign events during the April and November elections in Bosniak-dominated areas, although several parties decided not to operate in Croat-dominated areas out of concern for their safety. In the November election campaign, the SDP and other multiethnic parties increased their campaign activities in the RS; however, in general few non-Serb opposition parties or candidates campaigned in the RS (see Section 3).

Refugees returning to visit homes in the RS or commemorate war dead were harassed and subject to violence in several incidents. On May 11, several buses carrying 180 Bosniak women to a memorial ceremony to mark the 8th anniversary of a massacre in the Bratunac area were stoned by an angry mob of Serbs. At least 10 Bosniak women were slightly injured by broken glass. RS authorities charged 29 Serbs for disturbing the peace several days later (see Section 1.c.).

The Constitution provides for freedom of association, and a wide range of social, cultural, and political organizations functioned without interference; however, authorities imposed some limits on this right and indirect pressure constrained the activities of some groups. Although political party membership was not forced, many viewed membership in the leading party of any given area as the surest way for residents to obtain, regain, or keep housing and jobs in the state-owned sector of the economy (see Section 6.a.).

#### c. Freedom of Religion

The Constitution provides for freedom of religion, including private and public worship, and in general, individuals enjoyed this right in predominately mixed and religious majority areas. However, the efforts of individuals to worship in areas in which they are an ethnic and religious minority were restricted by government

and institutional harassment, and sometimes by societal violence. Some incidents resulted in damage to religious edifices and cemeteries.

Administrative and financial obstacles to rebuilding religious structures impeded the ability of minorities to worship and even impeded their return in many areas. RS authorities have obstructed attempts to rebuild the 83 mosques in the RS that were destroyed during the war. A June 1999 Human Rights Chamber decision ordering the RS to swiftly grant the Islamic community the necessary permits for reconstruction of seven of Banja Luka's destroyed mosques largely has been ignored. RS authorities refused to issue necessary permits for the reconstruction of any of the mosques or other Islamic community-owned buildings in Banja Luka, particularly the symbolically important Ferhadija Central Mosque. The RS government allowed the Muslim community to block off the site, but has not yet allowed reconstruction to begin. In December Ivan Mandic, an HDZ hard-liner and the head of Mostar Municipality Southwest (MSW) refused to grant permission for reconstruction of Baba Besir Mosque, one of three mosques in MSW that were destroyed during the war. Reconstruction of a mosque near Zvornik began in May, and Islamic leaders declared reconstruction of a mosque in Kozarac complete in August.

In December the Human Rights Chamber concluded that local authorities in Bijelina had prevented reconstruction of five mosques that had been destroyed in 1993 and had allowed buildings to be constructed on two of the former mosque sites, a parking lot on one, and flea markets on the remaining two. RS authorities had ignored an order by the Chamber in 1999 to halt construction on one site. The Chamber ordered that permits be granted for reconstruction of the five mosques. No action by the authorities has been taken by year's end.

In February the Human Rights Chamber determined that the municipal government of Prnjavor, in the RS, had discriminated against its Islamic community by closing the local Muslim cemetery. The municipal government had ordered a Bosniak to move his deceased wife's remains from the Muslim cemetery to a "new" Muslim cemetery. At a February 1999 Human Rights Chamber hearing concerning the case, evidence indicated that there was in fact no new Muslim cemetery in the area and that no reasonable grounds existed for closing the old Muslim cemetery (nearby Catholic and Orthodox cemeteries remained open). Prnjavor municipal authorities were ordered to allow burials within a month. By the end of the year, Prnjavor authorities had complied with the order and removed the ban on Muslim burials.

Public schools offer religious education classes, which, in theory, are optional. However, schools generally do not hire teachers to offer religious education classes to students of minority religions. In some cases, children who choose not to attend the religion classes offered are subject to pressure and discrimination from peers and teachers. Schools in Sarajevo canton, except for non-Bosniak schools, offer only Islamic religion classes. In Croat-majority West Mostar, minority students theoretically have the right to take classes in non-Catholic religions; however, this option does not exist in practice. Orthodox symbols are present in public schools throughout the RS. For a variety of reasons, minority families with children have been slow to return to the RS. Consequently, municipalities have not been compelled yet to address the issue of minority religious education. On May 10, the Education Ministries of both entities and the Deputy Federation Education Minister agreed on a standard curriculum, which requires all schools to teach the shared cultural heritage of all three communities.

In Bosniak-dominated Zenica, the Catholic school closed temporarily in March after school officials received a bomb threat. Although local authorities later discovered that the threat was a hoax, Zenica's few remaining Catholics are concerned for their safety. On June 25, an explosive device destroyed a Catholic chapel in Zivinice.

In Croat-dominated areas of Herzegovina, Muslims feel pressure not to practice their religion in public and have been the subject of violent attacks. For example, in the Croat-dominated western Bosnian town of Glamoc, a building housing all of the local Muslim organizations and the apartment of a Muslim cleric was bombed and damaged seriously in April.

In April RS Prime Minister Milorad Dodik shared the stage at an interfaith conference in the RS government's headquarters in Banja Luka with the newly appointed Mufti of Banja Luka and three other Muslim clerics. In Mostar religious leaders representing all groups except Catholics attended celebrations for Muslim, Jewish, and Orthodox holidays.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for "the right to liberty of movement and residence," and freedom of movement, including across the IEBL, continued to improve; however, some limits remained in practice. The IPTF and SFOR completed the dismantling of all permanent police checkpoints in 1999, greatly enhancing freedom of movement.

Freedom of movement improved significantly with the introduction of universal license plates in 1998. The new plates do not identify the vehicles as being registered in predominantly Bosniak, Bosnian Serb, or Bosnian Croat areas.

Accurate statistics on refugee returns remained difficult to obtain. According to the U.N. High Commissioner for Refugees (UNHCR), between the end of the war in 1995 and October 31, 364,391 persons who left the country had returned. More than 174,000 returned from Germany alone, due to the German Government's policy of actively pressuring refugees to return to Bosnia. Most of those returning from Europe were unable to return to their prewar homes in the RS. Efforts by hard-line Croats to resettle returning refugees and consolidate the results of ethnic cleansing have ceased for the most part. The UNHCR reported that during the year there were 67,445 registered minority returns countrywide. Although the return figures are much less exact for those returning from other places within the country, the UNHCR reported that 336,504 IDP's returned to their prewar homes between the end of the war and October, or roughly 20,000 during the year. While different refugee organizations provide different estimates on the numbers of minority returns, they all agree that the rate of minority returns during the year was more than twice that of 1999.

In the spring, the international community began a concerted effort to compel the entity authorities to implement the property laws. Pressure from OHR (more than 20 obstructionist officials were dismissed in late December 1999) and a publicity campaign in the local media reinforced the message that illegal occupancies could not continue indefinitely. By the spring, with the pace of evictions growing rapidly, particularly in the RS, the number of returns also increased. Families and individuals increasingly abandoned occupied property voluntarily, with some returning to their heavily damaged or even destroyed dwellings. Although many of such returnees were Bosniaks, substantial numbers were Serbs and Croats. According to the UNHCR, 35,836 Bosniaks, 11,591 Croats, and 18,852 Serbs returned to areas where they are in the minority.

Pressure from evictions, combined with an increased sense of security in most areas of the country and an awareness that international assistance was not inexhaustible, prompted an increase in returns during the first half of the year. By April the rate of return was three times higher than for the same period in 1999. Although the pace decreased somewhat over the summer as it became apparent that reconstruction assistance would not be able to match the number of returnees, the rate of returns during the year was more than twice that of 1999. Thousands of returnees lived in tents or improvised shelters in their former villages and towns, hoping for assistance in rebuilding their homes.

However, many problems remained to prevent returns, including the obstruction by hard-liners of implementation of property legislation, political pressure for individuals to remain displaced in order to increase ethnic homogeneity of the population in a specific area, and the lack of an ethnically neutral curriculum in public schools (see Section 5). For example, the European Roma Rights Center (ERRC) reported that Roma from the RS (most of whom are Muslim) who were forced out of their homes allegedly have had serious difficulties returning to their prewar homes. The ERRC reported that Roma have had to pay financial compensation, ranging from \$1,500 to \$5,000 (3,000 to 10,000 KM) to Serbs occupying their prewar homes in order to move back. The ERRC also reported that some Roma's homes are occupied by RS government bodies.

The 1998 Sarajevo Declaration was intended to showcase Sarajevo as a model city in terms of tolerance. The declaration was to provide for improvements in areas that hindered return: Legislation, housing, security and public order, employment, and education, with a goal of 20,000 minority returns for the canton during 1998. This number of returns was not reached until February. During the year, with the implementation of the October 1999 revised property laws, the rate of evictions in the city increased considerably and the pace of decisions increased; however, a large backlog of cases remains. Many of those evicted returned to their destroyed property in the eastern RS, where some received reconstruction assistance.

During 1998 the Federation army unlawfully took control of 4,000 former Yugoslav military (JNA) apartments that had been abandoned and repaired by a Dutch company. Prewar residents continue to wait to return to these apartments, while authorities encouraged occupants to begin the purchasing process. After inadequate action by local authorities, several of these cases were brought before the Human Rights Chamber. No returns to former JNA apartments have taken place. There have been no reports to indicate progress in resolving this issue during the period covered by this report.

The continued influence of ethnic separatists in positions of authority also hindered minority returns. Much of Croat-controlled Herzegovina and towns in eastern RS remained resistant to minority returns. IDP's living in those areas, even those who privately indicated interest in returning to their prewar homes, frequently were pressured to remain displaced, while those who wished to return were discouraged, often through the use of violence. In particular, IDP's in the hard-line RS areas of Bratunac and Srebrenica, mostly from Sarajevo, were intimidated from attempting to return (see Section 1.c.). For example, in June Serb IDP's living in Kotorsko blocked the main Sarajevo-Brod highway for several hours after Bosniaks began returning to the village to

clean their property. The Serbs were angry because they were unable to return to their homes in Vozuca, which continue to be occupied by Bosniak refugees from Srebrenica. Several days after the blockade, Bosniaks blocked another portion of the highway to call attention to Serb harassment and intimidation, which was obstructing their return to Kotorako. In mid-July several hundred Bosniaks blocked a main road near Maglaj, in central Bosnia, to protest the impending eviction of Muslim fundamentalist families occupying Serb property in the village of Bocinja. The blockade lasted for several days. However, within weeks of the end of the blockade, authorities began evicting Muslim families from Bocinja without incident.

Despite these obstacles, ethnic minority refugees and IDP's began returning to their destroyed villages in increasing numbers in some areas of Herzegovina and the eastern RS. For example, in the spring Bosniaks began returning to Zepa, the outskirts of Foca, and even villages near Visegrad. In the summer, several Bosniaks returned to Srebrenica town, and dozens more returned to several outlying villages. Elsewhere in the RS, Bosniaks began returning to the center of Prijedor and Doboj. Serb returns accelerated in the Capljina area of Herzegovina. However, local government officials continue to obstruct minority returns to Drvar and to harass Serb returnees.

Government leaders in both the RS and the Federation often have used a variety of tactics, including public statements, to inhibit the return of IDP's (see Section 1.c.).

The increased number of ethnically integrated police forces helped improve the climate for returns, although security remained inadequate in some areas.

The continued depressed state of the economy throughout the country and the consequent lack of employment opportunities for returnees remained a serious obstacle to a significant number of returns. As a result, most minority returnees were elderly. This placed a burden on receiving municipalities. Younger minority group members, who depend on adequate wages to support families, generally remained displaced, especially in cases in which they had managed over the past 7 years to find work.

Officially, the Government grants asylum and refugee status in accordance with international standards. The Government generally cooperates with the UNHCR and other humanitarian organizations in assisting refugees. During the year, approximately 3,000 refugees from the Kosovo conflict continued to reside in refugee camps in Bosnia. Some are planning to return to Kosovo, with some seeking asylum abroad. Approximately 5,000 to 10,000 Serbs who fled Kosovo or Serbia during the Kosovo confrontation are believed to be in the RS in private accommodation. Less than 1,000 Sandzaks are believed to still reside in private homes. There were no reports of the forced return of persons to a place where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although a permanent election law is not yet in place, the Dayton Accords commit the parties to "ensure that conditions exist for the organization of free and fair elections, in particular a politically neutral environment" and to ensure the right to "vote in secret without fear or intimidation." The Dayton Peace Accords gave the OSCE primary responsibility for the organization and supervision of the country's post-war elections. The OSCE organized and supervised general elections in 1996, 1998, and November; municipal elections in 1997 and April; and special elections for the RS National Assembly in 1997. The OSCE released a draft of the election law in December 1999 that would transfer responsibilities for running elections to the Government, but it has not been adopted yet by the Parliament.

In July President Alija Izetbegovic announced that he would resign from the three-person Bosnian presidency in October. Because the Bosnian Constitution did not specify the succession procedure, the parliamentary assembly adopted a controversial law establishing a procedure that gave final decision to the indirectly elected House of Peoples over the House of Representatives. Wolfgang Petritsch, the High Representative for Bosnia and Herzegovina, imposed an amendment to rectify this shortcoming. The Bosniak speaker of the Parliament, Halid Genjac, was named to serve as Izetbegovic's temporary replacement. At year's end, a permanent replacement had not been elected.

The November general elections were held without violence, although there were incidents of voter intimidation, multiple voting, and illegal preelection campaigning. The OSCE issued 28 decisions sanctioning or censuring parties or individuals for violations of election rules, ranging from slogans fostering ethnic hatred to obstructing audits of party financing. While most voting irregularities were not significant enough to influence the outcome, an HDZ-organized referendum held on election day provided a platform for nationalist rhetoric that likely increased support for nationalist parties, particularly among Croat and Bosniak voters. Voter turnout during the April and November elections was around 65 percent. Compared with previous years, there was a large decrease in the number of absentee ballots during both elections; however, such a decrease most likely was a result of refugee returns to Bosnia and a lower level of interest among voters abroad. By the end of the

year, the process of implementing results of the November general elections was still underway.

Municipal elections held in April largely were peaceful; however, several incidents, some violent, occurred. Two incidents were directed against the international community, while others resulted from conflict between political parties within ethnic groups. A Bosnian Serb male, acting alone, attacked an IPTF member with a stick near a polling place in Bijeljina in the RS. The OSCE reported that there were no major attempts at fraud, manipulation, or disruption of the election process, but observers noted widespread problems with incomplete voting lists that discouraged or prevented some citizens from voting. While nationalist parties in Serb- and Croat-dominated areas continued to attract the support of a significant portion of the electorate, the moderate, multiethnic parties, such as the SDP, gained strength. A number of electoral reforms that are contained in the draft election law, including provisions for preferential and open list voting, multimember constituencies, and new campaign finance regulations, were applied during the April municipal elections.

Implementation of the results of the April municipal elections was smoother than in 1997, according to the OSCE. A greater familiarity with the laws at the local level improved the process, although 5 months after the elections, 20 of the 146 municipalities had still not completely implemented the results. The OSCE screening of candidates to eliminate those candidates who illegally occupied refugee homes, held conflicting positions, or who previously had been removed from office by the High Representative, partially contributed to the delay. Obstructionism caused delays in some municipalities, such as in Vares, where the SDA repeatedly nominated unacceptable candidates who were rejected by the OSCE.

Continued party control of the media and security apparatus precluded full citizen participation without intimidation, especially in Bosnian Croat areas and parts of the RS. To varying degrees, all major parties attempted to exclude other parties in areas they control. This was especially true in areas controlled by the SDS or the HDZ. However, observers believe that recent changes to the media law in the RS and the new media law in the Federation have improved the situation somewhat (see Section 2.a.).

A democratically elected, multiethnic local government is to administer the Brcko municipality as a district under the direct oversight of the Brcko supervisor. Until new laws are issued or existing laws adapted, the supervisor retains discretion as to which laws, Federation or RS, are to apply in Brcko. A new district statute was issued by the supervisor on December 7 1999, and a districtwide multiethnic police force was established officially in January.

Women generally are underrepresented in government and politics, although a few women, such as the former President of the RS, have occupied prominent positions. In the three legislatures, women were underrepresented seriously. To address this concern, election rules established by the OSCE prior to the 1998 general elections required parties to include no fewer than 3 members of each gender among the top 10 names on their candidate lists. However, in the state-level House of Representatives (lower house), 2 of 42 deputies are women, compared with 12 before the November elections. There were no women in the state-level House of Peoples (upper house), whose representatives are appointed by the entity legislatures, prior to the November elections; the current upper house still was being formed by year's end. In the Federation legislature, 21 of 140 deputies in the House of Representatives are women. In the RS unicameral legislature, 15 of 83 deputies are women, compared with 19 before the most recent elections. During the April municipal elections, the Provisional Election Commission mandated that one in every three candidates be a woman. 590 women were elected, constituting 18 percent of successful candidates.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The authorities generally permitted outside investigations of alleged human rights violations. International and local NGO's involved in human rights appear to operate with relative freedom. The OHR reports that foreign government and NGO human rights monitors were able to travel without restriction in all areas of the country. International community representatives were given widespread and for the most part unhindered access to detention facilities and prisoners in the RS as well as in the Federation.

While monitors enjoyed relative freedom to investigate human rights abuses, they rarely were successful in persuading the authorities in all regions to respond to their recommendations. Monitors' interventions often met with delays or outright refusal.

The caseload of the Human Rights Chamber and the Office of Human Rights Ombudsperson, two institutions created under Annex 6 of the Dayton Accords to investigate and adjudicate human rights violations, continued to expand during the year. During the first 11 months of the year, the Chamber's caseload increased to 6,353 registered cases and the Chamber issued 632 final case decisions. The pace of decisions issued by the Chamber increased due to the body of jurisprudence that the Chamber established in its previous 3 years of

existence and to which the Chamber is now able to refer. In addition, the Chamber's increased experience in adjudicating human rights cases has led to more efficient operation. While governmental cooperation with the Chamber is still weak, the Federation made progress in implementing Chamber decisions, including many occupancy-rights cases and compensation-awards cases. While the efforts by the Federation to implement Chamber decisions have generally brought it into compliance with almost all decisions, the RS has made minimal or no effort to implement decisions of the Chamber. The cases implemented in the RS so far have required relatively simple actions by the Government, such as canceling eviction orders for residents who still were living in contested houses. In February the RS National Assembly passed a law establishing an ombudsperson committee for the RS, a three-person, multiethnic institution; the first three Ombudspersons were appointed at the end of April.

Cooperation with the ICTY in The Hague is a key factor in the implementation of the Dayton Accords and the establishment of respect for human rights. In 1998 RS Prime Minister Dodik altered the RS policy of defiance of the Tribunal and the Dayton Accords by instructing his officials to cooperate with the ICTY; however, no action was taken in practice. A majority of the 26 ICTY public indictees who remain at large reportedly live in the RS, some allegedly in Prijedor and Foca. RS authorities made no effort to arrest these indictees.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The parties agreed in the Dayton Accords to reject discrimination on such grounds as sex, race, color, language, religion, political or other opinion, national or social origin, or association with a national minority. Nevertheless, there were many cases of discrimination.

#### Women

Violence against women is a problem. Credible NGO observers reported that violence against women, including spousal abuse and rape, remained widespread and underreported. A report by the International Helsinki Federation for Human Rights estimates that about 30 percent of women in the country are victims of domestic violence; however, there is little data available regarding the extent of the problem. Throughout the country, rape and violent abuse are considered criminal offenses. The laws prohibit rape in both the Federation and the RS. Spousal rape and spousal abuse are also illegal in the Federation. However, domestic violence usually was not reported to the authorities; a sense of shame reportedly prevents some victims of rape from coming forward to complain to authorities.

The police have little or no training in investigating cases of domestic violence, and there were reports of police inaction in cases of domestic violence and sexual assault. According to human rights groups, in one case, a police officer from Zvornik was accused of raping two teenage girls. The father reported the incident to the local police station, but the officers on duty did not record the complaint. When the police finally interviewed the victims, the accused officer was allowed to be present in the room. The IPTF has requested an independent investigation. The OHR reported that in one case, police answering a call about domestic abuse noticed injuries on the woman and her minor daughter, but offered only to take them to the hospital. The woman, who had previously reported other incidents of abuse to the police, later committed suicide. In Canton 4, a police officer hung up on a midnight call from a daughter calling for help when her father threatened her mother with a knife. No record of the complaint was made. The IPTF has called for an investigation and for disciplinary action against the duty officer.

Trafficking in women from Eastern Europe and the former Soviet Union for the purpose of forced prostitution is a serious and growing problem (see Section 6.f.).

It is illegal to run a brothel, but local police primarily arrest women engaged in prostitution rather than procurers or those managing the brothels. As a result, women who have been coerced or forced into prostitution have little recourse (see Section 6.f.).

There is little legal discrimination against women, and women serve as judges, doctors, and professors; however, a male-dominated society prevails in both entities, particularly in rural areas, with few women in positions of real economic power or political power.

Women have been discriminated against in the workplace in favor of demobilized soldiers, and a small but increasing number of gender-related discrimination cases have been documented. Anecdotal accounts indicate that women and men receive equal pay at socially owned enterprises but not necessarily at private businesses. Women are entitled to 12 months' maternity leave and may be required to work no more than 4 hours per day until a child is 3 years old. However, women in all parts of the country encounter problems with regard to the nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women

and new mothers. A woman with underage children may not be required to perform shift work.

#### Children

The U.N. Convention on the Rights of the Child is incorporated by reference in the Dayton Accords and has the effect of law in both entities. The end of the fighting brought a major improvement in the human rights of children. During the war nearly 17,000 children were killed, 35,000 were wounded, and over 1,800 were permanently disabled.

Social services for children are in extremely short supply. Disabled children lack sufficient medical care and educational opportunities. Education is free and is compulsory through the age of 15 in both the Federation and the RS. The most serious issue is the ethnic division of the education system. Students in minority areas frequently face a hostile environment in schools that do not provide an ethnically neutral setting. At times minority children are barred from attending school at all. Local education officials excuse such abuses by claiming that minority children should have their own schools and curricula. Obstruction by politicians and government officials has slowed international efforts to remove discriminatory material from textbooks and enact other needed reforms.

Steps were taken during the year to integrate minority students into some schools. In May approximately 85 Bosniak children who had been attending home schools in Stolac were integrated into the Stolac Elementary School, which previously had taught only Croat children. Similar integration took place in Vares. However, segregation and discrimination are entrenched in Bosnian schools, particularly in religious education (see Section 2.c.). For example, in Sarajevo only Muslim religion classes were offered in public schools, which denied children of other faiths the opportunity to study their own religious traditions in school. In August Romani refugees from Kosovo protested the local authorities' decision that Romani children from the Smrekovica refugee center in Breza could not attend the local primary school. Although the UNHCR had arranged for 60 Romani children from the camp to enroll in a local primary school, the mayor intervened to prevent the children from enrolling, allegedly because of a lack of space at the school. In a compromise, two rooms in the camp were converted into classrooms; however, at year's end the children still were barred from the local school.

There was no societal pattern of abuse against children. Nonetheless, they continue to suffer disproportionately from the societal stress of the postwar era. There have been credible but unconfirmed reports that children are trafficked to work in begging rings (see Sections 6.d. and 6.f.). Trafficking in girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

#### People With Disabilities

The Federation Government is required by law to assist disabled persons to find employment and to protect them against discrimination. In the RS, discrimination against the disabled also is prohibited by law. Currently there are few jobs available, and thousands of newly disabled victims entered the job market after the war. The Government has limited resources to address the special needs of the disabled. There are no legal provisions mandating that buildings be made accessible to the physically disabled. There are a number of international NGO's that assist the disabled in the country.

#### Religious Minorities

Religion and ethnicity are identified closely in the country. The Interreligious Council, established in 1997 and composed of the main leaders of the country's four major religious communities--Muslim, Serbian Orthodox, Roman Catholic, and Jewish--continued its efforts to promote national reconciliation. The OSCE and the OHR facilitated many interfaith meetings at the local level as well.

However, throughout the country, religious minorities were pressured and were intimidated by the ethnic/religious majority.

On June 25, a Catholic chapel in Zivinice in the RS reportedly was destroyed by an explosive device. Also in June, unknown persons broke into the home of a Catholic priest in Derventa parish.

RS authorities continue to impede the rebuilding of the mosques in the RS destroyed during the war, despite requests from the Muslim community for reconstruction (see Section 2.c.). Religious minorities throughout the country occasionally faced limited interference from the authorities in their right to worship freely. However, Catholic priests reported that they were able to conduct masses in the RS with little or no problems.

### National/Racial/Ethnic Minorities

Claimed "ethnic differences" were used to justify the war and remain a powerful political force in the country. Although some politicians still support the concepts of a "Greater Serbia" and a "Greater Croatia," mixed communities exist peacefully in a growing number of areas, including Sarajevo and Tuzla. The SDS, HDZ, and to a lesser extent the primarily Bosniak SDA sought to manipulate the movement of persons and the access to housing and social services that they control to ensure that the ethnic groups with which they are associated consolidate their position in their respective geographic regions. Some hard-line local authorities in the eastern RS sought to keep information regarding the right to return and conditions in return sites from reaching displaced persons in their areas, so as to dissuade them from attempting to return to their former homes.

In 1998 the RS passed new property legislation establishing a claims process at the municipal level. The High Representative extended the deadline to file claims on socially-owned apartments until April 19. In addition in October 1999, the OHR issued a series of decrees amending a number of property laws in both entities to provide all citizens just and equal protection of their property rights, which is considered essential in order for IDP's to return to their former homes.

Despite hopeful signs in some areas, harassment and discrimination against minorities continued throughout the country, often centering on property disputes. These problems included desecration of graves, arson, damage to houses of worship, throwing explosive devices into residential areas, harassment, dismissal from work, threats, assaults, and, in some cases, killings (see Sections 1.a. and 1.c.).

On April 11, a group of Bosniaks attacked five Romani men in Banovici, reportedly because the Bosniaks believed the Roma had voted for a nonnationalist political party in the municipal elections. Amnesty International reported that local police present at the scene made no effort to protect the Roma.

Ethnic tensions remained high in Brcko. In mid-October, about 1,000 Bosnian Serb students staged violent protests for 3 days to demand separate schools from those of Muslims and Croats. The protests began after a group of Bosnian Serb students beat a Bosniak student; after the beating, Bosniak students demanded better security and Serb students began calling for separate schools. Currently, Serb and Bosniak students share high school buildings but attend classes in two shifts.

Bosnian Serb and Croat politicians seek to increase the ethnic homogeneity of the population in areas they control by discouraging IDP's of their own ethnicity from returning to their prewar homes if they would be in the minority there. Hard-liners also encourage members of their groups currently living in areas where they are minorities to move to areas where their ethnic group is the majority. Hard-line Bosnian Croats continued to discourage some Croat returns to central Bosnia and actively have recruited displaced Croats to resettle in Herzegovina; however, this intimidation has decreased and 4,147 Croats returned to Central Bosnia Cantons during the year. Although the new RS Government officially supports the right to return, it continues to obstruct returns on many levels. Bosniak authorities appear tacitly to support some Bosniak resettlement efforts, including resettlement of returnees, in "strategic" areas of the Federation where Bosniaks are in the minority.

In some cases, opponents of refugee returns used violence, including sporadic house burnings, and orchestrated demonstrations in an effort to intimidate returnees. In mid-December in the RS, the house of a Bosnian Croat returnee from Croatia was stoned by hard-line Croats opposed to his return. While incidents of violence have decreased due to improved security and freedom of movement, other forms of discrimination have not. In particular discrimination in employment and education are now key obstacles to sustainable returns. Widespread firing of ethnic minorities during and after the war has not been reversed in most cases, and members of the ethnic majority in a region often are hired over former employees who are minorities. Favoritism is also shown to veterans and families of those killed during the war. There recently have been more reported cases of employment discrimination based on political affiliation.

Vague provisions in the labor law passed in the Federation in October 1999 allowed employers to create barriers for minorities seeking to regain employment. Amendments passed in August clarified the law; however, the authorities did not enforce it consistently and discrimination persists. There were no provisions in RS law to prevent discrimination in hiring and firing outside the Constitution until passage of a labor law in September. Several court cases regarding discrimination are pending; however, workers seldom obtained protection from the courts, which barely function.

Throughout the country, membership in the political party affiliated with one's ethnic group was considered the surest method to obtain, retain, or regain employment, especially in the management of socially owned enterprises. Membership also was influential in obtaining or keeping housing (see Section 2.b.).

## Section 6 Worker Rights

### a. The Right of Association

The Constitutions of the Federation and the RS provide for the right of workers to form and join unions, as do recently passed labor laws in both entities. There are no legal restrictions on who may join unions, and the right of minority workers to join unions is protected in both entities. However, in practice union membership in the RS is overwhelmingly Bosnian Serb and in the Federation overwhelmingly Bosniak. Bosnian Croats have informal labor organizations in areas where they are the dominant ethnic group, but generally are represented by the Federation union. A joint-entity union has been established in the district of Brcko. Union membership is mandatory for officially employed workers in the RS; in the Federation, approximately 70 percent of the official workforce is unionized.

Unions legally are independent of the Government and political parties, but are highly politicized. There are no legal restrictions on forming new unions; however, in practice one union confederation in each entity represents all workers. A new confederation of trade unions tried to register with the Federation, but was unsuccessful due to political interference by the established confederation. In the RS, the sector-based branches of the union confederation have become increasingly independent, and one branch successfully has broken off from the umbrella organization.

Unions have the right to strike and increasingly have used that right to pressure for payment of overdue salaries or wages, protest or demand changes in management, and voice their opinion on economic reform and government policy. Indeed, protest is often the only way to compel the payment of salaries or wages. Most strikes are legal; however, the Government claimed that some were illegal (on the grounds that they were not announced far enough in advance, or 48 hours) in an attempt to avoid negotiations. A Law on Strikes governs strike activity in both entities, and retaliation against strikers is prohibited. There were several major strikes, including those by teachers and health care workers, due to arrears in salaries of several months or more.

The Government was found to be in violation of ILO Convention 111 (on employment discrimination) and 158 (on termination of employment) in November 1999 because of its failure to act in the case of workers at Aluminj Mostar who were dismissed because of their non-Croat ethnicity during the war. Aluminj Mostar has protested the ILO ruling, arguing that it did not have the opportunity to respond to the union complaint.

Both the Federation and RS passed comprehensive labor legislation in August and September as part of loan conditions established by the World Bank and the International Monetary Fund. This legislation brings the legal code in line with most international standards; however, implementing provisions were not in place by year's end.

Unions are free to form or join federations or confederations and affiliate with international bodies.

### b. The Right to Organize and Bargain Collectively

Collective bargaining is provided for in the Law on Working Relations in the RS and in a comprehensive collective agreement in the Federation; however, collective bargaining rarely is used. The substantial number of government employees, particularly in the RS, permits the Government to remain highly influential in determining the overall level of wages in each entity.

The Law on Labor in both entities prohibits discrimination by employers against union members and organizers, in accordance with ILO standards. However, discrimination continues (see Section 5).

There were no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including that performed by children; however, women and girls were trafficked for the purpose of forced prostitution (see Section 6.f). The country is a major transit point for illegal immigrants; the International Organization for Migration (IOM) confirmed one case of a man being trafficked for forced labor and held against his will (see Section 6.f.).

### d. Status of Child Labor Practices and Minimum Age for Employment.

The minimum age for employment of children in the Federation and in the RS is 15 years. The law on labor prohibits children from performing hazardous work, such as night work. Child labor is not known to be a problem; however, children sometimes assist their families with farm work and odd jobs. Children are covered under the Constitution's prohibition against forced or compulsory labor, and such practices are not known to occur (see Section 6.c.). There have been credible but unconfirmed reports that children are trafficked to work in begging rings (see Section 6.f.). Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

#### e. Acceptable Conditions of Work

The minimum monthly wage in the Federation is \$100 (200 KM); in the RS it is \$32 (65 KM). The minimum wage was insufficient to provide for a decent standard of living for a worker and family. Many workers have outstanding claims for payment of salaries and pensions.

The legal workweek is 40 hours, and overtime pay is required by law; however, "seasonal" workers may work up to 60 hours per week. Rest and vacation rules exceed international standards. For example, women are allowed 1 year of maternity leave.

Occupational safety and health regulations generally are ignored because of the demands and constraints imposed by an economy devastated by war. Neither entity has completed passage of new laws to enforce international worker rights standards. Workers cannot remove themselves from hazardous working conditions without endangering their continued employment.

#### f. Trafficking in Persons

There are no laws that specifically prohibit trafficking in persons, and trafficking in women for the purpose of forced prostitution is a serious and growing problem. The country is mainly a destination point, and to a lesser extent an origin and transit point, for women and girls who are trafficked for the purpose of forced prostitution. Most victims are from Eastern Europe and the former Soviet Union. A significant number of women are manipulated or coerced into situations in which they work in brothels in conditions close to slavery. The country is extremely vulnerable to trafficking in persons, because of weak laws, almost nonexistent border controls, and corrupt police who are bribed easily. As many as 5,000 trafficked women may be working in the country. Previous estimates of the problem by the Office of the U. N. High Commissioner for Human Rights (OHCHR) were overinflated due to unavailability of hard statistics; however, credible sources report that the problem is growing. From March 1999 to January 2001, there were 384 confirmed cases of women trafficked for sexual exploitation; 236 women were returned to their home countries. The IPTF reports that they have encountered approximately 4,000 women in their raids of bars and estimate that 10 percent of the women have been trafficked. The IOM confirmed two cases of Bosnian women who were trafficked to other countries. Organized crime elements control the trafficking business.

The majority of trafficked women in Bosnia come from Moldova, Romania, and Ukraine, but also come from Russia, Belarus, Kazakhstan, and Bulgaria. The ages of the trafficked women averaged 22.8 years, ranging between 16 and 33 years of age. Less than 5 percent of the women were minors. Many of these women were lured by the promise of well-paying jobs abroad, and came in hope of improving their socioeconomic situation. Many women responded to advertisements that offered work in Italy or Germany as dancers, waitresses, and domestic servants. Most of the trafficked women cross through Yugoslavia or Hungary before entering the country. Many of them are sold in Belgrade, and from there are smuggled across the Drina river at Zvornik and Bijeljina into the country. Some traffickers brought in the women and girls specifically to work in the country's brothels. For a variety of reasons, traffickers stranded or abandoned some women en route to other countries. Some women are trafficked to Croatia to work as prostitutes there or to be trafficked to other countries. Trafficked women often are sold several times between different bar owners after arriving in Bosnia. Prices vary between \$500 and \$1,500 (1,000 to 3,000 KM) per woman, and the women often are expected to repay their "owners" this amount out of their allotted share of the earnings. There have been reports of trafficked women being physically and sexually assaulted, denied food, and threatened. A significant proportion of the traffickers is female.

There have been credible but unconfirmed reports that children (boys and girls) are trafficked to work in begging rings, mainly in Sarajevo (see Sections 5 and 6.d.).

It is illegal to run a brothel, but local police arrest primarily women engaged in prostitution rather than procurers or those managing the brothels. As a result, women who have been coerced or forced into prostitution have little recourse. Authorities generally treat prostitution as a minor violation committed by the woman involved; however, the police do not charge employers or customers with any crimes. In most cases, the police do not conduct thorough investigations against the bar owners and others involved in the recruitment, transportation,

and movement of such women, and prosecutions of those involved are rare. Women convicted of prostitution may be fined, imprisoned for 60 days, or deported. In the fall of 1999, the OHR issued directives governing police raids on brothels to ensure that trafficked women were provided assistance. While these directives reportedly have been followed, raids are infrequent. The country's deportation laws permit local police to release trafficked individuals in neighboring jurisdictions or across the border in Croatia. Police in Bihac, Gradacac, and Tuzla have broken up trafficking rings in recent years and deported the women. It is estimated that there are some 300 to 600 brothels in the country. Brothel operators reportedly earn \$50 (100 KM) per hour per woman; in some cases women forced to work in brothels reportedly receive as little as \$13 (25 KM) per month for personal expenses and are forced to find other money (often through begging) for essentials, including condoms. Other prostitutes reportedly earn \$100 (200 KM) per month. Police in the Federation and the RS arrested and deported Russian and Ukrainian women working as prostitutes.

Police officials in Brcko have been removed from office for involvement in prostitution, and there are allegations that police officers in other cities also may be involved. A May report by UNMBIH and the Office of the U.N. High Commissioner for Human Rights documented evidence of complicity by local police, international police, or SFOR in 14 out of 40 cases that it investigated between March 1999 and March 2000. In one case, an SFOR civilian paid \$3,057 (7,000 KM) to purchase two women from a brothel owner. On the basis of his misconduct, the man was relieved of his duties and barred from the SFOR area of operations; he left the country and no further action was taken.

In many cases women are afraid to testify against their traffickers and the judicial system offers them little protection. There are no witness protection programs for women who testify against their traffickers. There have been confirmed reports of witnesses being threatened in court despite the presence of local police and international representatives. Local officials have been slow to bring charges of intimidation.

The country is also a major transit point for illegal immigrants, and the IOM confirmed one case of a man being trafficked for forced labor and held against his will (see Section 6.c.).

The Government has done very little to combat the problem of trafficking. However, the IOM and several NGO's, both local and foreign, are addressing the issue. The IOM has established a program to repatriate trafficked women who seek to return home. As of November, nearly 160 women had been repatriated through IOM's program. There are a number of shelters that house trafficked women while they await return to their countries of origin.

The IPTF works with local police forces to free trafficked persons and to crack down on traffickers. However, there have been very few arrests to date. On October 30, Sarajevo Interior Ministry officers raided a nightclub and arrested 3 persons allegedly involved in trafficking the 17 women who were found there.

[End.]