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U.S. Department of State

Bosnia and Herzegovina Country Report on Human Rights Practices for 1997

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BOSNIA AND HERZEGOVINA

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords), signed after 3 years of war, provided for the continuity of Bosnia-Herzegovina, originally one of the constituent republics of Yugoslavia, as a single state, Bosnia and Herzegovina. The Agreement also provided for two constituent entities within the state: the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS). The Federation, which incorporates the areas with a Bosniak (Muslim) and Croat majority, occupies 51 per cent of the territory; the RS, populated mostly by Bosnian Serbs, occupies 49 per cent. The Dayton Accords established a constitution for Bosnia and Herzegovina that includes a central government with a bicameral legislature, a three-member presidency comprised of a representative of each major ethnic group, a council of ministers, a constitutional court, and a central bank. The Accord also provided for a High Representative (OHR) to oversee implementation of its civilian provisions. Defense remains under the control of the respective entities. In 1997 the three members of the joint presidency agreed on legislation establishing a number of key common institutions, including laws on the central bank, the budget, and customs. The main political parties continue to exercise significant political power at all levels. These were the Party of Democratic Action (SDA) in predominantly Bosniak areas, the Serb Democratic Party (SDS) in the RS, and the Croatian Democratic Union of Bosnia and Herzegovina (HDZ) in Croat areas. Although the judiciary is formally independent in all entities, it remains subject to influence by ruling political parties and by the executive branches of government.

Municipal elections, originally slated to take place concurrently with the 1996 national and provincial elections, were postponed until September 1997 because of widespread fraud in registering Serb voters.

There were few reports of political harassment or violence during the 1997 campaign period compared with the preelectoral period in 1996. During the voter registration period, the Organization for Security and Cooperation in Europe (OSCE) enforced sanctions against parties that attempted to register voters fraudulently. Despite threats of a boycott by the Croat and Serb nationalist parties, elections took place on September 13 and 14, and well over 70 percent of the population took part. Most of those voting cast their ballots for municipalities where they had lived prior to the war. For this reason, election results proved difficult to implement in some areas, as majority groups attempted to prevent minority representatives from assuming their municipal government seats.

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 internal structure of the Bosnian territories under Bosniak and Croat control. It is a mixed system with a president and a parliament that must approve the president's choice of prime minister. Federation structures have been implemented only gradually. Major steps were the creation of provincial structures in the form of cantons, the unification of Sarajevo under Federation control, and September 1996 elections to a Federation parliament. The obstacles to establishing a new, unified city administration in the ethnically bifurcated city of Mostar illustrate the difficulty of melding Bosniak and Croat institutions.

The Republika Srpska of Bosnia and Herzegovina is the other entity. Its administrative and political system is split, with Banja Luka as the seat of the RS president, and a powerful group around former Serb leader Radovan Karadzic located in Pale near Sarajevo. A president and two vice presidents are directly elected for 4-year terms. The legislative branch, the National Assembly, is elected on the basis of proportional representation. The dominant political party, the SDS, headquartered in Pale, however, exercised real control. Until the summer, the party ensured conformity among local authorities in many areas of the RS and used its authority to ensure adherence to nationalistic positions.

In September 1996, then-acting RS President Biljana Plavsic was elected President for a full term. However, former RS President Radovan Karadzic continued to wield important influence behind the scenes. Starting in June, Plavsic publicly criticized SDS leaders for corruption, and when she attempted to dissolve the RS assembly and call new elections for October, the SDS leadership contested her authority to do so in the RS Constitutional Court. Under heavy political pressure and physical intimidation--including the severe beating of one judge by Bosnian thugs at the instigation of Serb political leaders--the Court ruled against Plavsic, despite her constitutional authority to dissolve the assembly. The decision did not end the political controversy and lacked legitimacy, since the justices were intimidated. In September RS President Plavsic and Serb member of the Bos