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U.S. Department of State

Bosnia and Herzegovina Country Report on Human Rights Practices for 1998

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BOSNIA AND HERZEGOVINA

The 1995 Dayton Accords (formally known as the General Framework Agreement for Peace in Bosnia and Herzegovina) provided for the continuity of Bosnia and Herzegovina (BiH), previously one of the constituent republics of Yugoslavia, as a single state, Bosnia and Herzegovina. The Agreement also provided for 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 Bosniak and Croat majority, occupies 51 percent of the territory; the RS, populated after the war mostly by Bosnian Serbs, occupies 49 percent. The Dayton Accords established a Constitution for Bosnia and Herzegovina that includes a central 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 its civilian provisions. The entities maintain separate armies, although under the Constitution of Bosnia and Herzegovina, these are under the ultimate control of the presidency of and Herzegovina. In September Bosnia and Herzegovina held its most peaceful and pluralistic elections since the 1995 Dayton Accords put an end to 3 years of war. Multiethnic parties committed to building on the foundation established at Dayton made some progress during the presidential and Assembly elections. At the same time, the largest political parties, which won a majority of Assembly seats, continued to be ethnically based. These were the Bosniakdominated Party of Democratic Action (SDA), the Croatian Democratic Union of Bosnia and Herzegovina (HDZ), and the Serb Democratic Party-Serb Radical Party coalition (SDS/SRS). Although formally independent, the judiciary remains subject to influence by political parties and the executive branch.

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. It is a mixed system with a president and a parliament that must approve the president's choice of a 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 in spring 1996, and 1996 and 1998 elections to a federation parliament. However, divisions between Bosniaks and Croats remain. For example, a continued lack of cooperation between Bosniaks and Croats hindered the establishment of unified administration in the bifurcated city of Mostar. This reflected mutual suspicion between the two communities as well as separatist aims of hardline Croats.

The Republika Srpska of Bosnia and Herzegovina (RS) is the other entity. In line with decisions by the RS Parliament, which came into office in January, most of the political and administrative agencies of the RS moved during the year from Pale (near Sarajevo) to Banja Luka in the western RS. (Pale is closely associated with the supporters of former Bosnian Serb leader and indicted war criminal Radovan Karadzic.) The President and two Vice Presidents were elected in September for 2-year terms. The length of their terms is to increase to 4 years after the next elections. The RS legislative branch, the National Assembly, is elected on a proportional basis. With the November 1997 parliamentary elections, the once unquestioned power of the SDS/SRS ultranationalist parties began to erode. This process continued during the September elections. Although ultranationalist Nikola Poplasen defeated the more moderate nationalist incumbent Biljana Plavsic, Plavsic coalition ally Zivko Radisic defeated the ultranationalist Momcilo Krajsnik for the Serb position in the country's three-member joint presidency. In addition, the moderate "Sloga" bloc (a coalition of Radisic's Socialist Party of the RS, Biljana Plavsic's Serb Peoples' Alliance, and Milorad Dodik's Party of Independent Social Democrats) gained additional seats in the RS National Assembly and can control the Assembly with the support of Federation-based parties.

The Constitution of Bosnia and Herzegovina (Annex 4 of the Dayton Accords) makes the government of each entity responsible for operating its own law enforcement agencies in accordance with internationally recognized standards. Under the auspices of the International Police Task Force (IPTF) established by the United Nations pursuant to Annex 11 of the Dayton Accords, police in both entities are undergoing restructuring and training on police procedures and human rights. Law enforcement bodies of both entities have on occasion violated international standards, demonstrating bias on political, religious, and ethnic grounds. However, confirmed cases of this kind were fewer than in the previous 2 years. The IPTF has an expanded mandate that allows it to investigate allegations of human rights abuses. With the assistance of the international community, Federation police formed internal affairs units to conduct internal checks on police misconduct. The RS police were forming similar units. Multiethnic police worked together in some cantons and across the interentity boundary line (IEBL) to investigate crimes. In some instances, police demonstrated a willingness to respond to crimes without regard to the ethnicity of perpetrators or victims. Bosnian police continued to suffer from the legacy of a Communist system, with "special" or secret police operating in all areas. These forces were outside the normal police chain of command, reporting directly to the senior political leadership. In addition to locally recruited police forces, each entity also maintains an army. Both regular and "special" police committed human rights abuses throughout the country.

The Stabilization Force (SFOR) led by the North Atlantic Treaty Organization (NATO) continued its mission to implement the military aspects of the Dayton Accords and 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.

There were signs of economic revival, particularly in the Federation, where real gross domestic product

(GDP) doubled since 1995. The World Bank expected 20 percent GDP growth during the year in both the Federation and the RS. In 3 years, unemployment dropped from 90 percent to an official level of approximately 40 percent in each entity, and wages more than quadrupled in the Federation, up to \$175 (307 DM) per month. Nevertheless, the country remains heavily dependent upon international donor assistance, and the anticipated return of refugees from abroad was expected to compound the problem of creating sufficient jobs as well as to reduce remittances. International assistance, which is conditioned upon compliance with the Dayton Accords, financed infrastructure reconstruction and provided loans to the manufacturing sector.

The commitment to respect citizens' human rights and civil liberties remains tenuous in the country, and the degree of respect for these rights continues to vary among areas with Bosniak, Bosnian Croat, and Bosnian Serb majorities. Serious human rights abuses continued in several areas.

Isolated instances of political killings continued: two elderly Serbs were killed in Drvar in April, and one Bosniak was killed in Capljina in October. Killings due to bombings and booby traps also continued, mainly as a result of majority attempts to prevent minority returns to majority areas. Human rights abuses by the police during the year, but serious problems persisted. Police continued to commit abuses throughout the country, principally the physical abuse of detainees. Some police in the RS used torture. Police in all areas also used excessive force, or did not ensure security, to discourage minority resettlement in majority areas. Members of the security forces abused and physically mistreated other citizens. Prison conditions continued to be poor in both entities.

In the RS, criminal procedure legislation that was held over from the prewar Yugoslav period granted police wide latitude to detain suspects for long periods of time before filing charges. However, there were fewer cases of arbitrary arrest and detention than in previous years. In July the Federation legislature modified criminal procedure legislation held over from the Yugoslav period and decreased the wide latitude of police to detain suspects before filing formal charges. Confusion over the rules for arrest and detention of suspects for The Hague-based International Criminal Tribunal for the Former Yugoslavia (ICTY) has led in some instances to questionable detentions in both the Federation and the RS. The arrest of Goran Vasic by Federation authorities in February and the conviction of Veselin Cancar in January raise questions of noncompliance with ICTY rules and procedures agreed upon in 1996. The RS continues its de facto refusal to take action, either on its own or on behalf of the ICTY, against any Serbs indicted by the ICTY.

The judiciary in both entities remained subject to coercive influence by dominant political parties and by the executive branch. In many areas, close ties exist between courts of law and the ruling parties, and those judges who show independence are subject to intimidation by the authorities. Even when independent decisions are rendered, local authorities often refuse to carry them out. Authorities in all areas infringed on citizens' right to privacy.

Authorities and dominant political parties in their respective areas of the country exerted influence over the media, and freedom of speech and of the press was limited to varying degrees in the different entities. The two television networks, Federation State Television in the Federation and Serb Radio-Television in the RS, were freed from direct party control and placed under the supervision of international administrators. However, party influence was not fully eliminated in either network; it was particularly egregious in parts of the RS broadcast media. The Open Broadcast Network, an international donor-funded television network, expanded its broadcast range and improved its programming in order to promote a broader mix of reporting. Academic freedom was restricted. Authorities imposed some limits on freedom of assembly and association. Party control of the media and fears about security in some areas dampened full participation without intimidation by opposition groups and ethnic minorities in the electoral process. Religious discrimination remained a problem. Both governments and private

groups continued to be responsible for isolated incidents that restricted the open expression of religious practices by minorities in majority areas. Although freedom of movement continued to improve, some limits remained in practice.

Severe discrimination continues in areas dominated by one ethnic group, particularly in the treatment of refugees and displaced persons. Local authorities and mobs (in most cases believed to be organized or approved by local authorities) harassed minority returnees and violently resisted their return. The destruction of minority-owned houses continued, particularly in Croat-controlled areas. RS and Bosnian Croat authorities encouraged members of their own ethnic groups to remain or move to areas where their group was in the majority, rather than stay in or return to their homes. In addition to the lack of security, marginal economic conditions and limited educational opportunities continued to act as a brake on the return of internally displaced persons and refugees. The enactment by the Federation of new property laws in April provided an improved legal framework for potential return by creating legal mechanisms for reoccupation not only of private property, but also of socially owned apartments. However, implementation of even the preparatory elements for reoccupation was uneven in the Federation and by late October, some areas still had not established initial claim mechanisms. In early December, the RS finally passed a long-awaited revision of its property law, but another key piece of property rights legislation remained in draft form at year's end. Some restrictions on freedom of movement continued, although the introduction of uniform license plates greatly expanded interentity movement. Ethnic discrimination remains a serious problem, and mob violence continued.

During the year, there were increased efforts on the part of SFOR to apprehend 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 12 indictees out of the 83 publicly indicted by the Tribunal. Eight of these were detained forcibly, and four turned themselves in. This brought the total number of indictees taken into custody since the Tribunal's inception to 35. At year's end there were 23 persons in ICTY custody awaiting trial or on trial. Two persons in custody died during the year, one as a result of an aneurysm and one as a result of suicide. One indictee, Slobodan Miljkovic, was killed in a barroom brawl in Kragujevac, Serbia in August. There were 31 public indictees still at large at year's end. ICTY trials during the year resulted in four convictions and one acquittal. The arrests of Milorad Krnojelac and General Radislav Krstic led to protests by Serbs, during which property was damaged and mobs threatened international civilian observers.

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, a pattern of deliberate mob violence against Serbs who sought to return to their prewar homes continued throughout the year in the Croat-majority town of Drvar and erupted with particular virulence in April. Tensions had grown since late 1997, with large-scale spontaneous returns from the RS and Serbia-Montenegro of the municipality's prewar Serb residents. In April two elderly Serbs were murdered in their home, which was burned. The police detained 18 persons for suspected arson in November; 7 were juveniles between the ages of 9 and 12 and cannot under law be detained or prosecuted. All of the remaining 11 were eventually released, while at year's end investigation of the case by Federation police continued. After the international community responded with the removal of the Croat deputy mayor, under authority granted to the Office of the High Representative by the Peace

Implementation Council in Bonn in December 1997, mob violence occurred, orchestrated by Croat hard-liners. The Croats, including some displaced by the returning Serbs, set fire to and otherwise vandalized Serb housing and the premises of international and nongovernmental organizations (NGO's)(see Section 4). They physically assaulted Serbs, including the mayor, and international organization representatives. International monitors and Serbs claimed to have seen nonuniformed Croat personnel from the Bosnian Federation Army in the mobs. The response of Bosnian Croat police during the rioting was deemed inadequate by the IPTF. Federation authorities acknowledged that some Drvar police officers were involved and were under investigation.

Several Croat returnees were killed in Bosniak-dominated Travnik in 1997. Violence continued in only a slightly diminished form in the Travnik area during the year. In April an explosive device seriously injured two Bosnian Croats after they entered a home during a return-related assessment visit. On July 31 a bomb exploded near a mosque, killing a Croat police officer in Travnik. Subsequently Bosnian Croat police officers refused to return to their Travnik station due to fear for their safety. The Croat police officers demanded, among other conditions, the deportation of all "Arabs" from the country before they returned to work. On August 3 a Bosniak returnee was chased down and beaten to death by attackers in Brcko. Police arrested four Bosnian Serb suspects, including two youths, for the killing. A grenade attack in the Croat-majority town of Capljina in October killed one Bosniak returnee and injured three others. The killing occurred a day after Croats erected a roadblock near Capljina to protest the Bosniak returns. The MSU (Multinational Specialized Unit)--a specialized public security unit of the NATO-led SFOR--cleared the road after local authorities failed to respond to the crisis (see Section 2.d.). Croats retaliated the next day with the grenade attack, and there were also several explosions and shootings. Local residents and international observers witnessed the mayor of Capljina, Krunoslav Kordic, stirring up crowds of Croat displaced persons on October 2, just before the grenade attack.

Many, if not most, of the perpetrators of numerous killings and other brutal acts committed in previous years remained unpunished, including those responsible for the up to 7,000 persons missing and presumed 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.

During the year, there were increased efforts on the part of SFOR to apprehend 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 12 indictees out of the 83 publicly indicted by the Tribunal. The year began with the arrest of Goran Jelic, Milan Simic, Miroslav Tadic, Simo Zaric, Dragoljub Kunarac, Miroslav Kvočka, Mladen Radic, Zoran Zigic, Milojica Kos, Milorad Krnojelac, Stevan Todorovic, and finally Radislav Krstic in December. Eight of these were detained forcibly, and four turned themselves in to NATO troops. This brought the total number of indictees taken into custody since the Tribunal's inception to 35. Krstic, who was under sealed indictment, was a current high-ranking general in the Bosnian Serb army and one of the highest Bosnian Serb officials brought to The Hague. At year's end there were 23 persons in ICTY custody awaiting trial or on trial. Two persons in custody died during the year, one as a result of an aneurysm and one as a result of suicide. One indictee, Slobodan Miljkovic, was killed in a barroom brawl in Kragujevac, Serbia in August. There were 31 public indictees still at large at year's end. ICTY this year issued three convictions (Zdravko Mucic, Hazim Delic, and Esad Landzo) and one acquittal (Zejnil Delalic) in the Celibici trial for crimes committed against Bosnian Serbs, and Anto Furundzija was also convicted in the second half of the year. This brings the total number of convictions to five since ICTY's inception. The arrests of Milorad Krnojelac and General Radislav Krstic led to protests by Serbs, during which property was damaged and mobs threatened international civilian observers.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

The OHR in late 1997 took the lead in forging an agreement among the Bosniak, Bosnian Croat, and Bosnian Serb commissions for missing persons to expedite cross-entity IEBL exhumations. By October over 1,300 bodies had been found as a result. Crossentity exhumations and those carried out by authorities in their respective entities resulted in over 3,000 bodies being recovered during the year.

In addition to those killed in Srebrenica and Zepa, the International Committee of the Red Cross (ICRC) reported that since 1995 it received requests from family members to trace 19,934 persons missing from the war years: 1,882 of these persons were accounted for (243 of whom were found alive). The ICRC noted that Serb, Croat, and Bosniak authorities were in a position to provide more information in response to its inquiries, particularly those concerning 432 persons, known to have been detained at one time in connection with the war, who remained missing.

The International Commission on Missing Persons (ICMP) funds the interentity exhumations process, provides support to families of the missing, and puts political pressure on Bosnian officials to provide information on missing persons.

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. In the RS, police at times used torture. Police in Sarajevo, Neretva, and Tuzla cantons investigated allegations of police abuse or criminal activity and dismissed officers found guilty.

The IPTF made some progress in attempts to investigate allegations of police involvement in the abuse of suspects. In October IPTF investigators concluded that RS police officers brutally tortured some of the seven detainees who were arrested for the August 7 murder of Pale Public Security Center Deputy Chief Srdjan Knezevic. RS police held 7 of 16 suspects incommunicado, tortured them, and forced them to sign statements. The police reportedly used pliers and stun guns in addition to beatings. IPTF investigators were denied access to the detainees until 8 days after the arrests. The IPTF team concluded that there was no physical evidence to implicate any of the seven men in the murder and that there were glaring contradictions, omissions, and rewrites in the official police reports. At the request of the IPTF, in September the RS Interior Minister removed his chief of uniformed police for involvement in this torture. The RS Interior Ministry professional standards unit completed an in-depth investigation into this torture. The unit's report recommended bringing criminal charges against the former chief of uniformed police and two police officers and taking disciplinary action against six others.

On July 6 the RS Minister of Interior suspended 17 Teslic police officers, including the chief of police and his deputy, pending an investigation by an RS public prosecutor for human rights violations. In the previous 12 months the IPTF investigated three separate incidents involving citizens who were physically abused while in the custody or care of the Teslic police. Of the 17 officers suspended, 10 were being considered for criminal prosecution.

On October 2, Croat police officers from Capljina stopped a police car under IPTF escort on its way to Mostar, following an outbreak of violence over Bosniak returnees in Capljina (see Sections 1.a. and 2.d.). The local police officers beat the occupants of the vehicle, the president of the Capljina board of the SDA and member of the Federation Parliament Omer Cerva and two Bosniak police officers, in the presence of Police Chief Stanislav Buntic. The three were detained for allegedly having hand grenades

in the police vehicle and were later released. IPTF monitors witnessed the events but were unable to intervene. Police took the three Bosniak men behind closed doors inside the police station and denied the IPTF access. Police Chief Buntic attempted to keep IPTF monitors from staying on the premises, but they remained. IPTF Commissioner Richard Monk decertified Buntic, and IPTF human rights officers were investigating the case (see Section 4).

Serb police continued to employ excessive force to prevent Bosniak former residents from returning to, or staying in, RS territory. Similar patterns of abuse occurred in Croat-majority areas. Police in Stolac proved unwilling or unable to contain the numerous instances of arson designed to intimidate returnees. Reacting to this situation and a refusal by authorities to address similar crimes from 1996 and 1997, the IPTF replaced the Stolac Chief of Police in February, and the OHR removed the mayor in March. After the situation failed to improve, the cantonal interior minister removed the replacement police chief in July. There also were instances in which police did not act to halt mob violence. For example, in April Bosnian Croat police reportedly were present when mobs beat and terrorized Bosnian Serb returnees to Drvar.

Moreover, in addition to attacks on members of other ethnic groups committed in both entities, Serbs in the RS threatened members of international organizations. Upon entering Srebrenica on January 16 to discuss the installation of a new municipal government, IPTF vehicles containing officers and a vehicle containing staff from the Organization for Security and Cooperation in Europe (OSCE) were stoned by an angry mob of Serbs blocking the road into the city (see Section 4).

On the night of December 3 in the eastern RS town of Vlasenica Serb demonstrators destroyed one IPTF vehicle in protest of SFOR's arrest and transport to The Hague of General Krstic. On December 4, a mob of approximately 500 Serbs attacked a European Community Monitoring Mission (ECMM) vehicle and harassed two ECMM monitors and their interpreter. The vehicle reportedly was destroyed. In this instance, local Serb police intervened to protect the ECMM group and escorted its members to safety in the Zvornik police station. There were no reported injuries. The June 15 SFOR arrest of Milorad Krnojelac on charges of war crime activities ignited an angry response by a crowd of Serbs in Foca. The crowd threw rocks and other items at the Foca IPTF and OSCE offices and burned an IPTF truck. OSCE personnel were evacuated temporarily.

At times some police officers impeded the enforcement of the law. An October 8 attempted eviction of a Croat family in Gornji Vakuf underscored the ongoing ethnic divide between Bosniak and Croat police in central Bosnia. The town is equally divided between Bosniaks and Croats, as is the police force. While Bosniak police officers were ready to evict Croat occupants who were occupying a Bosniak house illegally, they were prevented from doing so by 15 Croat police officers positioned at the apartment. No Croat police officer would participate in the eviction. The Croat commander of the police force refused to carry out the eviction order of the Bosniak Chief of Police. Federation Deputy Minister of Interior Fabijan Trbara, who is a Croat, also refused to take action. As tensions mounted, the chief of police decided to call off the eviction process. The IPTF local commander recommended to his headquarters that the recalcitrant officers be decertified.

The IPTF made significant progress in its efforts to restructure and professionalize the police. All Federation and RS police were being provided with human dignity and basic skills training. The IPTF continued its certification of Federation and RS police. This process involved written and psychological examinations, as well as background checks. In December the Federation Police Academy, guided by the IPTF, graduated its first class, with 66 men and 31 women of representing different ethnic backgrounds. The Federation police includes Croat, as well as Bosniak, officers and generally reflects the appropriate ethnic mix within each canton. However, the police forces throughout the country generally do not reflect the higher standards of ethnic representation required by various agreements.

The IPTF has developed a minority police return program in cooperation with the Refugee Return Task Force as a means of recruiting minority police officers. The current class of the Federation Police Academy is made up primarily of officers who will serve in police forces where they will be in the minority. Eight of 10 Federation cantons agreed to create ethnically mixed police units. The Interior Ministry and most cantons aggressively sought to increase their numbers of Serb police officers as well. The IPTF also achieved full ethnic integration of the police force in the internationally supervised city of Brcko.

Police restructuring moved more slowly in the RS. The IPTF completed professional certification, background checks, and training of police in the cities of Banja Luka, Trebinja, Doboje, Mrkonjic Grad, and Prijedor. The chief of police in Serb-majority Banja Luka interviewed Bosniak candidates to join his force. In December RS political leaders signed a framework agreement with the IPTF on police restructuring, reform, and democratization in the RS. This new agreement is intended to create a more professional and ethnically mixed police force.

Individual and mob violence continued to be a widespread problem. According to human rights NGO's, in May an elderly Serb woman was beaten in Kljuc after a crowd of approximately 150 Bosniaks gathered to protest a visit of more than 50 Bosnian Serbs to the town.

A large number of bombings caused injuries. In June a newly returned Croat policeman was injured seriously when his personal vehicle was booby-trapped. His Bosniak colleague who was riding with him in the vehicle was also badly hurt. No one was arrested for the crime. Some 70 bombings took place in the Croat-majority town of Stolac during the year. A November 7 bombing injured two Bosniaks. On November 11 a bombing in Poprati, near Stolac, injured another Bosniak recent returnee. The bombings appeared to be part of an organized campaign to obstruct Bosniak returns. Criminal charges were brought in May against 5 persons for their role in a bombing in Croat-dominated West Mostar in 1997 in which more than 50 persons were injured. All five were foreign residents of Middle Eastern origin. One of the five was reportedly a fugitive at the time the charges were brought. Although three of the five were convicted (one in absentia), Bosnian Croats criticized the sentences for being too light--only 5 to 7 years--for this massive car bomb.

Conditions in Federation and RS prisons are well below minimum international standards.

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 1997. 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, removing this power from police, although not from investigative judges. The detention laws remain in force in the RS.

In October Radio Free Europe part-time reporter Nikola Gurovic was arrested at the Sarajevo airport on charges that he had not presented valid vouchers to justify expenses he had claimed from Federation public television (RTV BiH) in 1992. The Independent Union of Professional Journalists issued a protest following the action. The Union demanded that judicial and police authorities offer a public explanation of why Gurovic had been targeted for prosecution, since many other individuals had left the country in that period without having settled personal accounts. The Union described his arrest as an attack on the

freedom of journalists. Gurovic was released after a day.

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. The Sarajevo cantonal court convicted and sentenced Djedovic to 10 years in October. He remained free at year's end pending appeal of his conviction to the Federation Supreme Court and currently serves as a DNZ deputy in the Federation House of Representatives.

There were no reports that forced exile generally was used as a legal punishment. However, in some areas of the RS, Serb authorities and civilians attempted to expel Bosniaks. For example, in Teslic Serb citizens and members of the civil protection unit from nearby villages intimidated or attempted to evict mostly Bosniak families. In July the RS Interior Minister removed 12 officers from the Teslic police for their inaction in stopping this incident and possible involvement in the violence.

e. Denial of Fair Public Trial

Both the Federation and RS constitutions provide for an independent judiciary; however, holdover practices from the Communist and wartime eras, during which the executive and the leading political parties exerted influence over the judicial system, persisted in all areas. Party affiliation and political connections weighed heavily in the appointment of prosecutors and judges.

The existing judicial hierarchy in the Federation consists of municipal courts, which have original jurisdiction in most civil and criminal cases, cantonal courts, which have appellate jurisdiction over the canton's municipalities, and three federal courts, (Constitutional, Supreme, and Human Rights--although the third of these has not yet been established). 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. According to the OHR, 32 percent of the RS judgeships were vacant as of October.

In July the Federation Parliament adopted legislation that revised the Federation's Criminal Codes and procedures. The international community began an intensive training program to familiarize judges, prosecutors, and defense attorneys with the new codes. Similar legislation had not yet been considered by the RS Parliament. 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.

In 1997 an RS municipal court in the town of Zvornik found seven Bosniaks guilty of murdering four Serb civilians in May 1996 and of possessing illegal weapons. Human rights groups found the court's proceedings deeply flawed and called for a new trial. They pointed to the lack of evidence against the defendants, apart from confessions apparently coerced through torture, as well as the court's refusal to allow effective representation by lawyers chosen by the defendants. Three of the defendants were sentenced to 21 years each for murder; the other four men were given 1-year sentences for illegal possession of firearms but freed because they had served 11 months in jail while awaiting trial. In January following the intervention of the Human Rights Ombudsperson for Bosnia and Herzegovina, the Bijeljina district court ordered a new trial, acknowledging that the defendants had been deprived of their right to choose their counsel. In late December the Bijeljina court found three of the seven defendants guilty of murder and one guilty of attempted murder. Human rights monitors judged this trial seriously procedurally flawed, noting that there was no evidence presented to link the accused to the crime scene, and that the case rested on confessions obtained under torture. The defendants planned to appeal the Bijeljina district court's verdict to the RS Supreme Court. The Office of the Human Rights Ombudsperson had not issued a report on the new developments in the case by year's end; such a report could recommend a new trial.

Human rights organizations reported that judicial institutions in both entities were controlled or influenced by the ruling parties. As a result, they were often 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. In addition, organized crime elements sought to pressure judges, especially in central Bosnia.

There were no reports of political prisoners.

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

The Constitution of Bosnia and Herzegovina provides for the right to "private and family life, home and correspondence," and the right to protection of property. These rights generally were observed better in the Federation than in the RS.

Despite real progress on property issues, authorities in many places continued to use their control over "socially owned" and privately owned housing occupied by displaced persons or other nonowners to slow down or block minority returns. While the main problem continued to be the large number of displaced persons in relation to available housing, all three ethnic groups used the control of housing as a major instrument for political influence peddling and enrichment. Even with the adoption of new property laws in both the Federation and the RS, progress remained slow due to sluggish implementation and obstruction by the authorities.

As in 1997, due to minimal numbers of returnees to the RS--because few minorities dared to return there--the most frequent cases of intimidation against returnees occurred in Bosnian Croat-controlled areas--particularly in the Herzegovina region. Suspected Croat hard-liners mined or destroyed returnees' houses in Drvar, Capljina, and Stolac. Following Croatia's soccer victory against Germany in July in the World Cup tournament, a Croat mob went on a rampage in Stolac, attacking and vandalizing the houses of recent Bosniak returnees. Police did not respond.

With pressure by the OHR and a newly elected pro-Dayton Government in the RS early in the year, telephone service and correspondence between the Federation and the RS improved although the RS

Government continued to hinder some communication. After 100 badly needed telephone lines were installed with international assistance, the RS still had not connected the service by year's end.

Throughout the country, political party membership was considered the surest way to obtain, retain, or regain employment, especially in the management of socially owned enterprises. Membership was also influential in obtaining or keeping housing.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; this right was respected partially in the Federation and in the western RS, but less so in the eastern RS. Within the Federation, press freedom was more severely restricted in Croat-majority areas. Some progress was made in establishing independent media in Federation cantons with a Bosniak majority and in the RS, particularly in Banja Luka. The primary restraints on press freedom are control of the principal media by governing political parties and, in the case of newspapers, the unwillingness of Governments in either entity to provide access to kiosk networks under their control. Party-controlled media--particularly Croatian state radio and television--are the dominant electronic media and information source in Croat-majority areas of the Federation. While coverage of the September elections by nationalistic media was improved from 1997, most media continued to be strongly biased.

The Dnevni Avaz newspaper, distributed widely in the Federation, was controlled largely by the ruling SDA party. Some opposition and independent newspapers operate in the Bosniak-majority areas of the Federation and in the RS, principally in Banja Luka. Oslobodjenje and Vecernje Novine are the leading independent dailies, and Dani and Slobodna Bosna are the most influential independent magazines in the Federation. One of the few independent magazines in the RS was Reporter, a weekly published by a former foreign correspondent of the Belgrade-based independent Vreme, while Nezavisne Novine is an independent newspaper published in the western RS. Also in the RS, the Social-Liberal Party published an opposition magazine, Novi Prelom, and the Social Democratic Party published a daily newspaper. Both of these publications take an independent line and are consistently supportive of the Dayton Accords.

It was difficult for independent and opposition media in the RS to gain access to the government-controlled kiosk distribution system. The same was true of some areas of the Federation, particularly in Croat-controlled regions. 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.

In order to better regulate all broadcast media, the OHR in June established the Independent Media Commission (IMC), whose functions and responsibilities include licensing all broadcasters; drawing up codes of practice for broadcasters and other media; managing and assigning frequencies for broadcasting purposes; and ensuring adherence to license conditions.

Prior to 1998 the dominant nationalist political parties exercised strong control over television and radio. Federation state television (RTV BiH) faithfully served the interests of the SDA. The RTV BiH gave preferential coverage to SDA leaders and greatly limited reports on the opposition. However, in June joint Presidency members Alija Izetbegovic and Kresimir Zubak signed an OHR-drafted Memorandum of Understanding (MOU) for restructuring the RTV BiH which, in effect, is to be the basis for a Federation-wide television network independent of political party control. The MOU also is designed to be the basis for a nationwide network later on. The OHR in July appointed an 11-member interim Board

of Governors, which is to guide the network until the establishment of a public corporation.

Croat-controlled areas in Bosnia-Herzegovina are covered by Croatian State Television (HRT). The three HRT channels come into the country by means of an over-the-border terrestrial broadcasting satellite, and an extensive rebroadcasting operation managed by the Mostar-based, Zagreb-controlled Erotel company. HRT's news programs and editorials frequently criticize the Dayton Accords. A December decision by the IMC is intended to terminate the direct rebroadcast of Croatian State Television by requiring that RTV BiH and Croat television broadcasters establish a Federation television system that meets the needs of all BiH citizens.

Until SFOR acted in 1997 on an OHR request to end offensive broadcasts by RS government-run Serb Radio-Television (SRT), the SRT followed the line of the then-ruling SDS Party, with frequently inaccurate and inflammatory reporting. The SRT sought to undercut the Dayton Accords by covering events in the Federation in the "international" portion of the news. Following SFOR'S action, the OHR implemented a plan to restructure the SRT that included the appointment of an international administrator to oversee management of the station until the completion of restructuring. In the interim, only the SRT station in Banja Luka was authorized to continue broadcasting. Despite the presence of an OHR-appointed international administrator at the helm of SRT, its restructuring has stalled.

The international donor-supported television Open Broadcast Network (OBN)--which now has 13 affiliates located in both the Federation and the RS--provides independent news and public affairs programming. The OBN was launched by the international community to be a cross-entity broadcaster and source of objective news. Thanks to an expanded area of coverage and improved programming, OBN viewership rose during the year. By November OBN could be seen by 80 percent of the population. The OBN still is working to improve its broadcast range.

Other independent television outlets include TV Hayat, TV X, Studio 99, and several small TV stations scattered around the country. These broadcasters were originally municipal stations. They have not yet been fully privatized, and their legal ownership status remains unclear.

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 and Trebinje. Nezavisni Radio, Nezavisna Televizija, and Radio Pegas report a wide variety of political opinions. Local radio stations broadcast in Croat-majority areas, but they are usually highly local. Local Croat authorities do not tolerate opposition viewpoints.

While some foreign journalists who represent recognized media were able to travel freely to most areas of the country, others encountered difficulties. Local police and security officials in the RS and West Mostar harassed journalists associated with opposition parties or minority ethnic groups.

In September RS police and security officials detained three members of an RTV BiH crew covering the elections in Banja Luka for alleged "rudeness and aggressiveness." They were held at a facility where police claimed they "voluntarily" erased some of their camera footage. The three were released following intervention by the OSCE mission.

In October Radio Free Europe part-time reporter Nikola Gurovic was arrested at the Sarajevo airport on charges that he had not presented valid vouchers to justify expenses he had claimed from the RTV-BiH in 1992. The Independent Union of Professional Journalists protested that Gurovic had been singled out for arrest for a common offense. Gurovic was released after a day (see Section 1.d.). In October in

Capljina two journalists were arrested because they had not first registered with the police.

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, as well as the legacy of the Communist period. Officials at the University of (West) Mostar endeavor to ensure that very few non-Croats work or study there.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, there were some limits imposed on this right in practice. In the period prior to the September national elections, opposition political parties enjoyed greater latitude in staging rallies and campaigning than they had during the 1996 national elections. However, there were still instances in which incumbents attempted to use their positions to hinder the activities of opposition parties. In September the OSCE's election appeals subcommission (under the authority of Dayton Annex 3) required the resignation of the mayor of Milici, in the RS, for seeking to block an opposition rally in the town.

The Constitution provides for freedom of association, and a wide range of social, cultural, and political organizations functioned without interference; however, 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 and keep housing and high-level jobs in the state-owned sector of the economy.

c. Freedom of Religion

The Constitution provides for freedom of religion, including private and public worship, and, in general, individuals enjoyed this right in their religious majority areas. However, the efforts of individuals to worship in areas in which they are an ethnic/religious minority were restricted, sometimes by societal violence. Some incidents resulted in damage to religious edifices and cemeteries (see Section 5).

In July local government authorities and Bosnian Serb protesters in Banja Luka prevented the burial of the mufti of Banja Luka in a Muslim cemetery in that city. Demonstrators broke into an Islamic community building and harassed mourners. The body of the mufti subsequently was interred in Sarajevo. In November the Human Rights Chamber (see Section 4) held a public hearing in Banja Luka to hear the Islamic community's case against RS authorities for impairing its ability to reconstruct mosques and other community-owned buildings destroyed during the war in the Banja Luka area.

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, with a notable increase in vehicular traffic. The IPTF and SFOR completed the dismantling of all permanent fixed police checkpoints, greatly enhancing freedom of movement. However, for most minorities movement across the IEBL and into areas dominated by other ethnic groups remained somewhat limited and cautious in practice. While there were improvements in freedom of movement in most areas of the Federation and in the western RS, and a growing acceptance of the right to return, the eastern RS remained under hard-line control and unwelcoming to a minority presence.

The most important development during the year to increase freedom of movement was the June 1

introduction of universal license plates. By August 1 an estimated 75 percent of the drivers throughout the country had the new plates which, unlike the previous ones, do not identify the vehicles as being registered in predominantly Bosniak, Bosnian Serb, or Bosnian Croat areas. The U.N. Mission in Bosnia-Herzegovina (UNMIBH) reported that in the first week after the inauguration of the new plates, about 4,000 vehicles crossed the IEBL, and in the first week of July this number increased to 8,000. By year's end, freedom of movement had noticeably improved.

Statistics on refugee returns remained difficult to obtain. By midyear an estimated 1.4 million Bosnian citizens still were displaced internally or were refugees abroad. Most faced either relocation within the country or "minority return," i.e., return to areas in which another ethnic group was dominant politically or demographically.

In the first 5 months of the year, there were approximately 11,000 registered minority returns and over 60,000 total returns. In view of the number of spontaneous unregistered returns, the number of actual minority returns was probably higher. However, the goal of 50,000 minority returns in 1998 was not met. At year's end, only between approximately 30,000 and 35,000 minority returns had been registered, all but about 1,000 to the Federation. By midyear UNHCR field reporting also indicated that 30,000 to 40,000 minorities were engaged in the "implementation of return," meaning involvement in a concrete activity indicating genuine intention to return, such as housing repair, planting of fields, or spending the night at prewar homes.

Refugees from Europe, particularly from Germany, also returned to the country. This movement began to grow during the summer, following the end of the school year. Although by July there had been only an estimated 30,000 returns from abroad, it was estimated that between 140,000 and 220,000 returned by the year's end as a result of pressure to depart from host countries. Most of those returning from Europe were unable to return to their prewar homes. Some deliberately were directed by hard-line political authorities of their own ethnic group to areas where an effort at repopulation was still underway, to consolidate the results of ethnic cleansing.

The UNHCR "open cities" initiative, begun in 1997, linked economic assistance to cooperation on minority return (positive conditionality) and helped the UNHCR's effort to break down the influence of ethnic separatists. However, in October the UNHCR rescinded the open city status of Vogosca, a suburb of Sarajevo, due to its noncompliance with agreements on minority returns. Of 228 minority families who were scheduled to return there, only 24 were registered by mid-October.

Several factors prevented a larger number of returns, including canton level control over allocation of socially owned property, and, in the Federation, the lack of cooperation in hard-line areas in implementing obligations set forth in cantonal return plans and new property laws.

The February 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 the year. However, of 2,186 minority families registered to return, only 804 minority families returned to socially owned apartments and 414 to privately owned houses in Sarajevo canton. Of roughly 21,000 claims for return of property, only 7,000 decisions were issued. Due to a failure to meet most of the benchmarks of the declaration, the international community temporarily froze reconstruction funds for the canton in July.

During the year 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, while authorities encourage occupants to start the purchasing process. After inadequate action by local authorities, several of these cases were brought before the Human Rights Chamber. No returns have taken place to former JNA apartments. The military has attempted to evict legal occupants.

The continued influence of ethnic separatists in positions of authority also hindered minority returns. Much of Croat-controlled Herzegovina and all of the eastern RS remained resistant to minority returns. Displaced persons 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 (see Sections 1.a. and 1.c.). The increased number of ethnically integrated police forces helped improve the climate for return, but security in general remained inadequate in many areas. The lack of an ethnically neutral curriculum in public schools also discouraged returns.

On October 1 in the municipality of Capljina, Croats erected a roadblock on the main north-south road in the Federation to protest Bosniak returns. According to the OHR, 100 Bosniaks were returning in a preannounced move to villages near Capljina. SFOR sent in Italian troops to reestablish freedom of movement when police did not take action. According to an OSCE representative, Croats on the roadside pelted the MSU, a specialized security unit of the NATO-led SFOR, with stones while they broke up the roadblock. According to SFOR, three MSU troops were injured. The MSU responded by breaking up the crowd of individuals throwing stones. Police reported another 13 injuries among local citizens, but SFOR contested this report. Croats reacted with violence on the night of October 2, leaving one Bosniak returnee dead and two injured (see Sections 1.a., 1.c., and 4).

The continued depressed state of the economy throughout the country and the consequent lack of employment opportunity for returnees remained a serious obstacle to a significant number of returns. As a result, most minority returnees in the first half of the year were elderly. This presented a new burden for receiving municipalities. Younger minority group members, who depend on adequate wages from employment to support families, generally remained displaced, especially in cases where they had managed over the past 6 years to find work.

Ministry of Foreign Affairs officials held up the system for issuing new passports, which restricted travel outside the country. However, new Bosnia and Herzegovina passports were finally iss