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BOSNIA AND HERZEGOVINA

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords) 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 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 entities maintain separate armies, but under the Constitution, these are under the ultimate control of the presidency of Bosnia and Herzegovina. In 1998 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 Bosniak-dominated 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. The President of the Federation appoints the Prime Minister subject to parliamentary approval. The Federation Parliament is bicameral. Federation structures have been implemented only gradually. Major steps were the creation of canton governments, the unification of

Sarajevo under Federation control in spring 1996, and the 1996 and 1998 elections of the Federation Parliament. However, serious ethnic and political rivalries continue to divide Croats and Bosniaks. Parallel Bosniak and Croat government structures often exist in practice.

The Republika Srpska of Bosnia and Herzegovina (RS) is the other entity. 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 1998 for 2-year terms. Their terms of office are to increase to 4 years after the 2000 elections. The RS National Assembly is unicameral and elected on a proportional basis. The 1998 elections were relatively free and fair but resulted in the election of a hard-line president, Nikola Poplasen of the SRS. He refused to nominate a candidate for prime minister with sufficient support in the RS Assembly to form a government. This episode eventually contributed to a confrontation with the OHR in which the OHR removed Poplasen from office on March 5. Vice President Nikola Sarovic has not yet been permitted to step into the position.

Also on March 5, but unrelated to Poplasen's dismissal, Roberts B. Owen, arbitrator for the Brcko Arbitral Tribunal, announced a final award, whereby the entire prewar Brcko municipality was to become a " self-governing neutral district," which would belong to both entities. The award delegated to the district's internationally appointed supervisor the responsibility for deciding when the district would begin to govern itself under a new district statute. Until then the supervisor would retain ultimate authority over the district. The final disposition of this region was a highly sensitive issue since the region of Brcko connects the eastern and western sections of the RS. Until new laws are issued or existing laws are 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, and a districtwide multiethnic police force was to be established officially in January 2000. Demilitarization of the Brcko district was underway and scheduled to be completed by the end of February 2000. On August 18, the Brcko Tribunal issued an annex to the final award, clarifying implementation of the award. In particular, it established the citizenship status of district residents and confirmed the right of transit by military forces of both entities. It also directed the supervisor to address such issues as taxation, law enforcement, district management, and composition of the district assembly.

The Constitution gives the government of each entity 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 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), established by the United Nations under Annex 11 of the Dayton Accords, oversees police restructuring and training. The IPTF also may investigate human rights abuses. Police in both entities have violated international standards and discriminated on political, religious, and ethnic grounds. However, with training and increased professionalism of the police and the increasing activism of professional standards units, these cases were decreasing compared with 1998. During the year, both the Federation and the RS used internal affairs units to investigate and dismiss officers. 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. Security forces committed human rights abuses throughout the country.

The economy remains weak and dependent upon international assistance. During the year gross domestic product (GDP) was \$3.5 billion in the Federation; estimates of the GDP in the RS were lower. According to government statistics, GDP per capita was \$600 for both entities. The continued return of refugees from abroad was expected to compound the problem of job creation and to reduce remittances. International assistance 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.

There were four deaths in custody, all in the RS, and isolated instances of political, ethnic, or religious killings continued. Killings due to bombings and booby traps also continued. Human rights abuses by the police continued during the year, and serious problems persisted. Police continued to commit abuses throughout the country, principally the physical abuse of detainees. Some police in the RS beat refugees. Police in all areas also used excessive force, or did not ensure security, to discourage minority resettlement in majority areas. Members of security forces also 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 the previous year. 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. While its rhetorical support for cooperation with the ICTY has improved, the RS continues its de facto refusal to take action 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' privacy rights.

Authorities and dominant political parties exerted influence over the media and freedom of speech and of the press was limited to varying degrees in the different entities. During the year, the High Representative imposed a new media law for the Federation and a series of amendments to the media law in the RS. The High Representative also imposed measures removing criminal penalties for slander and libel. Academic freedom was restricted. Authorities imposed some limits on freedom of assembly and association. Religious discrimination remained a problem. Both governments and private groups continued to restrict religious practices by minorities in majority areas. Although freedom of movement continued to improve, some limits remained in practice.

Discrimination against women persists, prostitution is widespread, and trafficking in women and trafficking in women and girls is a serious problem. Severe discrimination continues in areas dominated by one ethnic group, particularly in the treatment of refugees and displaced persons. The political leadership at all levels, in varying degrees, in both entities continues to obstruct minority returns. 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. Marginal economic conditions and severe 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 very slow. Mob violence was a serious problem. Some restrictions on freedom of movement continued. Ethnic discrimination remains a serious problem.

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 7 (including 1 killed) indictees out of the 93 publicly indicted by the Tribunal. This brought the total number of indictees taken into custody since the Tribunal's inception to 35. At year's end there were 32 persons in ICTY custody awaiting trial or on trial. There was one death in custody during an attempted arrest of an indictee, and several deaths in custody during the year. There were 31 public indictees still at large at year's end. ICTY trials during the year resulted in 2 convictions and no acquittals.

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 were four deaths in custody, all in the RS. On August 13 in Kozarac, a Bosniak returnee shot and killed the leader of an Orthodox religious association. A Bosniak who recently converted to the Orthodox religion also was killed in the incident. The shooting stemmed from a dispute over the property where the shooting occurred. The perpetrator died in police custody. While his death was judged a suicide by local authorities, IPTF officials are not convinced of that determination, and their investigation into the incident was ongoing at year's end.

On March 16, Federation Deputy Interior Minister Jozo Leutar, a Bosnian Croat, was injured fatally in a car bombing in the center of Sarajevo on March 16; he died on March 28. Two other persons in the car also were injured. Ethnic divisions within the police and political interference from some quarters hampered progress of the investigation, which remains a contentious political issue. At year's end, no suspects had been arrested. However, UN officials have stated publicly that suspects were identified.

In April a Sokolac court in the RS acquitted six Bosniak suspects who had been tortured by RS police while they were being interrogated for the August 1998 murder of Pale Public Security Center Deputy Chief Srdjan Knezevic. The judge found that there was insufficient evidence to link them to the crime.

In May a trial began against Bosniak Muris Ljubucic for the July 1998 bombing that killed Croat Travnik police officer Anto Vajan. This was the first indictment and trial since violence against Croat police officers began in 1998. The trial ended in an acquittal.

Many, if not most, of the perpetrators of killings and other brutal acts committed in previous years remained unpunished. This includes war criminals indicted by the ICTY, those responsible for the up to 8,000 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. In April a Sarajevo court sentenced Goran Vasic to 10 years in prison for war crimes during the 1992-95 conflict, although he was acquitted in the 1993 murder of Deputy Prime Minister Hakija Turajlic due to lack of evidence.

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 7 indictees out of the 93 publicly indicted by the Tribunal. Seven were detained forcibly, and none turned themselves in to NATO troops. This brought the total number of indictees taken into custody since the Tribunal's inception to 35. At year's end there were 32 persons in ICTY custody awaiting trial or on trial.

In January indicted war criminal Dragan Gagovic was killed during an attempt by SFOR to detain him (see Section 1.b.). The ICTY indicted Gagovic in June 1995 for crimes against humanity and for grave breaches of the laws or customs of war. During SFOR's attempt to arrest him, Gagovic attempted to ram SFOR soldiers with his car. The soldiers opened fire and hit Gagovic, who was pronounced dead on arrival at a nearby hospital. There were several other deaths in custody during the year. On June 7, Dragan Kulundzija who was charged with murder was arrested by SFOR. According to the ICTY indictment, Kulundzija subjected detainees to torture and inhumane treatment while serving as a shift commander at the Keraterm concentration camp near Prijedor. In June SFOR troops arrested Radomir Kovac, a subcommander of the RS military police and a paramilitary leader in Foca, who was charged with a "grave breach" of the 1949 Geneva Convention and crimes including the rape and enslavement of women. In July SFOR troops arrested Radoslav Brdjanin who was the Bosnian Serb Vice President during the war. Austrian police arrested Momir Talic, commander of the RS army, in Vienna on August 25 during an Organization for Security and Cooperation in Europe (OSCE) sponsored conference on military ethics. Talic was the subject of a sealed indictment from the ICTY for war crimes against the civilian population and "willful killing" when he served as the commander of Serb forces in northwest Bosnia in 1992. Talic was transferred to The Hague immediately after his arrest. In December SFOR troops arrested former Bosnian Serb Major General Stanislav Galic. Of the 31 public indictees still at large at year's end, the majority reportedly live in the RS (many allegedly in Prijedor and Foca), although RS authorities made no effort to arrest these indictees. The ICTY during the year issued 2 convictions and no acquittals. This brings the total number of convictions to 13 since ICTY's inception. In October the ICTY acquitted Bosnian Serb Goran Jelusic on genocide charges; Jelusic previously had pled guilty to 31 counts of war crimes and crimes against humanity.

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 exhumations across the interentity boundary line (IEBL). The State Commission for Missing Persons reported that the remains of an estimated 1,199 persons had been recovered in the first 8 months of the year. Of those, 829 were Bosniaks, 120 were Croats, and 240 were Serbs. 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 19,834 persons missing from the war years: 2,024 of these persons were accounted for (281 of whom were found alive). The ICRC noted that Serb, Croat, and Bosniak authorities were in a position to