Bosnia and Herzegovina

Despite parliament’s commitments for reforms, there was little change in 2015 regarding human rights for the people of Bosnia and Herzegovina. Severe floods in 2014 worsened the already bleak economic and social prospects for internally displaced people and those who returned home after the war.

Journalists remained vulnerable to intimidation and threats. The authorities failed to make progress on ending discriminatory restrictions political office candidacy for Jews, Roma, and members of other minority groups. Roma remain the most vulnerable group, subject to widespread discrimination. The 20th anniversary of the Srebrenica genocide highlighted the limited progress on justice for war crimes in Bosnia and Herzegovina.

Ethnic and Religious Discrimination

The government made no progress toward amending the constitution to eliminate ethnic and religious discrimination in candidacy for the national tripartite presidency and the House of Peoples. Currently, the constitution requires candidates for these institutions to come from one of the three main ethnic groups—Bosniaks, Serbs, and Croats. The European Court of Human Rights in 2014 ruled to affirm a previous judgment that this limitation in the constitution violates the European Convention on Human Rights.

Authorities failed again to make changes to the voting system in the city of Mostar, ordered by the Constitutional Court of Bosnia and Herzegovina. Residents of the city have been unable to vote in local elections since 2008.

Roma remain the most vulnerable group in the country, facing widespread discrimination in employment, education, and political representation. Lack of a free and universal birth registration system means that many Roma are not on the national public registry that records births, deaths, and marriages. This impedes their access to public services, including health care.
Accountability for War Crimes

The 20th anniversary of the Srebrenica genocide shone a spotlight on the limited progress toward justice for war crimes committed in Bosnia. While the International Criminal Tribunal for the former Yugoslavia (ICTY) has convicted 14 people of crimes committed at Srebrenica, and the trials of the alleged architects of the genocide continue in the Hague, progress in the national courts has been more limited.

At time of writing, the defense case in the trial of Ratko Mladic, the Bosnian Serb wartime general, was in progress at the international tribunal. Mladic has been charged with genocide, war crimes, and crimes against humanity, including in Srebrenica. In late 2014, ICTY judges granted the prosecution's request to reopen the case to put forth new evidence of a mass grave discovered in the village of Tomašica, in the Prijedor municipality, the presentation of which concluded in July. The trial judgment is expected in November 2017.

In July, Bosnian Serb wartime President Radovan Karadzic, also on trial at the international tribunal on many of the same charges as Mladic, demanded a new trial, citing unfair treatment and prosecution errors. His claim was rejected and his trial continued. Closing arguments were heard in late September and a verdict was expected in the first quarter of 2016.

The Bosnian government remained slow to implement the national war crimes strategy, adopted in 2008 to improve the prosecution of domestic war crimes. Prosecutors still lack sufficient capacity and funding, particularly at the district and cantonal levels. According to current estimates by the Organization for Security and Co-operation in Europe, there is a backlog of more than 1,200 cases in Bosnian courts involving several thousand suspects.

By September 2015, the War Crimes Chamber of the State Court of Bosnia and Herzegovina had reached 15 verdicts (3 acquittals, 9 convictions, and 3 partially acquitting verdicts) at the first instance in relation to 24 defendants, and 18 verdicts (1 acquittal, 15 convictions, and 2 partially acquitting verdicts) at the second instance in relation to 27 defendants, increasing the total number of completed cases to 290 since the court became fully operational in 2005. Throughout 2015, Zeljka Ćvijanovic, prime minister of the Republika
Srpska entity, repeatedly challenged the legitimacy of the state court and the state prosecutor’s office.

The State Court sentenced two Bosnian Serb soldiers to 10-year prison terms in June for rape during the 1992 to 1995 conflict, and in a landmark ruling, granted financial compensation to the victim. Previously, rape survivors have had to seek compensation through the civil court.

The Appeals Division of the Court of Bosnia and Herzegovina in February revised the sentence of Milorad Trbic in relation to his criminal conviction for genocide, from 30 years to 20 years in prison. Trbic was among dozens of people convicted of war time abuses whose sentences were vacated or convictions were quashed by the Constitutional Court of Bosnia and Herzegovina, following a 2013 European Court of Human Rights ruling that Bosnian courts had wrongly applied law not in force during the war, when the offenses were committed.

In August, the Prosecutor’s Office of Bosnia and Herzegovina indicted Naser Oric and Sabahudin Muhic for war crimes related to the killing of three prisoners during the war. In October, the Prosecutor’s Office indicted Dzordze Ristanic for war crimes committed against several hundred Bosniaks and Croats in the territory of Brcko.

National Security

Imad Al Husin, a naturalized Bosnian from Syria detained in 2008, remained in indefinite detention on national security grounds, despite a 2012 European Court of Human Rights ruling that required Bosnia and Herzegovina to charge him, release him, or find a safe third country in which to resettle him.

Zeyad Khalaf Al Gertani, an Iraqi citizen, detained without charge on national security grounds from 2009 until 2014, remained under a supervision order confining him to the Bosnian town of Banovici, away from his family. At time of writing, the conditions of his release were under review by the Constitutional Court of Bosnia and Herzegovina.
Freedom of Media

Journalists continued to face threats and intimidation. As of July, the national journalists' association registered 52 cases of violations of media freedom and expression, including 4 physical attacks and death threats, and 12 cases of threats and pressure. Local and national political authorities interfere with journalists' work, subjecting some media outlets to bogus financial and other governmental inspections. State response to these threats and intimidation is often ineffective, and police investigations rarely yield results.

Freedom of Assembly and Expression

No progress was made on the allegations that police in Sarajevo and Tuzla used excessive force during protests in February 2014, as well as during the subsequent detention of protesters.

Sarajevo Open Centre, the lesbian, gay, bisexual, and transgender rights organization, documented 75 cases of hate speech, 15 cases of hate crimes, and 6 cases of discrimination based on sexual orientation or gender identity in the first 9 months of 2015. There was no progress in the police investigation into a 2014 attack on a film festival organized by Sarajevo Open Centre.

Key International Actors

In August, the Council of Ministers adopted a strategy for the implementation of the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence, which was ratified by Bosnia and Herzegovina in 2013. The convention creates a comprehensive legal framework to tackle all aspects of violence against women and girls.

In April, on the occasion of International Roma Day, the Organization for Security and Co-operation (OSCE) in Europe called for greater efforts by Bosnia and Herzegovina to end Roma exclusion. The organization emphasized that institutions in Bosnia and Herzegovina should allocate funding necessary for the implementation of OSCE action plans on housing, education, health, and employment for Roma.
The Committee on the Elimination of Racial Discrimination of the Office of the United Nations High Commissioner for Human Rights in its concluding observations urged Bosnia and Herzegovina to amend the constitution as well as the electoral law to abolish discriminatory treatment on the basis of ethnicity. Additionally, it called upon the state to ensure the sustainable reintegration of returnees and to combat direct and indirect discrimination against minority returnees.

The United States State Department annual report on human rights in Bosnia and Herzegovina, published in June, highlighted the considerable number of allegations of torture and other cruel, inhuman, or degrading treatment or punishment. Additionally it underline harsh, and sometimes life-threatening, conditions in prisons and detention centers.

In its annual progress on Bosnia and Herzegovina published in November, the European Commission highlighted the inadequate legal and institutional framework for the observance of human rights, intimidation of journalists, deterioration in the conditions for freedom of expression, and ongoing threats and attacks against the LGBTI community.