

Bosnia and Herzegovina¹

IHF FOCUS: elections; conditions in prisons and detention facilities; religious intolerance; intolerance, xenophobia, racial discrimination and hate speech; returnees and displaced persons; international humanitarian law.

Little progress was made in terms of protecting human rights and freedoms in Bosnia and Herzegovina in 2002, either concerning the responsibility of authorities at all levels of government or the international peace mission. On the contrary, the pressure of nationalists, linked with criminals, upon the most vulnerable groups, especially minority returnee groups, was heightened. Local authorities tolerated this, thereby contributing to ethnic divisions in Bosnia and Herzegovina and tensions between ethnic and religious communities.

Citizens were also dissatisfied with the performance of the international peace mission in Bosnia and Herzegovina, which did not achieve the expected results with key points of the peace process, in particular the arrest of war criminals, mass and sustainable return, and economic transition. However, the role of the peace mission was perceived differently in the Federation of Bosnia and Herzegovina (BiH Federation) and Republika Srpska (RS): while people in BiH Federation generally urged that the indicted war criminals should be apprehended and punished, in RS the majority of citizens still helped to keep them in hiding.

Other areas where the necessary reforms were not achieved included judiciary, military, law enforcement and education. This state of affairs could be attributed to the shortcomings of domestic authorities, who left abundant room for the intervention of international actors. All this contributed to the worsening of the overall social climate reminiscent of the pre-war situation with aggressive incidences of a chauvinist and hegemonic nature, especially in RS.

The following influences determined the performance of the governmental authorities in Bosnia and Herzegovina: the fact that full constitutional consolidation was not implemented in practice; the shortcomings of the Dayton structure of the state of Bosnia and Herzegovina, which make it inflexible in adapting to integration with European and other structures, a fact recognized by international actors as well; disharmony in the organizational structure of government between the two entities; the rule of various political groups with different ideologies at different levels of government; still prevailing influence of nationalistic ideologies in conjunction with organized crime, which maintained a climate of violence and discrimination; incompetence of authorities at all levels of government combined with corruption; unsatisfactory effectiveness of sluggish and frequently even incompetent and red-tape machinery of the international peace mission in implementing the Dayton Peace Agreement and necessary reforms in the organization of the government, judiciary, law enforcement, economy and education sectors.

Under such circumstances, the high representatives of the international community undertook a number of measures with force of law aimed at providing an impetus to the course of reforms, strengthening the central government and preventing the abuse of office on the part of the governing structures. Many officials were removed from office and eliminated from the political scene. Wolfgang Petritsch tried to develop an operative partnership with the Alliance, which bore certain

¹ Unless otherwise noted, based on the Helsinki Committee for Human Rights in Bosnia and Herzegovina, *Report on the State of Human Rights in Bosnia and Herzegovina (January through December 2002)* with additions from the Helsinki Committee for Human Rights in Republika Srpska. For more details and further topics, please see the 26-page full report by the Helsinki Committee for Human Rights in Bosnia and Herzegovina (No. 27A-12/2002), at www.bh-hchr.org/statements/27a-12-02.htm

fruit. His successor in office, Paddy Ashdown, has already passed measures to streamline the cantonal governments, strengthen the accountability of civil servants and limit the immunity of the politicians in power.

The conduct of the international community that contravened the provisions of the Dayton Peace Agreement did not meet with any reaction from the local authorities, whose behavior essentially ensured the non-observance of human rights and freedoms.

The efforts to fully control the borders of Bosnia and Herzegovina were encouraging, although much still remained to be done to stop illegal border crossings, trafficking in human beings, drugs, and stolen cars and smuggling. It was clear that Bosnia and Herzegovina was entering a crucial period in which, in a very short time, some important, even painful reforms will have to be undertaken. The present political situation and the election results created new ground for interventions on behalf of the High Representative, which may mean continuing to have a protectorate-like line of action at the expense of stimulating responsible actions taken by a democratically established government.

Persons in responsible positions in religious communities acted more as political dignitaries than as religious ones, contributing to the incitement of religious-ethnic and ideological intolerance, instead of working on the principles of return, tolerance and reconciliation. Their share in the dismal and conflict-laden situation was also determined by the politically controlled media and nearly all of the so-called independent newspapers, which identified themselves with the electoral interests of particular parties and their leaders. They compromised their position as objective information providers and commentators on the political reality in Bosnia and Herzegovina.

The fact that nearly half of the voters did not turn up at the polls, combined with the electoral results, was a succinct commentary by citizens with regard to the performance of the authorities and the internationally guided peace process seven years after signing the Dayton Agreement. The electoral victory of the nationalist parties revealed how resilient the pre-war hegemonic projects were, the full reassertion of which was prevented only by a fear of international sanctions.

The overall status of human rights and freedoms in Bosnia and Herzegovina was determined by the poor results of the peace process along the key lines of implementing the Dayton Agreement (including the failure to put in place a constitutional and legal order, partial and unsafe return, failure to arrest war criminals, contradictions and failed attempts in making reforms in key areas); and unregulated relations with the neighbouring states, which still conveyed negative messages concerning the existence of the state of Bosnia and Herzegovina. Moreover, the international climate after September 11, instead of encouraging full engagement in the protection of human rights, led them to be relativized and more poorly protected.

Changes and amendments to the Constitution of the RS and the BiH Federation meant that a part of the decisions of the Constitutional Court of Bosnia and Herzegovina on the constitutive nature (equality) of all three peoples (Bosniaks, Serbs and Croats) was applied in the entire territory of Bosnia and Herzegovina. The constitutional amendments, and this particularly refers to the RS, were not the result of a process of political maturation and voluntary acceptance of the Constitution of BiH as a supreme legal instance, but were rather brought about through the interventions of international authorities. Thus, the constitutional changes were a combination of the decisions of the entity parliaments and of the high representative's imposition of part of the amendments. In the RS, part of the changes implemented under external pressures was the result of the agreement of the most influential parties reached outside the parliament. The constitutional revision was not complete as of the end of 2002 because the final verification of the constitutional changes, which, *inter alia*, guarantee representatives of all three peoples participation in the legislative, executive and judicial branches of power, regardless of the outcome of elections, had yet to be conducted.

The constitutional changes were a significant step forward on the road toward consolidating the legal and political system in the country and providing formal legal guarantees that provide for

equality and equal rights for all persons. However, the elimination of discriminatory provisions from the fundamental body of laws of the entities were not reflected in practice, since the discriminatory attitude toward individuals and minority groups on the basis of ethnic, religious and political affiliation still prevailed. Ethnic minority returnee groups were particularly vulnerable.

The violation of human rights and freedoms was a salient feature characteristic of the entire territory of BiH. In some areas the violations of human rights and freedoms escalated, particularly in the territory of RS, but in the BiH Federation as well. The Democratic Alliance for Changes, which was in power at the national level and in the BiH Federation, contrary to expectations, did not show sufficient sensitivity regarding the issue of human rights and freedoms.

The political, legal and security situation in Bosnia and Herzegovina, especially in the RS, was burdened by the fact that International Criminal Tribunal for the former Yugoslavia (ICTY) indictees Radovan Karadzic and Ratko Mladic were still at large. The local and international authorities did not respond adequately to the activities of the nazi-fascist organizations and individuals. Members of the Ravnogorski Chetnik movement (Serb chauvinists) were particularly aggressive, and during the elections there were cases where Ustashas (Croat chauvinists) also demonstrated violence. Radicalization among Islamists in Bosnia Herzegovina was also noticeable.

The residue of the pre-war situation was reflected in the results of the general elections that were organized, mainly successfully, for the first time by domestic authorities, under international surveillance and with the active participation of NGOs. The national parties (the Bosniak Party of Democratic Action, SDA; the Serb Democratic Party, SDS; and the Croat Democratic Union, HDZ) again won the majority vote, while the Social Democratic Party, which was the strongest party at the national level two years ago and was the leader of the Democratic Alliance for Changes, experienced a real collapse. A large number of voters did not turn up at the elections, indicating a feeling of resignation among citizens, who had the impression that real progress in the country could not be achieved because there was no solid democratic alternative to the nationalist parties. This position was strengthened precisely because citizens abstained from voting.

Concerning the international arena, the accession of Bosnia and Herzegovina to the Council of Europe opened prospects for the further promotion and protection of human rights and freedoms, among other things. Relations between Bosnia and Herzegovina and neighboring countries were still far from the mutually necessary level of full normalization. In the Federal Republic of Yugoslavia (FRY), there were again signs of aspirations to divide Bosnia and Herzegovina and annex the RS to Serbia as a form of compensation for Kosovo, as expressed by the President of FRY, Vojislav Kostunica, and by the Prime Minister of Serbia, Zoran Dindic. Kostunica and Dindic denied having brought into question the existence of the state of Bosnia and Herzegovina, although the parliament of FRY finally ratified the Dayton Accords, which implies the confirmation of the mutual recognition between the states of Bosnia and Herzegovina, FRY and the Republic of Croatia. The Croatian government has demonstrated a paternalistic attitude toward Bosnia and Herzegovina, in contrast to the attitude of the Croatian President Stjepan Mesic, who stands for full assertion of Bosnia and Herzegovina as a state and for optimal good-neighborly relations between Croatia and Bosnia and Herzegovina.

Of particular concern in 2002 was the lesser involvement of international actors in Bosnia and Herzegovina in the area of human rights and freedoms and the relativistic attitude toward the need to protect human rights and freedoms without exception. It was believed that order and the rule of law should be introduced in Bosnia and Herzegovina first and that democracy and respect for human rights and freedoms should be given attention afterwards, as if these issues were not very closely interconnected.

After the attacks in New York and Washington on September 11, the attitude toward the reduction of human rights and freedoms relaxed somewhat in the USA and elsewhere in the West, and

this was reflected in Bosnia and Herzegovina as well. It was particularly visible in the case of the deportation of the so-called “Algerian Group.”²

- In January, Hajj Budella, Bumediien Lakhdar, Mohammad Neshila and Saber Lahman were transferred to US custody.

The Human Rights Chamber in Bosnia and Herzegovina passed a decision establishing that the BiH Federation and the state of Bosnia and Herzegovina had violated the guaranteed rights of these people by unlawfully taking away their citizenship and by expelling them and surrendering them to the USA without previously conducting correct court procedures and despite the possibility that they might face the death penalty in the USA. In this case, the principle of the presumption of innocence was violated. The Human Rights Chamber obliged the authorities to pay damages to the families of the deported persons and provide competent defense counsel to protect the rights of the deportees. The Helsinki Committee for Human Rights in Bosnia and Herzegovina welcomed the decision of the Human Rights Chamber, arguing that it demonstrated that in the territory of the state of Bosnia and Herzegovina there exist effective mechanisms for protecting rights and freedoms in line with the principle of universality.

Because of its involvement in the “Algerian Group” case, the Helsinki Committee for Human Rights in Bosnia and Herzegovina, and its leadership in particular, were exposed to fierce attacks and baseless arguments from domestic and international actors. While the statements of the Helsinki Committee were based on expert reasoning on the matter, many of the attacks were directed at the Committee and its leadership personally rather than the substance of the committee’s arguments.

Elections

On October 5, general elections were held for the representatives of the House of Representatives of the Parliamentary Assembly of BiH, members of the presidency of BiH, representatives of the National Assembly of RS, president and vice president of RS, representatives of the House of Representatives of the BiH Federation Parliament, and representatives in the cantonal assemblies and municipal council of Zepce. Out of about 2.4 million registered voters, 800,000 citizens (approximately 56% of citizens) voted in the BiH Federation; compared with 440,000 or about 52% in the RS. Over 170,000 citizens were registered for voting *in absentia* but only about 50,000 (27%) actually did so. Refugees and displaced persons showed the least interest in voting in their pre-war environments, and there was no adequate election motivation of that category of voters by the authorities and diplomatic representation offices.

The Coalition of Non-Governmental Organizations "Elections 2002," which gathered 119 associations from the entire country, conducted a non-party campaign for fair, free and democratic elections by motivating citizens to take part in the electoral process; by educating the voters and promoting the Election Law; by organizing over 100 public debates in all larger cities of Bosnia and Herzegovina; by realizing the electoral song, leaflet and poster with the slogan "Think for Yourself"; and by organizing press-conferences and reacting with statements. It also conducted a public opinion survey and monitored the campaigns of the political parties, media and elections as such. The Helsinki Committee for Human Rights in Bosnia and Herzegovina played a central role in these activities and their coordination.

The Coalition and the Helsinki Committee pointed to the fact that the electoral campaigning passed in an atmosphere in which a large number of protagonists were trying to discredit their rivals and on that basis to gain voter confidence. Such dirty campaigning enshrouded in climate of low

² See also IHF and the Helsinki Committee for Human Rights in Bosnia and Herzegovina, “In the Aftermath of 11 September 2001: illegal arrests, detention and deportations in Bosnia-Herzegovina,” January 16, 2002, at www.ihf-hr.org/appeals/020116BiH.htm.

blows, inflammatory vocabulary and the language of hatred, in an attempt to gain advantage over political rivals, resulted, among other things, in confusing and even embittering voters.

Under such circumstances, the programs of the parties remained completely in the background. On the other hand, election candidates dealt with the issues of interest for citizens in their speeches and debates in the electronic media (such as the issues of the economic recovery of the country, employment, and education, and approaching European integrations). Nevertheless, in these speeches, rhetoric prevailed over the competence of the candidates and the seriousness and justifiable basis of their programs.

Some religious officials, including leaders of religious communities, were directly engaged in promoting particular political parties, the parties with a national omen. The parties in RS showed a special inclination towards the Serb Democratic Party. The Riasset of Islamic Community banned political campaigning in the mosques and other religious facilities only when campaigns to persuade religious believers to vote for the Party of Democratic Action had been going on in its facilities for quite some time. The priests of the Roman Catholic Church, especially in Herzegovina, were active in favor of the Coalition led by the Croat Democratic Union.

The written media, with few exceptions, sided with political parties and leaders, without publicly expressing such attitudes and without giving voters the option to make their own choices on the basis of objectively and impartially presented platforms and candidates. The self-regulatory concept in the area of written media demonstrated in the course of this campaign all its shortcomings and pitfalls.

The work of polling boards was correct and professional in the majority of cases. However, cases were registered in which a smaller group of people cast their votes for an entire village, and there were attempts to vote without documents. In several polling stations, voters were assisted by the president of the polling boards and their members, suggesting that voters vote for a certain party. In other stations, the principle of secrecy was violated by improper placement of screens, or the polling boards treated relationship improperly. In some cases, non-professional work in the polling boards was reported, and unnecessary confusion that irritated the citizens or discouraged them from voting.

The NGO Coalition "Elections 2002" in its October 7 press release stated that the elections were fair and democratic, and that the observed shortcomings did not substantially influence the results of the elections.

Bosnia and Herzegovina proved it was able to organize the elections, with the help of the peace mission, although the conditions still did not provide optimum safeguards for citizens to exercise their democratic rights, particularly with regard to refugees, displaced persons and minority returnees, who had difficulties in exercising their right to vote.

The Electoral Commission of Bosnia and Herzegovina essentially performed its task well, and succeeded in creating the conditions for the elections to be judged as fair, democratic and free.

Increased coordination with the municipal commissions, electoral boards, authorities, NGOs, citizens and the media could have contributed to greater turnout and better conditions for casting the ballots on election days.

The international peace mission in Bosnia and Herzegovina and key actors (OSCE, OHR, SFOR, IPTF), in accordance with their respective mandates, contributed to the democratic ripening of the state of Bosnia and Herzegovina.

Conditions in Prisons and Detention Facilities

Following a monitoring mission by the Helsinki Committee for Human Rights in Bosnia and Herzegovina on the situation of penitentiaries, the interest of media and public institutions increased.

After contradictory information in the press, the Council of Ministers, on the basis of the findings of a working group, concluded that Bosniak convicts physically and psychologically maltreated Croatian and Serb convicts in the correctional facility in Zenica.

- The working group established, *inter alia*, that Darko Radinovic, after being systematically ill-treated, attempted suicide and suffered from serious mental problems as a result of such treatment.
- The UN Mission confirmed that convict Milomir Tepes was beaten with a lock and chains while he was sleeping.

As a result of the torture that took place in Zenica correctional facility, the Council of Ministers initiated an agreement between the entities on the eventual transfer of convicts to other correctional institutions; thus raising concerns that the prisons will be subjected to ethnic cleansing.

Religious Intolerance

Religiously motivated intolerance and violence continued in Bosnia and Herzegovina.³

- The most serious attack on a religious facility took place in Kljuc near Gacko, where a recently reconstructed mosque was destroyed by an explosive device. In a similar manner, explosive devices were thrown at mosques or other Islamic places of worship in Bijeljina and Prijedor, among other places, and Islamic facilities were otherwise desecrated.
- Domestic democratic public and international authorities strongly condemned the inadequate sentences pronounced for violence against Bosniaks and other participants during the attempt of laying of foundation stone for reconstruction of the Ferhadija mosque in Banja Luka (RS) in May 2001 when tens of persons were injured and one Bosniak died after the attack: the 14 accused persons were sentenced to imprisonment from two to thirteen months.
- On the eve of one of the most important Muslim holidays, *Ramadan Bajram*, in the suburban settlement of Prijedor (RS), Donja Puharska, an explosive device was planted in the building of the *mesjid* (provisional mosque), where the *imam* lived with his wife. The explosion caused substantial damage to the facility.
- Bosniak returnees to Divic, near Zvornik (RS), announced that they would take legal action against RS because the graves of members of their families were dug up and an Orthodox Church was built on the locality.
- A group of minors stoned an Orthodox priest and a group of Serb believers at the plateau of the Old Orthodox Church in Mostar (BiH Federation). An Orthodox Church of Apostles Paul and Peter in the center of Sanki Most was also stoned.
- In Zivinice (BiH Federation), seven Catholic and two Orthodox cemeteries were desecrated with an axe. Crosses were pulled out of eight graves in a Catholic cemetery in Donja Dreznica near Mostar.

³ For details on ethnically or religiously motivated attacks in RS in 2002, please see the "List of Attacks against Returnees in Republika Srpska in 2002," drawn up by the Helsinki Committee for Human Rights in Republika Srpska.

- On Christmas Eve, Bosniak Muamer Topalovic killed Andjelko Andjelic and his daughters Mara and Zorica when they attended a Catholic mass at the funeral of their family members in the village of Kostajnica (municipality of Konjic). According to the investigating police, Topalovic committed the crime for religious reasons. In that mass, Cardinal Vinko Puljic, archbishop of Vrhbosna, preached for the relaxation of inter-ethnic and inter-religious tensions. The Muslim community leadership immediately condemned the murders.

A case in dispute was the provocative and illegal placing of religious symbols in public places. Such a case happened on the Hum hill above Mostar, sparking complaints from the international community, as well as the cross in the old town above Srebrenica. In both cases, in multiethnic environments, it was the intention to demonstrate domination of one religion and one nation. In any case, one cannot justify the illegal demolition of such objects as it happened in Drvar, where a cross was pulled down during Easter by a group of young men who provoked Croats by singing Chetnick songs.

Intolerance, Xenophobia, Racial Discrimination and Hate Speech

Victims of ethnically motivated violence and discrimination were most usually returnees. The majority of attacks took place in the territory of the RS. As before the war, sports events were used as an occasion for such incidences.

- Milan Pekija (43) from the village of Knezica (municipality Kozarska Dubica, RS) died when a bomb planted in his car went off on March 12. This was the most serious incident that happened in that region in 2002. The police initiated investigation into the incident.⁴
- The explosions of menacing Greater-Serbianism took place during the match between the national football teams of Bosnia and Herzegovina and FRY. A group of Serbs from so-called Serb Sarajevo cheered on the FRY team, yelling, "This is Serbia" and hailing Radovan Karadzic. A group of supporters from BiH Federation yelled "Allahu eqber" in return. After the match one Montenegrin, who was completely innocent, was taken out of his car and beaten up; his eye was heavily injured.
- The supporters of the football club "Borac" from Banja Luka (RS) stirred up incidents during the match with the football club "Celik" in Zenica, shouting nationalistic slogans, provocatively wearing T-shirts with pictures of Radovan Karadzic on them, and crying out "Karadzic, Karadzic, we'll tear Zenica down." In retaliation, the supporters of Celik stoned the wrong buses after the match.
- During the match between the Sarajevan football club "Zeljeznicar" and "Borac" in Banja Luka on November 10, local supporters insulted the Bosniaks, threatening to murder them. A huge banner with the message "Knife, wire, Srebrenica" dominated the stadium and the police, as they admitted themselves, did not dare remove it. Milorad Dodik, the leader of the Union of Independent Social Democrats, and a sports activist himself, was the only one among the prominent politician in the RS who condemned the putting up of this banner.

There was also discrimination on ethnic grounds in employment, affecting returnees in particular.

⁴ Helsinki Committee for Human Rights in Republika Srpska, "List of Attacks against Returnees in Republika Srpska in 2002."

- According to *Oslobodenje*, the Mayor of the Municipality of Prijedor (RS), Nada Sevo dismissed Serbs Manojlo and Vesna Marcetic because they allegedly were helping Bosniaks and socializing with them.
- A teacher from Celinac (RS), Bosniak woman Vahida Salihovic, remained unemployed after being as many as ten years on the so-called waiting list. She initiated proceedings before the court in Banja Luka. A journalist of *Oslobodenje* claimed that many Bosniaks were faced with such a problem in Banja Luka but were afraid to react.

Returnees and Displaced Persons

In the first eight months of 2002, 85,189 returns were recorded (27,300 refugees and 57,889 displaced persons), mainly so-called minority returns. Until September 30, 2002, a total of 907,968 citizens had returned. Out of that number, 414,569 were refugees who returned and 493,399 were displaced persons. Out of total number of returns, 675,320 inhabitants returned to the BiH Federation (373,015 refugees and 302,305 displaced persons), while 214,263 (39,780 refugees and 174,483 displaced persons) returned to the RS, and 18,385 inhabitants (1,774 refugees and 16,611 displaced persons) returned to the Brcko District.

In total, the following numbers of persons had returned to Bosnia and Herzegovina by the end of 2002: 568,073 Bosniaks (267,994 refugees and 300,079 displaced persons); 212,612 Serbs (61,781 refugees and 150,831 displaced persons); 120,192 Croats (80,115 refugees and 40,077 displaced persons), and 7,091 others (4,679 refugees and 2,412 displaced persons). To the BiH Federation, 442,739 Bosniaks returned (255,036 refugees and 187,703 displaced persons), and in the RS 111,841 (12,862 refugees and 98,979 displaced persons), while to Brcko District, 13,493 Bosniaks returned (96 refugees and 13,397 displaced persons). As for Serbs, to the BiH Federation, 117,723 (40,863 refugees and 76,860 displaced persons) returned, while to the RS, 93,260 (20,913 refugees and 72,347 displaced people), and to Brcko District 5 refugees and 1,624 displaced persons). Out of total number of Croat returnees, 189,958 (73,034 refugees and 35,924 displaced persons) returned to the BiH Federation, 7,991 (5,408 refugees and 2,583 displaced persons) to the RS, and 3,263 (1,673 refugees and 1,590 displaced persons). Out of the total number of returnees from the category of others, to the BiH Federation, 5,900 (4,082 refugees and 1,818 displaced persons) returned, to the RS 1,191 (597 refugees and 594 displaced persons). By the end of the year, 367,938 members of minority groups had returned to Bosnia and Herzegovina, 80,711 (25,293 refugees and 55,418 displaced persons) of whom returned in 2002.

The Ministry of Refugees and Displaced Persons in Bosnia and Herzegovina claimed that about 650,000 citizens were still settled around the world with refugee status and that there were about 700,000 displaced persons in the territory of Bosnia and Herzegovina. The majority had resolved their status in the asylum countries, but this was not the case in the FRY.

As for the implementation of the property claims, out of a total of 252,933 claims in the entire Bosnia and Herzegovina, decisions were made in 82% of cases, but the number of returned property was only 62%. In the BiH Federation, out of 138,973 claims for return of property, 124,076 decisions were passed, and 66% of property was returned. In the RS, out of 107,024 claims for the return of property, 77,790 decisions were passed and 56% was returned. In the Brcko district, out of 6,936 claims, 5,346 were resolved and property was returned in 66% of cases.

International Humanitarian Law

Accountability for War Crimes

The trial of the former President of Serbia and Federal Republic of Yugoslavia, Slobodan Milosevic, for war crimes committed in Kosovo and Croatia and for genocide in Bosnia and Herzegovina was the most significant case for the mandate of the ICTY and for the overall performance of this tribunal in regard to the sanctioning of those most responsible for mass crimes. However, the failure of international authorities to use the power and influence to the extent that would be necessary to bring the FRY to full cooperation with the ICTY was disappointing.

The Helsinki Committee for Human Rights in Bosnia and Herzegovina stated that for Bosnia and Herzegovina, full truth about Milosevic's role in the aggression against that country was important both from the standpoint of individual responsibility and in the case of Bosnia and Herzegovina versus FRY before the International Justice Court in the Hague concerning the charges of aggression and genocide. Political leaders in the RS, however, strongly opposed the bringing of charges against former FRY leaders.

The authorities in the RS still refused to cooperate with the ICTY by failing to arrest Radovan Karadzic, who was still escaping justice, as was Ratko Mladic.

The Croatian government also relativized cooperation with the ICTY, which was particularly visible in the case of charges against Generals Janko Bobetko and Ante Gotovina. These persons were also very important figures for shedding the light on the role of Croatia in Bosnia and Herzegovina during the war.

- At the end of 2002, the former President of the RS, Biljana Plavsic, pleaded guilty for crimes against humanity, changing her initial statement as part of the agreement with the Prosecutor's Office of the ICTY, which agreed to drop the remaining counts of the indictment, including the charge of genocide. Plavsic, previously one of the closest collaborators of Radovan Karadzic, through her defense counsel informed the public that she fully and unconditionally accepted responsibility for her acts, in the hope that this might offer some consolation to the innocent Bosniak, Croat and Serb victims of war. Plavsic invited other leaders to do some soul-searching and re-examine their acts in the hope that her own acceptance of responsibility might help her people "to overcome the pogrom that had happened during the last decade, to reconcile with their neighbors, and finally, to recover their renown as respected people."

This admission of guilt will also have consequences for the trials of Slobodan Milosevic, Momcilo Krajisnik and other top Serb officials accused of the most serious crimes committed in Bosnia and Herzegovina and elsewhere.

- The Netherlands parliament initiated a public investigation into the massacre committed against Bosniaks in July 1995 in the area of Srebrenica. According to some estimates, this investigation could enable survivors from Srebrenica to demand payment of damages from the Netherlands, although other groups consider that the damages should be demanded from the UN. Before initiating the parliamentary investigation on genocide in Srebrenica, the Dutch government, headed by the Prime Minister Wim Kok, collectively resigned out of moral reasons after the report on the responsibility of the Dutch authorities for the massacre of the army of the RS committed over the Srebrenica Bosniaks had been published. For the same reasons, the Lieutenant-General Advan Bal, Commander-in-Chief of Dutch armed forces, also resigned.

Missing Persons

Missing persons were still a painful topical issue in Bosnia and Herzegovina. According to August 2002 data from the State Commission for Search for Missing Persons in Bosnia and Herzegovina, out of 27,719 missing persons recorded, 14,500 victims were exhumed as of the end of 2002. The State Commission exhumed about 10,500 bodies and the investigation team of the ICTY about 4,000. In 2002, numerous mass graves were discovered (22 exhumations at 60 sites) mainly

containing Bosniak victims: they included Kamenica, the largest exhumed grave with over 500 dismembered remains of Bosniaks from Srebrenica, and the graves in the area of Foca, Rogatica, Zvornik, Visegrad, Cajnice, Berkovici, Kotor Varos, Bihac, Prijedor, Modrica, Orasje, Derventa, Doboj, Brcko.

For the first time exhumation was conducted in the neighboring Croatia, in the area of Slavonski Brod. In addition, the remains of 93 victims were transported to Bosnia and Herzegovina from the grave in Sremska Mitrovica in the FRY. Among those bodies identified, there were 21 Bosniaks; the remaining persons were from Croatia.

Thanks to the work of the International Commission for Missing Persons, the remains of about 1,000 persons were identified during 2002. However, the problem of burying the remains of 1,550 victims from East Bosnia kept in the Memorial Center in Tuzla was not resolved. The number of remains will continue to increase, but it appeared that no party was interested in providing them with a decent burial.

Strong indignation was caused by the report of the RS government, headed by Prime Minister Mladen Ivanic. The report attempted to deny the fact that genocide occurred in Srebrenica in July 1995, when at least 7,000 Bosniak men and boys were massacred. In particular, statements of the RS government that the number of persons killed was lower than it in fact was and its attempt to depict the acts of the ICTY indictee, Commander-in-Chief of the RS Army Ratko Mladic, as humanitarian action shocked the domestic and international public.