

Aide-Mémoire

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Bosnia and Herzegovina

The sovereign and internationally recognised state of Bosnia-Herzegovina with its multi-ethnic and multi-religious structure was destroyed by genocide and war atrocities orchestrated by the Serbian government and the Serbian army under Slobodan Milosevic. 2.2 million Bosniaks were driven out of the country. More than 100,000 civilians fell victim to the genocide. Under the eyes of the UN peace-keeping force 8,373 Bosnian men and boys were killed by the Serbian army in the UN protect zone of Srebrenica.

To date up to 1.2 million victims of ethnical cleansing have been unable to return to their homes. The Dayton Agreement (1995) provided for half of the state's former territory with a pre-war population of around 1.5 million (half of them Bosnian Serbs) to become part of the "Republika Srpska" and was henceforth under Serbian control. Today the non-Serbian population accounts for no more than 8 per cent of the areas population. 13 years after the war neither in the "Republika Srpska" nor in the other half territory the human rights situation is satisfying. Although Bosnia-Herzegovina and the European Union signed an agreement of association aimed at stabilising the country, a lot remains to be done to meet the criteria for an accession to the EU, most notably reforms of the constitution, administration and the police force.

Impunity

Despite the presence of 2,500 EUFOR-troops in Bosnia the two most-wanted war criminals, the notorious Radovan Karadzic and General Ratko Mladic, have not been arrested to date – like many other culprits, among them 892 people listed as responsible for the massacre at Srebrenica. Many of these are still working for offices and institutions like the judiciary or the police of the "Republika Srpska".

The Society for Threatened People (STP) found that the human rights situation in Bosnia-Herzegovina has deteriorated since the International Court of Justice (ICJ) passed its judgement in the genocide case of Bosnia-Herzegovina vs. Republika Srpska, which held that Serbia could have prevented the genocide at Srebrenica but could not be held directly responsible for it. Although the judgement explicitly names those responsible for the genocide – police and army forces of the "Republika Srpska" – the Republika has not so far displayed any willingness to pursue the matter. Survivors of the genocide at Srebrenica demanded to separate the city from the "Republika Srpska". The STP regards it as a significant success that in June 2007 the then High Representative of the EU and special envoy to Bosnia, Dr. Christian Schwarz-Schilling, placed the cemetery, the memorial including the accumulator factory lying opposite under the authority of the Bosnian government.

Return to Bosnia-Herzegovina

According to the UNHCR 1,018,991 refugees and displaced persons returned to Bosnia and Herzegovina until 2007, 737,848 to the Federation of Bosnia-Herzegovina and 259,761 to the Republika Srpska.

The number of refugees returning to Bosnia-Herzegovina was very low in 2007. The STP has learnt that non-Serbian returning refugees to the Republika Srpska are heavily discriminated against and have to live under appalling conditions. The situation is particularly bad in the Drina-Valley (Srebrenica, Bratunac, Visegrad, Foca). They are often unable to find employment and their children have to attend "Serbian" schools where all subjects – among them history (including the most recent Serbian history), religion and literature – are exclusively taught in Serbian language. Furthermore returning refugees to the Republika Srpska are not covered under the health insurance system and have to pay all treatments themselves. However, refugees of Serbian origin returning to Croat-administrated part of the Federation of Bosnia-Herzegovina (Drvar, Jajce, Grahovo Glamoc) are also discriminated against. In 2007 verbal and physical attacks on returning refugees were repeatedly reported of the genocide region around Srebrenica. On 12 July 2007, a day after the 12th anniversary of the massacre and the burial of a further 465 victims, a group of men dressed in Chetnik uniforms marched the streets of Srebrenica. They all wore badges of military units which committed the massacre in July 1995.

The Judicial System of Bosnia and Herzegovina

Taking into consideration that many suspects are still on the loose in Bosnia-Herzegovina the majority of survivors of the genocide are concerned about the fact that the International Crime Tribunal of the Former Yugoslavia (ICTY) is set to end its work by the end of 2010. Although in March 2005 a judicial unit for the persecution of war crimes went into operation, the pervasive obstacle remains that there is still no central prison where convicts could serve their sentences. An additional problem is the complete lack of victim protection.

Segregation in the Schools of Bosnia and Herzegovina

The problem of segregation is particularly pronounced in Herzegovinan and some central-Bosnian cities where the population is predominantly Croatian. Separate schools for Croatians and non-Croatians (Bosniaks, Serbs) exist in Capljina, Prozor, Stolac, Zapadni Mostar (Westmostar), Vitez, Kiseljak. Pupils of Croatian nationality are taught in line with the Croatian curriculum whereas Serbian and Bosnian pupils are taught according to the curriculum of Bosnia-Herzegovina. Within the Republika Srpska the schools teach exclusively in Serbian language even if whole classes consist of Bosnian (Muslim) pupils. On the walls of these schools Serbian-orthodox icons and crucifixes are a common sight.

It is particularly terrifying that the children of returned Bosnian refugees around Srebrenica whose family members fell victim to the genocide are taught an outrageously distorted version of recent Serbian history in which Radovan Karadzic and Ratko Mladic, the main culprits for the genocide, are labelled the father of the Republika Srpska and one of the greatest heroes of the Serbian people respectively.

Society for Threatened Peoples calls on the EU and the Human Rights Council to:

- exert its influence on the representatives of the Federation of Bosnia and Herzegovina and the Republika Srpska to agree on a reform of the police forces to eliminate this obstacle for a convergence towards the EU,
- separate the UN protect zone of Srebrenica from the Republika Srpska and place it under the authority of the Bosnian government as an autonomous region until the division of Bosnia is ended,
- help to bring to justice the 892 persons responsible for the genocide at Srebrenica but employed to date by the police and other institutions of the Republika Srpska,
- urge the courts in Bosnia-Herzegovina to provide an effective victim protection,
- make every step or initiative to bring Serbia closer to the European Union conditional upon arrest and extradition of Radovan Karadzic and Ratko Mladic,
- urge the Serbian government to arrest the main war criminals Radovan Karadzic and Ratko Mladic and extradite them to the International Crime Tribunal of the Former Yugoslavia (ICTY).