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An open letter from Amnesty International to all participants at the London Peace Implementation Conference, 4 to 5 December 1996

Amnesty International calls upon the governments and intergovernmental organizations participating in this conference to develop and implement an effective human rights action plan for Bosnia-Herzegovina for 1997.

The organization is dismayed that almost one year after the signing of the Dayton peace agreement in Paris the international community has failed to ensure that human rights are effectively protected throughout the country. Amnesty International is also deeply concerned that the international community has not only failed to implement the organization's recommendations of October 1995 and June 1996 for an action plan, but is planning to reduce its commitment to guaranteeing human rights and planning prematurely to leave protection of human rights to the parties¹. The parties have so far largely failed to achieve proper respect for human rights and the international community has not taken effective steps to ensure that they do so.

Amnesty International is shocked that the states contributing personnel to the Multinational Force (IFOR) continue to breach their obligation under international law in failing to search for, arrest and bring to justice persons suspected of grave breaches of the 1949 Geneva Conventions, although IFOR operates with complete freedom throughout the territory of Bosnia-Herzegovina.

An Amnesty International delegation currently in the country has confirmed continuing human rights abuses throughout the territory. All the parties have continued to detain individuals without prompt charge or fair trial, in violation of written agreements and international standards. In some cases the individuals have been offered in exchange for other prisoners - in effect making them hostages. Police have ill-treated detainees and failed to protect members of minorities or opposition supporters from daily incidents of violence.

One year after the Dayton peace agreement, which specifically guaranteed freedom of movement and the return of displaced persons and refugees, the parties continue to deny this fundamental freedom. Some of the parties have blown up the homes of would-be returnees, some have thrown stones, shot at them or otherwise blocked their attempts to visit or return. The international community has refused to protect displaced persons and refugees seeking to return home, to take effective steps to stop such attacks or to develop a clear plan to ensure their return only when conditions are durably safe.

¹ *The challenges in Bosnia and Herzegovina*, oral statement by Amnesty International at the Organization for Security and Co-operation in Europe (OSCE) Human Dimension Implementation Meeting in Warsaw, 18 October 1995. *The international community's responsibility to ensure human rights*, AI index EUR 63/14/96, June 1996.

One year into the implementation of the Dayton peace agreement, no single international body is exercising decisive leadership to address these and other human rights concerns. Responsibility for implementing human rights is fragmented among various international bodies, such as the Office of the High Representative, the OSCE Mission, the United Nations (UN) International Police Task Force (IPTF), the UN High Commissioner for Human Rights, the UN High Commissioner for Refugees and the Council of Europe. There is still no clear, publicly available human rights budget and no plan of action with a timetable. International bodies have insufficient professional and experienced human rights staff. The authority to ensure coordination of work on individual cases and concerns, particularly at the local or regional level, is often lacking. However, instead of strengthening its human rights commitments, the international community is reported to be intending to scale down its human rights effort and leave the protection of human rights to the parties and ineffective government institutions.

Government institutions established under the Dayton peace agreement, including the courts, the Property Commission (which determines claims of displaced persons and refugees to property), the Ombudsperson and the Human Rights Chamber, are underfunded, have limited professional staff and are unable to act effectively throughout the territory. Furthermore, they depend on the authorities within the entities to implement their decisions and recommendations, (which have failed to do so) and the national government, whose effectiveness is yet to be proved.

Amnesty International once again calls upon the international community to implement its extensive and detailed recommendations of October 1995 and June 1996. The organization also calls upon the international community to implement as a matter of urgency a human rights action plan which should require that:

- ◆ The High Representative has explicit overall responsibility for ensuring that the plan is promptly and effectively implemented in accordance with an agreed timetable. The High Representative should issue frequent, comprehensive reports and make prompt interventions with the parties or other international agencies involved with the implementation where their actions or inaction threaten fulfilment of the plan.
- ◆ The High Representative should receive full political and material support to carry out the plan. Governments should ensure that they and the parties implement promptly and in good faith the recommendations of the High Representative. The High Representative should clearly define the resources needed in a publicly available budget and the international community should ensure that these resources are provided.
- ◆ The international community and the parties search for, arrest and bring to justice individuals suspected of genocide, other crimes against humanity and serious violations of humanitarian law in their own courts (providing that the trials are fair) or by transferring them to the International Criminal Tribunal for the former Yugoslavia.
- ◆ The international community and the parties build an effective criminal justice system in close cooperation with the International Police Task Force (IPTF), whose mandate should be strengthened to include the hiring and firing of police officers.

- ◆ Governments provide other national institutions relevant to the protection of human rights with professional staff, equipment and funding and ensure that their decisions and recommendations are implemented promptly and in good faith.
- ◆ The High Representative should take the lead in putting pressure on the parties to create the necessary conditions in Bosnia-Herzegovina to allow displaced persons and refugees to exercise their right to return to their homes; recognizing that until conditions are durably safe the return of refugees cannot occur.
- ◆ The High Representative should have authority to ensure that effective coordination at national, regional and local levels is maintained between the international agencies involved in human rights monitoring and protection.

Without a well-defined and adequately funded human rights implementation plan, the high hopes which were raised by the peace agreement will remain unfulfilled. The work of the international community, on behalf of the hundreds of thousands of victims of human rights abuses in Bosnia-Herzegovina, will otherwise be subordinated to the political concerns or manipulations of the parties and of third governments.

Amnesty International believes that the prevention of and redress for human rights violations in Bosnia-Herzegovina must ultimately be the responsibility of its authorities, courts and national human rights institutions. However, in a country which has only just appointed and has yet to prove the effectiveness of, its national government, Amnesty International believes that it would be irresponsible for the international community to abdicate prematurely its essential role in ensuring human rights protection for the people of Bosnia-Herzegovina.

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Secretary General