

IMPUNITY IN DRVAR

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IMPUNITY IN DRVAR

EXECUTIVE SUMMARY

Croat extremists put Drvar into the spotlight in April 1998 with murders and riots against returning Serbs and the international community. It was the most serious outbreak of violence in the Federation of Bosnia and Herzegovina (Bosnia) for more than a year. Before the riots, Drvar -- whose pre-war population was 97 per cent Serb -- offered some cause for optimism: more Serbs had returned there than to any other region of the Federation outside of Sarajevo, and Serbs were looking to Drvar to help them assess the possibilities and risks for further return to the Federation and Croatia.

In the wake of the riots, key international officials flocked to Drvar, among them High Representative Carlos Westendorp and Supreme Allied Commander, Europe, General Wesley Clark, as well as the heads of most of the international organisations in Bosnia, and even several US Congressmen. All stated emphatically that violence was unacceptable, that the right of Serbs to return would be supported, and that those responsible would be brought to justice.

Nearly four months later, small steps have been made towards getting the return process back on track. The number of Serbs in the villages, 1,800 before the riots, down to 1,600 after the riots, has climbed back up to 1,800. Some 30 of the 130 Serbs who fled their flats in town have returned. The municipal assembly met on 11 August 1998 for the first time since 3 April 1998, and selected a Deputy Mayor to replace Drago Tokmadzija, who had been dismissed by the High Representative for sustaining an atmosphere conducive to violence.

However, Tokmadzija retains *de facto* power and no real progress has been made in holding accountable the architects of the April 1998 violence, or those responsible for blocking the restructuring of the police and other concrete measures necessary for minority return. Hard-line officials of the HDZ in Canton 10 and Drvar continue to act with impunity. Moreover, Ante Jelavic, the HDZ candidate for the Croat member of the Bosnia's Joint Presidency has stated in the Croat media that: "Drvar is and will remain a Croat town in the Federation of Bosnia and Herzegovina." These are dangerous messages to leave unchallenged, particularly during an election campaign.

The high-level visits to Drvar following the riots must be matched with a firm action plan backed by the necessary resources. Before the elections the international community must send a clear message that the instigators of the violence in Drvar will be punished, and that the international community is committed, over the next year, to work to:

- root out the criminal network that has a grip on key aspects of governance, policing and the economy in Drvar and Canton 10, including with stepped-up measures by SFOR and increased efforts to bring Finvest, a Croatian company and Drvar's largest employer, within the law;
- create a multi-ethnic administration and police force;
- help Croats return to their homes in Kakanj, Vares, Teslic and elsewhere with adequate security and funding for jobs and reconstruction; and
- support continued, phased Serb return to Drvar, while assuring that any Croats who are thereby displaced will be found adequate alternative accommodation.

The international community must, before the elections, take a series of measures backed up by a co-ordinated strategy, to show that it is serious:

- "Acting" Minister of Internal Affairs Batisa Letica, suspended in April 1998, and promptly reinstated for six months to supervise the police restructuring process, must be dismissed from office immediately. Steps he has taken recently to hire a few Serbs onto the police force and bring minor charges against perpetrators of violence in Drvar are inadequate.
- Former Drvar Police Chief Ivan Jurcevic, dismissed in April 1998, must be stripped of all trappings of police authority, including his vehicle, badge, weapons and police bodyguards.
- Donor governments should announce the creation of a special fund for Drvar, to be administered by the Reconstruction and Return Task Force, to (a) assist Serbs and Croats to return to their homes, and (b) repair homes and necessary services and promote sustainable economic recovery in Drvar, Kakanj and Vares (municipalities from which Croats now in Drvar fled). Donors should give increased funds not because of the violence but because progress in Serb returns to Drvar and surrounding municipalities is crucial for opening up Serb returns to the Federation and Croatia, and because increased Croat returns to Central Bosnia will strengthen the position of Croats committed to a multi-ethnic Bosnia.
- International organisations, especially OHR, SFOR, IPTF, UNHCR and OSCE, should (a) devise a co-ordinated strategy to boost minority returns in and out of Drvar, (b) dedicate increased resources during the remaining 3-4 good weather months of the year to this end, (c) design and implement a security strategy aimed at preventing any further outbursts of violence, which may be anticipated as Serb returns increase and Croats move back to their homes in Central Bosnia and elsewhere, (d) and publicise this renewed, concentrated effort.

The Resident Envoy of the High Representative should gain agreement within the international community on the above points, and then lead and co-ordinate a public information campaign, in the Croat and Drvar media and via public

meetings, to make these points clear to those in, and wishing to return to, Drvar.

Above all, what is needed is a shared commitment to a vision of Drvar, and Canton 10 generally, as genuinely multi-ethnic, governed by the rule of law and the will of the people, free of criminal influences in governance, policing and the economy, with equal protection for the rights of all. The international community must, before the elections, make clear that it has not been pressured by the hard-liners into backing down from this fundamental vision. This is necessary in order to give Serbs displaced from Canton 10 a reason to vote in the cantonal elections, and to reassure Croats throughout HDZ-controlled areas that, if they vote for any party other than the HDZ, they will not be risking their jobs, pensions, political futures or personal safety.

Sarajevo, 20 August 1998

IMPUNITY IN DRVAR

I. INTRODUCTION

Croat extremists put Drvar in the spotlight in April 1998 with murders and riots against returning Serbs and the international community. It was the most serious outbreak of violence in the Federation of Bosnia and Herzegovina¹ for more than a year. Before the riots, Drvar -- whose pre-war population was 97 per cent Serb -- offered some cause for optimism: more Serbs had returned there than to any other region of the Federation outside of Sarajevo.

In the wake of the riots senior international officials flocked to Drvar, among them the High Representative Carlos Westendorp and Supreme Allied Commander, Europe, General Wesley Clark, as well as the heads of most leading international agencies and even several US Congressmen. All stated emphatically that violence was unacceptable, that the international community remained committed to helping displaced Serbs return to their homes in Drvar, and that those responsible for the murders and rioting would be brought to justice. However, despite the uncompromising language, nearly four months later the international community has failed to take the robust measures necessary to restore confidence in the return process with the result that the hard-liners have, literally, got away with murder.

ICG has already examined Drvar in two detailed municipality studies, in *House Burnings: Obstruction of the Right to Return in Drvar* of June 1997 and *Hollow Promise? Return of Serb Displaced Persons to Drvar, Grahovo and Glamoc* in January 1998. Moreover, in the wake of the April 1998 riots ICG published a snap assessment of the violence entitled *Immediate Measures Urged in Response to the Drvar Violence*.

This latest report differs from earlier analyses in that it is less an examination of the events of the past months, more a look forward at what practical steps can, and should, be taken in the next four weeks before the elections, as well as in the coming months. The paper examines why Drvar warrants special attention, examines the background to the violence as well as the April 1998 riots themselves and the international response. It offers an assessment of the current situation and concludes with a series of recommendations which, if implemented, could help turn about the security situation and support both Croat and Serb returns.

¹ Throughout this report, "Bosnia" will be used to refer to Bosnia and Herzegovina. The terms "Serbs" and "Croats" will be used to refer to Bosnians of Serb and Croat ethnicity, unless otherwise stated. The term "Croatian" will be used as an adjective to refer to matters of or pertaining to Croatia.

II. WHY DRVAR WARRANTS SPECIAL ATTENTION

Drvar is an unusual municipality, warranting special attention for several reasons (although in other respects, concerning the main problems that plague it, it is typical of hard-line HDZ-controlled areas). First, Drvar is the main area in the Federation outside of Sarajevo to which large numbers of Serbs have returned. This is a consequence of the fact that, (a) because they were forced out of their homes at the end of the war with little fighting, there was only light destruction, and a great number of habitable vacant houses remain, (b) because they formed the last wave of refugees to arrive in Banja Luka and other Serb-controlled areas, they have been living in the worst accommodation and therefore are more eager to move; and (c) the Croats who have moved into their homes fled, for the most part, from fighting with Bosniacs in Central Bosnia; therefore, there is not the same level of bitterness between communities as is found, for instance in parts of Sarajevo, where many people currently occupying Serb homes were also victims of the Serb bombardment.

A second distinctive feature of Drvar is that virtually none of the Croats who moved there had lived there previously, nor is there any history of Croats having lived there. Thus the level of relocation is on a scale not seen elsewhere, and most Croats are in Drvar only because of the strong carrots and sticks wielded by the HDZ leadership. As mentioned below,² there is a strong feeling among the Croat population of displacement, lack of community and lack of permanence.

A third and related point is that this large-scale and orchestrated occupation of other people's homes took place, and continues, after the signing of the Dayton Peace Agreement (DPA). This may seem like a narrow legal point, but it is more than that. During the war, people took refuge where they could, and their leaders helped them get to areas of safety, where the Croat Defence Council (*Hrvatsko vijeće obrane* or HVO) believed it was firmly entrenched. After the war, there was a lessened level of chaos, and while insecurity remains it is nowhere near the level of danger as during the war. Thus, while the HDZ leadership could not, during the war, be faulted for trying to relocate Croats to the "Croat heartland", it most certainly can be condemned now for channelling Croats originally from Central Bosnia and elsewhere into Drvar.

These circumstances make Drvar an important area for moving forward the process of Serb returns to the Federation. The violent set-back suffered in April 1998 sent a powerful message that Croat communities will not tolerate a substantial return of Serbs that could challenge Croat hegemony. Some Croat leaders have informally informed members of the international community that they will not tolerate the return of more

² See section VIII.B.

than 2,000 Serbs (some 12 percent of the pre-war population, and 25 percent of the total current population).

In other ways, Drvar epitomises the situation throughout HDZ-controlled areas considered of strategic significance. The town now hosts a nasty criminal element (the only difference from other areas is that it is entirely imported rather than home-grown). The HDZ controls most aspects of public life -- the institutions of governance, policing, and finance -- via this criminal network as well as through the influence that accompanies financial support from the HDZ in Mostar and Zagreb. The HDZ leadership is committed to keeping Drvar Croat-controlled and, given that it was 97 percent non-Croat before the war, this requires even stronger measures of obstruction (of Serb returns) and incentives (to Croat relocation) than elsewhere.

III. BACKGROUND

The municipality of Drvar had a pre-war population of 17,000, 97 percent of whom were Serb, and about 9,000 of whom lived in Drvar town. In September 1995, a joint offensive of the Croatian Army, the HVO and the Bosnian Army broke through the lines of the Bosnian Serb Army and captured a corridor 50-70 km. wide, bordering Croatia, including Glamoc, Grahovo and Drvar (now all part of Canton 10, dominated by the HDZ). The Serb population fled to Banja Luka. When the DPA was signed in late 1995, Drvar municipality was virtually deserted save for some 80 older Serbs in isolated villages. Drvar was almost untouched by fighting; one of the peculiarities of the municipality is that more houses have been destroyed since the end of the war, through arson and looting, than during the war itself.

Following the end of fighting, the HDZ employed a variety of means to encourage Croats, displaced from other areas of Bosnia and even Croatia itself, to move to Drvar and surrounding areas in Canton 10 considered to be of strategic significance. Displaced Croats were told, via leaflets, radio and other media, that if they moved to Drvar, they would be given keys, and in many cases full ownership rights, to a vacant home and a job. Croatian businesses linked to the HDZ leadership in Zagreb invested massively in Drvar, offering employment prospects. HVO soldiers were placed in flats in the centre of Drvar town. This policy rapidly generated results: by the spring of 1997, the civilian population of Drvar had increased to 5,000-6,000 Croats, with a further estimated 2,500 HVO on- and off-duty soldiers and their families.

Parallel with this policy, the HDZ launched a concerted campaign to discourage Serb returns. When Serbs showed signs of returning to homes, those homes were promptly looted or burned. Following a visit on 2 May 1997 by the International Mediator for Bosnia, Christian

Schwarz-Schilling, to discuss Serb returns, 25 houses were set ablaze and another 25 were ransacked and prepared for arson. The UN International Police Task Force (IPTF), ICG and the Election Appeals Sub-Commission (EASC) of the Organisation for Security and Co-operation in Europe (OSCE) investigated and published reports, each reaching complementary findings and conclusions. The EASC, finding that the local HDZ leadership was directly responsible, struck the first candidate from the HDZ list for the municipal elections in Drvar.³ The Head of the Anti-Terrorist police, Zarko Sokic, and the Chief of Criminal Investigations, Miroslav Frankic, were dismissed in June 1997 under pressure from IPTF and the international community. However, the political leaders responsible for the vandalism -- Drago Tokmadzija, Deputy Mayor and local HDZ leader, and Mayor Boro Malbasic -- continue to exercise *de facto* power.

The OHR and UNHCR brokered an agreement with Mayor Malbasic by which Serbs would register before returning. Predictably, upon registering, their homes and villages were targeted for vandalism. The municipality issued what came to be known as "looting permits", inviting "people to help themselves to materials from empty houses". Mayor Malbasic, at the end of August 1997, promised to stop issuing them, but looting continued and looters arrested by SFOR continued to protest that they were acting with the permission of municipal authorities.

In the elections held 13-14 September 1997, the party of displaced Serbs, the *Koalicija za Drvar* (KZD), won 19 (63 percent) of the 30 assembly seats, and the HDZ won the remaining 11. The HDZ authorities obstructed implementation of the election results but, under consistent pressure from the international community, agreed to the election of Mile Marceta, the KZD leader, as Mayor. Tokmadzija was re-elected Deputy Mayor and Malbasic was elected president of the new municipal assembly.

Announcement of the election results encouraged Serb returns to Drvar villages, which were greeted with an upsurge of lootings and arson. In one significant incident in Martin Brod in early October 1997, a prompt and robust response from the Canadian Battle Group, coupled with high-level OHR intervention, stopped the violence and enabled the Serb returnees to remain.⁴ Arson and violence, however, continued

³ EASC Decision ME-050, 26 May 1997.

⁴ After 14 Serb families had registered to return to Martin Brod, the Drvar authorities began to relocate Croats there, paying them to commute to the settlement. Some were employed by the Croatian timber-enterprise Finvest. Others were believed by the international community to be HVO soldiers in plain clothes. When the families arrived with the support of UNHCR, they were greeted with "spontaneous" outbursts of violence. Malbasic was seen and heard by international observers to incite the "thugs" to attack returnees and their homes. The families withdrew temporarily, and the SFOR troops cut off all access to the village thus preventing the Croat settlers from receiving food supplies. They eventually were forced to leave, and the Serb families, supported by the UNHCR and high-level OHR intervention, were able to return and remain. ICG report, *Hollow Promise? Return of Bosnian Serb Displaced Persons to Drvar, Bosansko Grahovo and Glamoc*, 19 January 1998, pp. 5-6.

throughout Drvar municipality. Between 10 January and 17 April 1998, 46 structures were burned down, including 9 partially reconstructed homes and 21 abandoned homes.

By April 1998, 6,000-7,000 Croats were living in Drvar. The number of active duty HVO soldiers, many with families, had been reduced to 450-500;⁵ an additional 1,000 or so de-commissioned soldiers were allowed to remain in flats in the town. Approximately 1,800 Bosnian Serbs had returned, most to villages, but including 108 households (some 131 individuals) who had returned to flats in an apartment complex in town,⁶ called "Site 153" by SFOR and "the Serb ghetto" by many others. The flats had previously been occupied by HVO soldiers and their families, who had been required to move by SFOR.

IV. APRIL VIOLENCE

On 16 April 1998, an elderly Serb couple who had returned on 30 March 1998 to a Drvar village in the hope of returning to their home, were murdered. A Canadian SFOR patrol found their bodies, shot through the backs of their heads, in a burning house. The Drvar police's investigation was woefully inadequate: they failed to secure the crime scene or to gather evidence from the house before it burned, despite IPTF's urgings on the spot. In a particularly disdainful gesture, the local police left the bodies in the front yard for 14 hours before calling an ambulance, reportedly on the orders of Cantonal Minister of Internal Affairs Barisa Letica.⁷ They arrested one suspect, and released him when evidence proved inconclusive.

The Canadian SFOR contingent brought in a reinforcement company from Kljuc in anticipation of further violence during the couple's funeral. Early on the morning of 24 April 1998, the company pulled out. The Canadian commander said he tried to make the withdrawal quiet but, in retrospect, believes that HDZ agents provocateurs learned of the planned withdrawal in advance.

By 11.30 am on 24 April 1998, a crowd of 200-300 had gathered in front of the Drvar municipality building. They attacked and entered the building, and assaulted Mayor Marceta. They then attacked the container offices of several NGOs and the IPTF station. They assaulted several

⁵ UNMiBH report, *Summary of Recent Violence Against Bosnian Serb Returnees in Drvar and the Response of the Local Authorities*, July 1998, p. 1.

⁶ UNHCR, interview with Banja Luka regional office. UNHCR takes its figures from Impact Teams International (ITI), which distributes humanitarian assistance. UNHCR points out that these figures are fluid, as some family members come on extended visits, and not all returnees register with ITI. What is useful about the figures is the extent to which they reflect changes and trends. Thus, ICG uses figures from UNHCR throughout, unless otherwise indicated. For instance, the UNMiBH report, *id.*, reports 1,600 Serb returns as of early April 1998.

⁷ UNMiBH report, *id.*

IPTF monitors and other international staff, causing serious injuries to some. Marceta was again assaulted, and evacuated to an SFOR hospital in critical condition. The mob then moved to the apartment buildings to which Serbs had returned, and which had been occupied by HVO soldiers and their families. The mob set fire to many of the flats in three buildings, driving out the returnees and causing injuries to several, as well as to SFOR soldiers who tried to protect them. In all, 13 houses were set on fire. The transit house for Serb councillors was destroyed. Seven vehicles of the UN Mission in Bosnia and Herzegovina (UNMiBH) were destroyed, three vehicles were damaged, and seven office containers were destroyed, including equipment (computers, radios, fax machines) and office documents (including files into the police investigation of the arsons and murders).

Following the riot, SFOR troops evacuated back to Banja Luka all Serbs who wanted to leave: that included virtually all of the recent Serb returnees to the town, as well as several from the villages. SFOR also evacuated all civilian members of the international community. For the next days, groups of Croat young men, some communicating with hand-held radios, threatened other Serb returnees in outlying villages. SFOR estimated that by 6 May 1998, 225 had left, and 20 had returned, but only a few to the flats in town.

Throughout the rioting, IPTF and other international staff saw local police standing idly by, even when called on by IPTF monitors to take action. From an SFOR video-tape, it was possible to identify one Bosansko Grahovo police officer, Drazen Dodik, well-known to SFOR troops; further identifications were not possible owing to the tape's poor quality.⁸ Several international observers recognised among the mob HVO soldiers in plain clothes and men from outside of Drvar. Once the events turned violent, many of the demonstrators produced bags of rocks and petrol containers. Observers also noticed cars without licence plates or with plates from outside Drvar. The above circumstances, in addition to the targeted nature of the beatings and property destruction, led several in the international community to conclude that the violence had been organised. The most likely ring-leaders were recently dismissed Deputy Mayor Tokmadzija, other HDZ officials and HVO elements. According to an SFOR commander, there was "no doubt the events of 24 April were orchestrated".

UNMiBH's report on the violence supports the conclusion of police complicity,⁹ and suggests that evidence also pointed to wrong-doing by Canton 10 officials.¹⁰ The UNMiBH report concluded:

⁸ Because of the archaic format of the tape and its poor resolution quality, it took SFOR almost one month to convert it into a format usable for identification purposes.

⁹ UNMiBH report, at para. 39. The UNMiBH report demanded: (1) "immediate initiation" of a "criminal investigation against Drazen Dodik, the police officer from Bosansko Grahovo who was identified by SFOR"; (2) "immediate explanation as to why ... an internal investigation has not been initiated into the failure of the Drvar police officers to act during the riots; and (3) "an

With regards to the arsons over the past two years, there is no doubt that the Drvar police's response has been wholly inadequate, falling far short of their professional obligations.

Drvar police officers have undoubtedly helped to create an atmosphere where those opposed to Bosnian Serb returns feel free to engage in arson and to abuse and harass Serb returnees, secure in the knowledge that the police will not undertake serious steps to hold them accountable. The conduct of the Drvar police and the Cantonal Ministry of Internal Affairs demonstrates a wilful intent to frustrate the fundamental provisions of the Dayton Agreement. The continuation of such behaviour should result in a full range of measures taken against not only the Drvar police officers, but also against all official bodies of Canton 10 that are responsible for the security and protection of all residents of Drvar.¹¹

V. INTERNATIONAL RESPONSES

Following the murders on 16 April 1998, the High Representative dismissed Deputy Mayor Tokmadzija, with immediate effect, for failing to meet his obligations, despite repeated warnings, to take measures to respond to the escalating violence. However, he remains a member of the Federation Parliament, and continues to exert influence in Drvar.

The UN Special Representative of the Secretary-General and Head of UNMiBH called on Federation President Ejup Ganic and Vice-President Vladimir Sojic to suspend, with immediate effect, the Drvar Chief of Police Ivan Jurcevic and the Minister of Internal Affairs of Canton 10 Barisa Letica.¹² The letter also instructed the cantonal authorities to appoint a new Acting Deputy Chief of Police with a staff of no fewer than 15 police officers and/or civilian assistants, all 16 of whom were to be returnees.

On 20 April 1998, after Jurcevic insisted that he remained the Police Chief and instructed other police officers not to provide information to IPTF, the IPTF Commissioner dismissed and decertified him. Also on 20 April 1996, the Commissioner sent Letica a letter demanding his resignation.

explanation as to why the Acting Minister of Internal Affairs for Canton 10 ... failed to respond to IPTF's 5 June 1998 letter notifying him of the participation of Drazen Dodik in the riots".

¹⁰ UNMiBH did not investigate, and thus reached no specific findings, about the possible involvement of HDZ officials or HVO soldiers.

¹¹ UNMiBH report, para. 40.

¹² The letter stated: "Letica and Jurcevic shall remain suspended pending a fuller investigation into the murders. Should their complicity, through omissions, negligence or wilful collusion be confirmed, further action shall be required under the law."

Following the riots, a series of top international officials visited Drvar: on 30 April 1998, the Croatian Ambassador to Bosnia; on 2 May 1998, High Representative Carlos Westendorp, Supreme Allied Commander, Europe, General Wesley Clark, SFOR Commander Eric Shinseki, and OSCE Head of Mission, Ambassador Robert Barry. Carlos Westendorp returned on 5 May 1998; and General Clarke on 16 May 1998. Several US Congressmen also visited. All of them made statements that the international community was not going to be chased out of Drvar, that the right of Serbs to return would be supported, and that those responsible for the murders and rioting would be brought to justice. They pledged to support implementation of a multi-ethnic administration, including by making it possible for Serb councillors to live in Drvar, and by making the five municipal departments functional, including the housing department and two others headed by Serbs. They pledged to ensure restructuring of the Canton 10 police force, including the hiring of 16 Serb officers to serve in Drvar.

Their organisations drafted assessments, vision statements, action plans, reports on responsibility for the violence and obstruction, and recommendations for steps ahead. They signed agreements with Canton 10 and Drvar leaders that aimed to put their commitment to DPA implementation into practice. However, three months later, little progress has been made, due to the intransigence of the HDZ leaders and the lurking possibility of renewed violence.

VI. CURRENT SITUATION

The return process all but stopped for two months following the riots. Returns have recently begun to pick up; UNHCR reports that there now are some 1,800 Serbs in the villages, about the same as before the riots, up from 1,600 immediately following the riots. Moreover, some of the returnees are bringing their families. As of mid-August 1998, 34 Serbs had returned to their flats in Site 153. However, Croats continue to move into Drvar town and suburbs, reportedly 300 during May 1998 alone, primarily from Germany. As a result there are hardly any vacant homes remaining in town.

The UNHCR operates a bus-line between Banja Luka and Drvar four times a week, and there is significant car traffic particularly on weekends. There have been steady returns to Grahovo as well, though not to Glamoc. There the construction of a Combat Training Centre (CTC) by the US-led Train and Equip Programme for the Federation Army (joint HVO and Bosnian Army) on Serb-owned land has created tensions and discouraged returns, particularly because the issue of compensation has not been settled and because the Serbs perceive the Federation Army there to be HVO-dominated (it is led there by an HVO brigadier general). The CTC will be one of the biggest military training centres in Europe.

It took several weeks before the security situation was adequate to enable the return of international organisations. Most moved in to Site 153;¹³ IPTF opened an office in the SFOR camp just outside of town. SFOR patrols provided round-the-clock protection, using static guards and tanks, through 10 July 1998. The message disseminated by the Croat media was that the internationals were allied with the Serbs in isolation from, if not outright opposition to, the Croat population; and that the internationals had been intimidated by the guardians of Croat interests into limiting their movements and activities, and were able to operate only to the extent that they did not offend these powers.

By 13 July 1998, the situation had stabilised sufficiently for SFOR to hand over responsibility of Site 153 to the local police. SFOR continues to use the school as a base, providing back-up security. It should vacate by September 1998, and the Drvar authorities should be pressed to enable multi-ethnic schooling to commence at the start of the new school year.

IPTF and the OHR Resident Envoy have been actively looking for office space in town, away from SFOR, as a confidence-building measure and to underscore the return to normalcy. The OHR considers the move "essential" so as to be equally accessible to both communities. IPTF considers the move necessary to re-establish working relations with the local police. Both have had difficulties finding space. Under Annexes 10 and 11 of the DPA, government authorities are obliged to "facilitate the operations" of the High Representative and the IPTF "including by the provision of appropriate assistance as requested with regard to ... accommodations" ¹⁴

Acts of harassment against returnees continue, including oral threats and fast, near-miss "drive-bys". In July 1998, football hooligans used the occasion of games to launch waves of intimidation. Following a larger than usual assessment visit in August, there were several arson attacks in the villages. That said, there are growing inter-community contacts on a private level, despite extremist pressures against them.

Overall, the situation in Drvar is close to where it was four months ago, before the upsurge of violence, with a few small advances towards a joint administration having been made but with the spectre of April 1998's violence looming not far back in people's minds. The steps forward have not been sufficient to strengthen the administration or the police into a bulwark against the hidden powers, or even to send the message that the international community is committed to a process that will build such a bulwark. There is a pervasive sense that returns are at

¹³ Organisations with offices in Site 153 include OHR, UN-IPTF, UNHCR, OSCE (Human Rights), and one implementing partner of the European Commission reconstruction programme. ITI operates out of Grahavo. Oxfam has an office in Bosansko Petrovac and is looking for space in Drvar but does not want to locate in Site 153.

¹⁴ Annex 10, Art. III.3; Annex 11, Art. IV.5.

the sufferance of these powers, and that violence could again flare up, with impunity, if these powers feel they are pushed too far. According to one international organisation, the situation in Drvar as well as throughout most of Canton 10 "is characterised by a general absence of the rule of law".

VII. SECURITY

For the reasons stated above, ICG believes that the violence in Drvar was organised by HDZ and HVO elements, including from outside of Drvar. Moreover, the boldness of the violence -- including two murders, an attempted assassination of the Mayor, and serious attacks against international staff -- suggests approval if not outright support from the top levels of the HDZ in Mostar and Zagreb. This is not to deny that local Croats joined in.¹⁵ According to one SFOR Commander: "The seeds of hatred fell on fertile ground." Many Croats now in Drvar have been displaced several times since the war and do not want to move again. Croat media blamed the riots on the dissatisfaction of Croats in Drvar with Serb obstruction of the visit of Cardinal Vinko Puljic to Derventa on 22 April 1998 and with the return of Serbs to Drvar town "who are receiving all SFOR's attention while we cannot return to our homes in Republika Srpska".¹⁶ These incidents, and particularly the way they were reported in the Croat media, undoubtedly contributed to the fears of many Croats.

Whether the violence was organised from the outside and/or encouraged by local police is relevant to designing a durable solution. If it is interpreted as a spontaneous outburst of a hostile population then the only conclusion has to be that, regardless of what steps are taken, any further Serb returns will be met with further violence. If, however, the violence is viewed as having been instigated by agents provocateurs paid for and supported by HDZ extremists, then there are several measures that could be taken to establish a more secure environment over the mid- to long-term. ICG urges that the following measures should at least be tried.

A. Police Officials Must be Dismissed

On 28 April 1998, the Head of UNMiBH, the IPTF Commissioner and the Governor and Prime Minister of Canton 10 signed an agreement on the

¹⁵ It should be noted that women and children were among the crowd that formed in front of the municipal building, and that many people left when the violence started. It is therefore likely that residents were encouraged to attend to make known their concerns, and that those who intended violence were a much smaller group.

¹⁶ *Slobodna Dalmacija*, 25 April 1998, pp. 3-4. The paper further stated that Bosnian Croats are incensed with SFOR "whose aggressive patrols and raids can no longer be tolerated".

restructuring of the Canton 10 police by 9 May 1998. The agreement stated that the Cantonal Police (a department of the Ministry of Internal Affairs) would, before 9 May 1998, hire a total of 26 Serbs, of whom 15 were to be deployed in Drvar. (At the time, there were 78 Croat officers on the Drvar police force, including one Serb, and 584 officers in all of Canton 10.) Four of the 15 were to be chosen by the Canton Ministry of Internal Affairs, on its own, and 10 by the Ministry together with IPTF. A Serb Deputy Chief of Police for Drvar was also to be appointed, although no means for his selection were specified. Fifteen Bosniacs were to be hired, all of whom were to be chosen jointly by the Ministry and IPTF. Before 1 January 1998, a total of 60 Serbs and 25 Bosniacs, certified by IPTF, were to be hired. Thereafter, a final phase of integration would be discussed. In addition, the agreement stated that the Croat insignia (the "checkerboard") could remain on the uniforms until relevant amendment of the Federation Constitution. The agreement provided that Letica, whose resignation the IPTF Commissioner had demanded on 20 April 1998, and who had submitted his resignation to the Canton 10 Governor, could remain as Acting Minister of Internal Affairs through the September 1998 elections, in order to implement the police restructuring.

Mayor Marceta and Federation Minister of Internal Affairs Mehmed Zelic were understandable upset by the agreement. It was reached without the participation of either one of them, let alone any Serb or Bosniac officials from Canton 10. The continued use of the Croat insignia was unacceptable; an earlier agreement signed on 10 February 1998 had required removal of the insignia, and this had been confirmed by the Federation Forum on 16 April 1998. Although all of the Bosniacs to be hired had to be jointly approved by the Ministry of Internal Affairs and IPTF, four of the 16 Serbs could be selected by the Ministry alone.

The Drvar police proceeded to hire three Serbs who were HVO veterans from Central Bosnia, had fought with the Croats against the Bosniacs, and moved to "HVO-liberated" Canton 10 after the signing of the DPA. Compliance in the rest of Canton 10 was no better. Canton 10 authorities appointed a Serb Deputy Minister of Internal Affairs who had not been approved and certified by IPTF, as required by the 28 April 1998 agreements. UNMiBH provided Canton 10 with new police uniforms but, on 8 May 1998, notified Minister Letica that Canton 10 was in non-compliance with the restructuring agreement, and thus could not inaugurate the new police force.¹⁷ Letica defied the notice and went ahead with the inauguration ceremony.

UNMiBH denounced the inauguration ceremony as unauthorised, and called on cantonal officials to fulfil their obligations to deploy additional Serb officers to Drvar. In mid-July 1998, Jelavic and Soljic, after sustained urging from the international community, issued an instruction that the Croat insignia were to be removed from the uniforms, and there

¹⁷ Moreover, UNMiBH had received veiled threats of violence against members of the international community.

has been general compliance. As of 15 August 1998, there were four Serbs on the Drvar force, none of whom had been approved by IPTF.

Letica has demonstrated repeated and flagrant disregard for his responsibilities under the DPA, as well as for explicit demands made by UNMiBH.¹⁸ Moreover, he undermined the small steps towards professionalism attempted by Marko Gavric, whom he appointed Police Chief after Jurcevic's dismissal. On 29 June 1998, Letica removed Gavric and appointed Jasminko Tesic, aged 28. The UNMiBH report concluded that: "The conduct of the Drvar police and the Cantonal Ministry of Internal Affairs demonstrates a wilful intent to frustrate the fundamental provisions of the Dayton Agreement."

While there may have been some sense in reinstating Letica as Acting Minister on 28 April 1998 so that he could implement the restructuring agreement, that rationale was gutted when he proceeded with the ceremony on 9 May 1998 in contravention of UNMiBH orders. In light of his continued flouting of UNMiBH orders and his responsibilities under the DPA, and the lack of substantial progress in restructuring the Canton 10 police and in prosecuting those responsible for the arsons and April 1998 violence,¹⁹ the fact that he remains in his position is difficult to understand. His continuation in power during this pre-election period sends a strong and destructive message to the voters that clever hard-line officials can wilfully undermine the DPA with impunity.

- *Minister Letica should be dismissed immediately, by Canton 10's Governor or, if he refuses, by the High Representative. This action should be accompanied by public information explaining what Minister Letica has done and what he has failed to do.*
- *Canton officials should make clear their commitment to hiring Serb police officers previously from the Canton 10 area.*
- *They should make clear their commitment to finding and prosecuting those responsible for the arsons and April 1998 violence, and to discipline police who failed in their duties.*
- *If Canton authorities are not prepared to make such statements, then international officials must do so.*

According to reports by SFOR and other international agencies, Police Chief Jurcevic, suspended on 16 April 1998 by UNMiBH, continues to

¹⁸ For instance, as of early August he had not replied to UNMiBH's letter of 5 June 1998 urging the dismissal of Drazen Dodik, a police officer identified by SFOR as having participated in the riots.

¹⁹ The Drvar police have now arrested one 17-year-old Croat, who reportedly has confessed to several arsons. As a 17-year-old, he is subject to reduced penalties. There is no suggestion that he was a ring-leader. Charges have also reportedly been levelled against several people for minor law and order violations in connection with the 24 April 1998 riots. They are not being charged with violations of the criminal code, or with substantial responsibility for the violence.

travel in the Drvar area, carrying weapons, in a vehicle believed to belong to the police and accompanied by police bodyguards.

- *If dismissed Drvar Police Chief Jurcevic is found travelling in a police vehicle, or in possession of weapons, the vehicle and/or guns should be confiscated by SFOR and given to the Federation Ministry of Internal Affairs. If he is protected by police body guards, their guns should be confiscated and they should be suspended, and decertified for a repeat offence. SFOR should make clear to Drvar and HDZ officials that these measures will be taken if necessary.*

A high number of Drvar police (some 20 out of 78) have had non-compliance reports filed against them since May 1996, several of whom have been the subject of multiple complaints. Admittedly, some of these reports have not been well-documented, and most are now too old to form the basis for disciplinary proceedings. Moreover, some police have acted with professionalism, for instance by taking measures to protect Serb returnees to Site 153. However, there is strong circumstantial evidence that the organised crime network in Drvar is supported by several corrupt police. During the 24 April 1998 riots, no police were seen trying to stop the violence and several were seen idly watching as violence was perpetrated. The police have repeatedly failed to conduct adequate investigations into violence against Serb returnees or their property.²⁰

Owing to the nature of organised crime and police corruption, it would be difficult to document these allegations to the level deemed necessary to dismiss officers who had security of tenure. However, all officers in cantons of the Federation that are undergoing restructuring are on one-year probation, and it is arguable that this one-year period has not even commenced in Canton 10, given that the inauguration ceremony was not authorised by UNMiBH.

- *IPTF should give serious consideration to decertifying the entire Drvar police force and beginning afresh the certification process (which should involve the re-hiring of police officers who have a record of professionalism).*

Following the murders, UNMiBH increased the number of IPTF monitors in Drvar from 32 to 52, deployed two additional IPTF monitors to conduct an analysis of the local police investigation of the arsons, and created a six-person Investigation Support Team to monitor the local police investigation into the murders and carry out independent investigation as necessary. Nonetheless, almost four months on, the Canton 10 and

²⁰ For instance, when pushed by IPTF to investigate 18 arsons between 1 January and mid-February 1997, the Drvar police submitted a report in which they claimed that the damage was either caused accidentally by bushfires started by Serbs cleaning properties or deliberately set by Serbs themselves, to gain international sympathy.

Drvar police have made negligible progress in marshalling charges against anyone, or in taking disciplinary measures against its officers.

- *Given Drvar's importance as one of only a few areas in the Federation experiencing Serb returns, IPTF should deploy officers there with the special skills needed to handle the situation. For instance, it should consider deploying officers experienced in dealing with organised crime as well as with community policing.*
- *At the very least, IPTF should systematise its process of documenting non-compliance reports, and should make known to the police that reports of non-compliance, as well as of notable dispatch of professional duties, will be taken into consideration in making final certification decisions in the future.*

B. HDZ Officials Who Obstructed Returns Must be Removed

- *The OHR should conduct an investigation into the responsibility of HDZ officials and Drvar authorities for the arsons, murders and riots. Those found most responsible should be afforded due process hearings, and removed from office and/or subjected to a ban on holding future office for a period of years if no extenuating circumstances are found. The OHR should publicise, before the elections, that it is undertaking these investigations, even if it cannot commence them at this time.*

While removal from an official position, or a ban on holding office in the future, may not in fact diminish the power of the person so censured, at least the actions send the message that the international community will not deal with the person as a legitimate office-holder.

- *The OHR and OSCE should carefully examine the records of all those on party lists for seats on the Canton 10 Assembly, as well as for the Federation and BiH Houses of Representatives if there is any reason to suspect they have been involved in obstructing minority returns. If evidence is found of such obstruction, the names of such candidates should be forwarded to the Election Appeals Sub-Commission for further investigation, and removal from the party lists, if warranted.*

Such action is appropriate because obstruction of returns in the run-up to elections clearly discourages minorities who registered to vote in their home municipalities from voting at all, and weakens support for candidates who declare their commitment to Bosnia's multi-ethnicity.²¹

²¹ See EASC Decision ME-050, 26 May 1997, concluding that house burnings in Drvar orchestrated by the HDZ violated the election rules and regulations.

Tokmadzija, dismissed from his post as Deputy Mayor on 16 April 1998 for his role in failing to curb the violence in Drvar, remains a member of the Federation Parliament. He is, however, not standing again for that position, and thus lies beyond the reach of the EASC. HDZ officials have stated that they intend to appoint him to some office, probably at the cantonal level, following the elections.

- *The OHR should make clear that, unless Tokmadzija demonstrates a dramatic improvement in his respect for the rule of law and Dayton implementation, he will be dismissed from any post to which he is appointed or elected.*

C. SFOR, IPTF and OHR Must Implement a Preventive Security Strategy

Any credible plan to re-establish security for durable returns requires firm measures by SFOR. The aim must be to neutralise those criminal elements within the police, HVO and HDZ that are intent on obstructing further Serb returns by any means, including murder.

Security measures cannot *replace* political action, given that the violence emanates from political unwillingness to accept returns. But, SFOR must make clear that it is prepared to take certain security measures, if necessary, to provide support for further minority returns. This policy must form part of a co-ordinated strategy of security and political measures at various levels. The firm actions in response to, *and in anticipation of*, violence taken by the British battle groups in Banja Luka, Prozor-Rama and Jajce,²² and the Dutch battalion in Bukovica have demonstrated that such measures, if sustained and co-ordinated with a political strategy, can substantially improve the security environment. The events of the past year and a half in Drvar provide additional support for such an approach. Arsons tailed off for four months following the co-ordinated reaction of the international community to the burning of 25 houses on the night of 2-3 May 1997; and violence, that started climbing after the elections, was substantially curtailed by the actions of the Canadian contingent in Martin Brod in October 1997.

²² For instance, the British battle group in Prozor-Rama, which is equipped with riot gear and has had experience in Northern Ireland, follows the political situation closely, knows the major players, takes an active co-ordination and information-sharing role in the RRTF and hosts weekly meetings with international organisations. In anticipation of a planned return of Bosniacs on 28 May 1998, a British general met with the Mayor and expressed in clear terms his responsibility for security. Throughout the day of return and following, British troops maintained a visible presence, including frequent foot patrols around the clock and controls on all roads leading to Prozor-Rama. The battle group continued a heightened presence throughout the following weeks, including night-time patrols and stepped up surveillance of those individuals deemed most likely to incite violence. See ICG report, *The Western Gate of Central Bosnia: Bogojno and Prozor-Rama*, 31 July 1998, p. 14. Following violence against Bosniac returnees in Jajce on 1 August 1997, the British contingent began 24-hour patrols in and around the villages of Bosniac return. See ICG report, *A Tale of Two Cities: Jajce and Travnik*, 3 June 1998, p. 4.

The measures taken since the April 1998 riots -- helicopter over-flights at night, patrols in Drvar town, guards and tanks around the apartment buildings in town to which Serbs have returned -- have not been adequate substantially to improve the security framework, and yet have provided a pretext for the Croat media to inflame resentment towards SFOR,²³ which many Croats view as an "occupation force".

- *As Serb returns to the villages and town increase, SFOR should be attentive to the possibility of renewed violence. If and when the Canadian contingent acquires information that the potential for violence in a particular area is increasing, it should, together with IPTF, and the Drvar police if co-operative, establish checkpoints at access roads into the at-risk areas. People who have no legitimate reason to enter -- for instance, if they are unable to give the name of a person they wish to visit at a particular address -- should not be allowed entry.*
- *The Drvar police should not permit drivers to operate vehicles without legitimate licence plates, or to drive recklessly. IPTF should monitor and assist the police in carrying out these tasks, and, if necessary, should obtain the assistance of SFOR in recording the identities of drivers who refuse to comply.*
- *If the situation heats up, SFOR and IPTF, together with the Drvar police, should conduct random checks of vehicles for flammable materials and weapons.*
- *SFOR should publicise that any HVO soldier found carrying a weapon without authorisation will be disciplined, including by discharge from the military.*
- *Civilian housing, especially housing to which the lawful pre-war occupants wish to return, should simply not be used, on anything but an emergency basis, for military purposes.*
- *SFOR must work with the HVO to develop a plan for the phased removal of HVO active and de-commissioned soldiers from flats in Drvar town. They could be moved to near-by areas, if deemed necessary to support the perceived security needs of Drvar residents. A first phase might, for instance, involve the concentrating of active duty soldiers without families into fewer flats. A second stage might involve the phased removal of the 1,000 or so de-commissioned soldiers and their families.*

²³ For instance, *Slobodna Dalmacija*, pp. 3-4, on 25 April 1998, "reported" that Croats are incensed with SFOR, "whose aggressive patrols and raids can no longer be tolerated". SFOR's protection of the Serbs in Drvar is contrasted with their failure to take measures to protect Catholics who sought to attend mass in Derventa with Cardinal Vinko Puljic.

VIII. SUPPORTING CROAT RETURNS TO THEIR HOMES

The return picture in Drvar is disheartening, but it is not as bleak as many in the international community believe. There are now some 1,800 Serbs in Drvar, or 11 percent of the pre-war population. The only other area in the Federation to which Serbs have returned in similar numbers is Sarajevo, where Serbs now constitute some 12 percent of their pre-war numbers.²⁴

While perhaps the biggest impediment to greater Serb returns to Drvar's villages is security, the main obstacle to return to the town and suburbs is the growing population of Croats who are becoming increasingly more settled. Although there are no precise numbers, Croats continue to move into the town, primarily from Germany, leaving little remaining vacant space.²⁵ The Croats are running the schools, hospital and secondary health centres in town. One Catholic priest now lives in Drvar town. There has never been a Catholic Church in Drvar, but plans are underway to build one.

Finvest, a Croatian timber company, is the main employer in Drvar, and employs only Croats. Several members of the international community believe there is merit to allegations that Finvest is illegally exploiting the Drvar forest and evading payment of customs duties.²⁶ Moreover, Finvest operates the only fire engines in Drvar, yet has refused to respond to most of the arson attacks.

A. Measures to Stop the Further Influx of Croats

- *The international community must take steps immediately to stop the further occupation by Croats of homes that do not belong to them. In particular, the OHR Resident Envoy must insist that the Croat Housing Board cease issuing temporary occupancy rights, in clear violation of the new Federation property law which came into force in April this year.*
- *Germany and other countries from which refugees are returning should consider adopting measures to reduce "return payments" to those who relocate to areas, including Drvar, where they did not live before the war.*

²⁴ Almost 1,500 Serbs had returned or relocated to Sarajevo by the end of May 1998, according to the UNHCR, bringing the total Serb population to 16,250. The 1991 census recorded 139,000 Serbs in Sarajevo.

²⁵ According to one field report, 300 Croats moved into Drvar in May 1998 alone.

²⁶ Recently, the Federation Parliament voted to devolve responsibility for forest management to the cantons, so Canton 10 may now have granted authorisation to Finvest for its logging operations.

- *The Contact Group, especially Germany and the United States, must make clear to President Tudjman that he, his government and the HDZ must (a) stop inducements to Croats to move to Drvar; and (b) ensure that Finvest is operating within the law.*
- *Finvest should be called on to employ Serb returnees on a non-discriminatory basis (for instance, by setting a target that 50 percent of all new hires should be Serb), and to use their fire engines to respond to house burnings.*
- *The High Representative should, pursuant to the powers granted him by the Bonn Peace Implementation Council meeting, request CAFAO (Customs and Finance Assistance Organisation of the European Commission) to audit Finvest's operations in Drvar, as a matter of priority. The High Representative should ensure that CAFAO has the resources to do so, and SFOR should provide back-up security, if necessary.*

B. Support for Croat Returns to their Homes

An OSCE human rights monitoring mission, which interviewed dozens of Croats on 12-15 May 1998 in Drvar town, found that most of the Croats with whom they spoke were not happy in Drvar and would not have moved there had they known what they would face. They cited difficulties in finding jobs, inadequate facilities (e.g., the lack of a kindergarten) and no peace of mind owing to the circumstances of relocation. Given that people had come from all over, there was no sense of community, everyone looked out for themselves, they were living in homes that were not theirs on land that was not theirs. Despite a series of excuses, many said they suffer from an underlying sense that the situation was not right.

Most Croats who expressed interest in returning to their homes were in their 40s or older. Most had a long list of conditions: they wanted to go only as part of a large group, they needed help with repairing their homes, they needed water and electricity, jobs, schools and health care. Security was a major concern: the eight murders of Croats in Central Bosnia over the last year were cited repeatedly, as well as several alleged incidents that had no basis in fact.

- *The international community must increase its efforts to help Croats in Drvar to return to their homes elsewhere.*
- *Donors should target funds, as a matter of high priority, to Kakanj, Teslic and Vares for job creation, micro-credit, housing reconstruction and repair of schools and health centres. Some donors have indeed already re-directed funds to Kakanj.*

- *The OHR Resident Envoy and other international officials must respond to the misinformation about threats to Croats in Central Bosnia. They should publicise the fact that thousands of Croats have returned to Bosnian-controlled parts of Central Bosnia in safety, and that evidence regarding the murders of several Croats over the past year strongly suggests non-ethnic motives.*
- *HDZ officials should be pressed to retract statements for which they have no proof regarding conditions in Central Bosnia.*

The urgency is great. If returns can be started before the elections this will give a boost in several cantons to political parties which support the right of all Bosnians to return to their homes; this in turn could result in more favourable policies and practices in these cantons towards minority returns. If returns out of Drvar do not get underway soon, nascent Serb return movements to other areas in the Federation halted by the April 1998 violence will not grow to any substantial numbers this year.

- *The international community should help Croat leaders committed to Croat returns to non-HDZ controlled areas to organise visits,²⁷ and should commit to funding returns as soon as they start.*

The UNHCR started a bus line between Drvar and Kakanj and Vares on 6 May 1998 which now runs once a week.

- *A line to Teslic should be started on a pilot basis, to test for interest.*

IX. SUPPORTING SERB RETURNS TO DRVAR

A. Support for Serb Returnees

The Serbs who were terrorised on 24 April 1998 into fleeing back to Banja Luka must be helped to return if they wish. For those who do not wish to return at this time, an equal number should be helped to return. The message must be clear and unequivocal that ethnic cleansing by violence will not be tolerated.

In the immediate aftermath of the riots, the High Representative called for this approach, which required a co-ordinated strategy of security, housing reconstruction and public information. Few concrete steps have yet been taken, but it is not too late, and indeed is imperative, to start as soon as possible.

²⁷ For instance, the head of the Kakanj municipality has visited Croats in Drvar to welcome their return.

- *The European Commission and other donors should make funds available to the Reconstruction and Return Task Force, chaired by the OHR, to repair the destroyed and damaged flats, support schools in the villages, and support schools and health centres in town on condition that they serve both the Serb and Croat communities.*
- *SFOR should vacate the school in Site 153 in time for schooling to be able to commence in September 1998, on condition that the school be open to Serbs as well as Croats and offer a multi-ethnic curriculum.*
- *SFOR should provide security, including by taking the measures outlined above and re-deploying additional troops to Drvar, if necessary, as Serb returns increase.*
- *Croat leaders, both from the HDZ and from other political parties at the national and local level, should be pressed to make statements broadcast on Radio Drvar that those found responsible for violence or intimidation will be punished by dismissal from the HDZ and/or the HVO and/or public employment, where appropriate, and prosecuted, if the evidence warrants.*

B. Measures to Counter Propaganda Against Serb Return

The Croats in Drvar have been subjected to a barrage of propaganda against Serb return. An OSCE human rights monitoring mission to Drvar town, which spoke with dozens of Croats on 12-15 May 1998 in Drvar town, found the following misconceptions. About half of the Croats interviewed opposed Serb return *per se*. The following three reasons were repeated frequently: (1) after all that has happened, the different peoples cannot live together anymore; accordingly, the best solution is to carve up the country; (2) a century ago, Drvar was a Croat town; there was a massacre of the Croats, and the Serbs took over; now, the Croat people are only taking what is rightfully theirs (historically bogus); and (3) the Serbs now settling in Drvar were not originally from Drvar but have been sent to “conquer” the town for the Serb people (again groundless).

About half of the Croats questioned accepted the right of Serbs to return in principle, but opposed the timing and size of return. They gave one or more of the following reasons: (1) the high number of returning Serbs unavoidably leads to tensions; (2) the return of Serbs will force them out of the houses they now occupy; some people had been moved as many as eight times since their expulsion in 1993; they came to Drvar only because they had been told by Croat authorities that they would become the legal owners of the homes and land they occupy; and (3) the return of Serbs to Drvar will not help a single Croat to return to Republika

Srpska as these returnees are keeping their temporary accommodations in Banja Luka, Prijedor and elsewhere.²⁸

Clearly, the Croats in Drvar are uninformed and misinformed about the circumstances of Serb return to Drvar.

- *The international community, led by the OHR Resident Envoy, should intensify efforts to promote an information campaign, including town meetings and broadcasts on Radio Drvar.*
- *The Resident Envoy should press Radio Drvar to stop broadcasting misinformation and to carry interviews with Marceta and other Drvar leaders who support a multi-ethnic administration, as well as with members of the international community.²⁹*
- *He should press HDZ officials to retract statements for which they have no proof, such as that Croats have been thrown out of their homes to accommodate returning Serbs.*
- *The international community must publicise that no Croats have been kicked out of their homes to accommodate returning Serbs, other than military personnel, and that, as more Serbs return, Croats with lawful temporary occupancy rights will be found alternative accommodation. People must be informed, however, that temporary occupancy rights issued after February 1998 are not lawful.*
- *International organisations must also counter the widespread misperception that they favour Serbs or, indeed, are interested only in supporting Serb returns. For instance, the international community should take steps to support Croat returns to their homes in Republika Srpska, as well as in other areas of the Federation.*
- *The OHR should provide additional resources and staff to the Resident Envoy,³⁰ at least for the remaining good weather months of the year when returns are likely to continue.*

HDZ hard-liners consider Drvar a key municipality over which they intend to maintain control. Thus, Drvar is invoked in a number of campaign speeches. For instance, in mid-August, Ante Jelavic stated on Radio Herzeg-Bosna that: "Drvar is and will remain a Croat town in the Federation of Bosnia and Herzegovina."

²⁸ There is some truth to this claim, as most returnees are elderly people whose children continue to occupy homes in Republika Srpska.

²⁹ The Independent Media Commission established by the OHR plans shortly to notify broadcasters that, in awarding licences, it will consider the broadcaster's compliance with rules issued by the Provisional Election Commission, including the requirement not to broadcast intentionally false and/or biased information or statements intended and likely to promote enmity or intolerance. The Administrator should explain this process to Radio Drvar.

³⁰ The Resident Envoy currently has a driver and interpreter, but no other professional staff.

- *The international community should call on Jelavic and others who make similar statements to retract them, and should support access to the media for Croat politicians who are prepared to declare their commitment to Drvar's multi-ethnicity.*

The OSCE scheduled its first town meeting following the April 1998 riots for 17 June 1998, but had to cancel the meeting at the last minute when municipal authorities stated that there would be security problems.³¹ Despite the views of OSCE field staff that it was "vital" to hold such a meeting "at the latest within two weeks ... if we want to show the invisible forces of Drvar that we are serious", such a meeting has yet to be held.

- *The OSCE's Democratization Unit must press ahead with plans to hold town meetings to answer questions and make clear the messages urged in this report.*
- *The OSCE should pursue other confidence-building measures as a matter of high priority (also recommended by the Drvar field staff).*

C. Property Rights

Mayor Marceta appointed a Serb to head the local housing board in February 1998. However, Vladimir Topic, the former head (and also director of the local Red Cross) continues to occupy the post. He continues to issue certificates to Croats granting them occupancy rights to Serb homes, in flagrant violation of the Federation property law which came into force in April 1998. There is no office to which Serbs can formally submit their claims for property or socially-owned flats. This is particularly a problem regarding socially-owned flats, given that under the Federation property law, people must file claims for the return of socially owned flats by 4 October 1998. Currently, a person in the OHR office in Drvar is accepting forms which will be passed on to the appropriate authority once designated; the requests, however, are not being processed.

- *A joint Housing Board, staffed by both Croats and Serbs, must be established as a matter of highest priority, and must receive and process claims from members of both communities without discrimination. The Croat Housing Board must stop issuing temporary occupancy rights. The OHR Resident Envoy should make clear to officials as well as in the media that occupancy rights granted after February 1998 are illegal and will not be respected.*

³¹ Despite announcements on Radio Drvar that the meeting had been cancelled, some 100 people showed up at the scheduled time expressing surprise and disappointment at the cancellation.

- *The Federation Parliament must extend the 4 October 1998 deadline. This extension should be made as soon as possible, and certainly before the September elections, because there will not be time after the elections to pass the extension before the deadline expires.*
- *The OHR Resident should ensure, as a matter of priority that any of the 19 Serb councillors who so desire are able to live in Drvar, full- or part-time, as they request.*

Sarajevo, 20 August 1998

