



HOUSE BURNINGS:
OBSTRUCTION OF THE
RIGHT TO RETURN TO DRVAR

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CONTENTS

I. Introduction 1

II. Background 1

III. Findings of ICG Investigation 2

IV. Conclusions Regarding Responsibility..... 5

V. Election Appeals Sub-Commission Ruling 9

VI. Recommendations..... 9

ABOUT THE INTERNATIONAL CRISIS GROUP 13

HOUSE BURNINGS: OBSTRUCTION OF THE RIGHT TO RETURN TO DRVAR

I. INTRODUCTION

On the night of 2-3 May 1997, some 25 houses were set ablaze in the Croat-controlled municipality of Drvar, Federation of Bosnia and Herzegovina (Federation). The arsons occurred after an international delegation headed by Federation mediator Dr Christian Schwarz-Schilling met with local authorities and other international agencies earlier in the day to discuss the return of displaced Serbs to the area.

With this report, the International Crisis Group (ICG) hopes to contribute to the international community's as well as Bosnian authorities' efforts to ascertain the facts surrounding the May incident, responsibility thereof, and suggests additional measures to prevent future such incidents.

II. BACKGROUND

The vandalism in Drvar is sadly not an isolated event but part of a sustained campaign to prevent the return of minorities. In October 1996, some 35 houses were set on fire when displaced Serbs from Drvar attempted to visit their houses. Elsewhere in the country, hundreds of houses and several religious buildings were destroyed in the past year. In October, 96 houses and 2 mosques were destroyed in Prijedor after the office of the United Nations High Commissioner for Refugees (UNHCR) provided Republika Srpska authorities with a list of displaced Bosniacs who applied to visit their properties. Houses were also destroyed and set on fire in the Zone of Separation (ZoS) near Brcko, Celic, Doboje and Teslic in Republika Srpska where displaced Bosniacs attempted to resettle throughout the year. And multiple efforts by Bosniacs to return to the Federation pilot project town of Stolac, which is held by Croats, have been met with repeated acts of destruction and arson. In most of the above-mentioned cases, the houses were attacked after international agencies told the local authorities that visits of minorities would take place.

Drvar is a key municipality since, with great effort, it may be possible to begin there the process of displaced persons' return, which was promised in the Dayton Peace Agreement (DPA). Many

properties are habitable and vacant, the displaced population is virtually entirely Serb and, critically, they are well-organised and determined to go home, even though Drvar is now part of the Federation. Indeed, the UNHCR is currently registering displaced persons from Drvar with a view to assisting their orderly return.

Before the war, when Drvar was known as Titov Drvar, some 9,000 people lived in the town and some 17,000 in the municipality, of whom 97.3 per cent were Serbs and 2.7 per cent "others".¹ In 1995, however, Drvar fell to Croat forces and its Serb population fled. The new Croat authorities have since repopulated the municipality with displaced Croats from municipalities in Bosniac and Serb-held areas of Bosnia and Herzegovina, in particular from Vares, Kakanj, Zavidovici, Maglaj, Zenica, Zepce, Travnik, Vitez, Bugojno, Fojnica, Teslic, Doboje and Kresevo. The current civilian population in Drvar municipality numbers between 5,000 and 6,000. Of these, only 79 are Serbs, all elderly people who chose to remain after the Croats took control of the area - 68 in the outlying villages and 11 in town. A further 2,000 Croat Defence Council (HVO) soldiers bring the total population number to between 7,000 and 8,000.

III. FINDINGS OF ICG INVESTIGATION

This report is based on an investigation conducted by ICG in May 1997. In the process, ICG spoke with officials from the International Police Task Force (IPTF), the Organisation for Security and Co-operation in Europe (OSCE), the NATO-led Stabilisation Force (SFOR) as well as the Office of the High Representative (OHR) in Drvar, Bihac, Livno, Mostar and Sarajevo. ICG also spoke with a number of civilians in Drvar and examined the arson sites in the Mokronog Valley, five minutes drive south east of Drvar town.

- The burning of the houses on the night of 2-3 May was premeditated and thoroughly planned. In addition to the 25 burned houses, some fifty more buildings - houses, barns, and sheds - were prepared to be torched. The houses burned and prepared to be torched were uninhabited, slightly damaged, and could have been easily repaired for returning displaced persons.
- The burned houses and prepared houses displayed a similar pattern of destruction. All had sections of their roof tiles stripped off on both sides in order to create a large supply of oxygen for the fire, and more importantly, to create space for the fire to flame through the roof for dramatic effect.

¹ 1991 census.

- Windows and doors were broken and torn out in order to fan the flames. The area under the roofs of the houses, barns and sheds were packed with flammable material such as broken furniture, chairs, doors, window frames and wooden beams. Large piles of material, clothing and sometimes mattresses were strewn onto the piles of wood. Pieces of clothing and bags filled with flammable materials were wrapped and/or tied around the roof beams in order to aid the fire in catching on. In many cases the houses - and especially the barns and sheds - were also stuffed with hay. Many of the nearby haystacks were depleted of their hay. The houses were doused in gas and/or other flammable accelerants. Plastic “gas” canisters were strewn about the properties which contained the flammable liquid accelerants.
- At approximately 3:00 p.m. on 2 May, Deputy Mayor Drago Tokmakcija left a meeting with Dr Schwarz-Schilling, two of the Federation Ombudsmen, representatives of several international organisations, and local officials including Drvar Mayor Boro Malbasic. Tokmakcija was very agitated and said he had nothing more to say to Dr Schwarz-Schilling.
- At approximately 4:00 p.m., a small red car and a white mini van were spotted moving around the Mokronoge Valley. A number of men were seen ransacking the houses by pushing off the roof tiles and breaking the windows and doors. The preparing process was halted at approximately 8 p.m. and two hours later, a vehicle was heard moving in the area. Between 11 p.m. and 12:30 a.m., fires were lit in 25 of the previously ransacked houses. The arsons appeared to be the work of a group of persons judging by the staggered ignition of the fires.
- The next day, on 3 May, at approximately 5:30 p.m., IPTF spotted two men driving away in a black VW from a burning house in the Mokronoge Valley. IPTF detained and handed them over to the local Croat police. They were identified as Dragan Baric, a Croat living in Umag, Croatia and Stanislav Todorovic, a Croat from Vares. Todorovic was identified as a former police officer in neighbouring Bosansko Grahovo. The local police asked them what they were doing in the area and one of them replied that he was simply getting furniture for his mother. The local police set the two men free.
- Less than a week after the incident, the local Croat police as well as Croat Federation officials attempted to justify the arsons. Deputy Minister of the Federation Police, Jozo Leutar, a Croat, stated: “The violation of the right to return to one’s own house is

not only happening in Drvar. There is not much difference between the burning of homes in Drvar and refusing Croats who have proper documents to return to their apartments in Sarajevo. I guarantee that there are more human rights abuses in Sarajevo than in Drvar.”² Zvonko Banovic, the chief of police in Drvar, said: “The police are often helpless to stop the discontent of people on the whole territory of Bosnia and Herzegovina.”³

- It is clear from all the circumstances that Croats organised the arsons of houses in Drvar to obstruct the return of the original Serb residents to the area. According to an OSCE official covering the Drvar area, “The arsons occurred in unoccupied Serb houses located in remote, isolated villages because the possibility of Serbs to return to Drvar town itself is not a realistic option at the moment; the Croats know that gradual returns will be attempted in the more remote places.”
- The events of 2-3 May should not be viewed in isolation but as part of a sustained campaign aimed at obstructing implementation of the DPA and preventing the return of displaced Serbs. As an SFOR official in Drvar remarked: “The fires which were set on the night of 2-3 May are almost identical to the fires in October. The flames were designed to shoot high into the air so that the blaze could be seen from far away. Both the October incident as well as last week’s were thoroughly planned to send a clear signal of opposition to the international community’s and Bosnian Serbs’ return efforts.” At the same time, Croat authorities have made a concerted effort to resettle displaced Croats into Drvar to cement a swathe of ethnically-pure territory adjacent to Croatia proper. In effect, wartime ethnic cleansing has been replaced in peace by the more subtle “ethnic engineering”.
- A pamphlet distributed by the Croat authorities to displaced Croats is indicative of official HDZ (Croat Democratic Union - *Hrvatska demokratska zajednica*) policy. It states:

“Croat forces, HV [Croatian Army] and HVO [Bosnian Croat Army], have liberated cities and settlements in which there exist favourable conditions for living: JAJCE, KUPRES, DRVAR, SIPOVO,⁴ GLAMOC, BOSANSKO GRAHOVO.

² Sn. Kasalo, “Drvar Looks Towards Brcko and Sarajevo,” *Oslobodjenje*, 7 May 1997, p. 5.

³ *Ibid.*

⁴ Since Sipovo (which, since the DPA, is part of Republika Srpska) is listed, the pamphlet was probably printed immediately after the Croat offensive of September and October 1995, but prior to November 1995.

The civilian authorities of HRH-B [the illegal Croat Republic of Herceg-Bosna] are already functioning in these places... there is a register of apartments and houses... You have a chance to choose: a place for future living; a house or apartment according to family needs; a work place; elementary or high school for you children....

If you have made a decision about return: (a) contact the Office for Displaced Persons and Refugees of the Croatian Republic of Herceg-Bosna in Mostar, telephone: 99 387 88 312 182/183 or 701; (b) regulate your current refugee status in the Republic of Croatia at the Government Office for Refugees and Displaced Persons, telephone: 99 385 01 173 699 or 172 214 or 432 021.”

- Reportedly, two or three Croat refugee families are moving to Drvar from western Europe each week, and the HDZ plans to resettle in Drvar many of the approximately 4,000 Croat refugees currently residing in the Okucani area of Slavonija, Croatia to Drvar, Glamoc and Jajce.⁵
- Since most displaced Croats in Drvar have little in the way of income, employment or material means, they are largely dependent on the municipal authorities. In addition, since they come from all over Bosnia and Herzegovina, and are not principally from a single region, they are poorly organised and no representatives willing to organise Croat returns have yet come forward. Thus, even though many of the displaced Croats are eager to return to their own municipalities, it has been very difficult for the international community to organise and co-ordinate Croat returns along with Serb efforts to return to Drvar.

IV. CONCLUSIONS REGARDING RESPONSIBILITY

The individuals and parties most directly responsible for the campaign of intimidation and violence against Drvar Serbs, including the house burnings on 2-3 May, are the following:

- 1) **Drago Tokmakcija**, president of the local branch of the HDZ, Deputy Mayor, and a member of both the Canton 10

⁵ According to international officials, the majority of the refugees are from the Banja Luka area, the Posavina and the Podunavlje areas as well as Vojvodina, Serbia. See also, Steiner, Kresimira, “Ethnic Resettlement: Okucani, ‘When the Owner Knocks on the Door,’” *Tjednik*, No. 10, 2 May 1997, pp. 26-27.

Assembly and the Bosnia and Herzegovina House of Peoples.

According to representatives of international agencies, political control in Drvar rests with Tokmakcija. He, together with a 13-person municipal committee, controls all aspects of life in Drvar, including the police and the Croat Defence Council (HVO).

On 27 March 1997, the Municipal Committee passed decision 199/97 which forbade Serbs visiting from Republika Srpska to remain in the municipality of Drvar for more than 24 hours, and announced that all who stayed past the limit would be rounded up and escorted to the Republika Srpska border.

This decision remained in effect for over two weeks and was only cancelled on 14 April 1997. Meanwhile, Tokmakcija publicly called for further restrictions on freedom of movement on *Radio Drvar* saying: "Bosnian Serbs who visit Drvar cannot go to houses where Croats live. They do not have the right to do that, and we request such contacts to stop. It does not matter if the international community will condemn us: these direct contacts lead to undesirable incidents... For security and peace enforcement measures in town, we do not have to accept such visits."⁶

Tokmakcija is known to have close links with Drvar police commanders Miroslav Frankic and Zarko Sokcic, whose responsibility for the incident is described below.

Representatives of international organisations familiar with the Drvar situation believe that the May arsons were a direct result of the visit by Dr Schwarz-Schilling's delegation. The arsons began shortly after Tokmakcija, angered by Dr Schwarz-Schilling's firm insistence on the need to begin Serb returns to Drvar, left the meeting, visibly agitated.

- 2) **Boro Malbasic**, Mayor and first name on the HDZ party list for the municipal elections:

Malbasic, like Tokmakcija, bears joint responsibility for the actions of the Municipal Committee and has close links with Drvar police commanders. In addition he issued a press release dated 28 March 1997 and broadcast over *Radio Drvar*, *Radio Herceg-Bosna*, *HINA* (the official Croatian

⁶ Interview with Boro Malbasic and Drago Tokmakcija on *Radio Drvar*, 10 April 1997; OSCE Media Monitoring Transcripts, May 1997.

news agency) and sent to the Croatian daily, *Slobodna Dalmacija*, in which he stated that Serbs were responsible for explosions on that day which had destroyed two houses in Drvar. The release stated:

“Once again, those who do not wish goodness and peace towards the Croat people attempted to bloody the greatest Catholic holiday, the resurrection of Jesus Christ. It is known that recently, groups of Bosnian Serb nationalists from the territories of Republika Srpska have been walking and living in town, completely unrestricted. Once again the patience of the Croat people is being put to the test and is being pushed to the limits of its tolerance and deference. We already knew earlier that individuals from the ranks of the Bosnian Serb people in Banja Luka publicly threatened to execute similar acts.”⁷

IPTF reported after a full investigation that there was no evidence of arson and no basis for the Mayor’s statement. Emphasising that such statements create an unfavourable environment for conducting democratic elections, the OSCE’s Livno Media Experts Sub-Commission demanded that the Mayor issue “a public apology to the Bosnian Serb community in Banja Luka and to retract his inaccurate and unfounded statement implicating Bosnian Serbs in recent bombings in Drvar.”⁸ The Mayor later issued a public retraction.

- 3) The **Croat Defence Council** (HVO) has frequently helped obstruct minority returns. Representatives of international agencies in Drvar cite the following examples:

On 22 October 1996, HVO troops helped obstruct a visit by displaced Serbs to Drvar. Soldiers of the First Guard Brigade in civilian clothing were spotted within a “spontaneous” crowd which gathered to block the visit.

On 24 April 1997, under orders from the Company Commander, Lt. Covic, members of the HVO Military Police Company Drvar from the Second VP Battalion, refused two

⁷ Press release from the Committee of the Government of the Municipality of Drvar and HDZ Drvar, 28 March 1997. These statements by Mayor Malbasic constitute violations of the Provisional Election Commission’s (PEC) Rules and Regulations, Article 130, “Fair Reporting;” Article 133, “Avoiding Inflammatory Language;” and Article 134, “Inaccuracies.”

⁸ OSCE Press Release, 24 April 1997.

Livno journalists permission to walk through the main section of Drvar. And on 26 March 1997, Lt. Covic restricted the movement of Canadian journalists.

On 7 May 1997, uniformed HVO personnel were spotted dropping off civilians in vehicles at a “spontaneous gathering” which was designed to block another attempted Serb visit.

4) **HDZ**

According to officials of international implementing agencies, the Bosnian HDZ authorities do not want displaced Croats to return to their own municipalities of origin since this would free housing for displaced Serbs. The HDZ dominated Community of Displaced Croats of Bosnia and Herzegovina claims that displaced Croats cannot return to their previous homes until “all” conditions for return are established and stresses that displaced Croats have the right to seek permanent accommodations in the areas where they currently reside. According to the organisation’s president, Stefo Masatovic: “At this moment, not even minimal conditions exist for displaced persons to return to the municipalities from which they were displaced.”⁹

The HDZ has issued pamphlets urging Croats from elsewhere to move to Drvar to occupy displaced Serb-owned homes. HDZ-controlled media have published inflammatory statements. Drvar’s Mayor and Deputy Mayor clearly have waged their campaign of obstructing Serb returns on behalf, and with the full support, of the HDZ.

5) Drvar police commanders **Zvonko Banovic**, Chief of Police, **Miroslav Frankic**, Chief of Criminal Investigations, and **Zarko Sokcic**, Head of the Anti-Terrorist police:

Banovic has made statements justifying the police failure to stop the arsons. Frankic and Sokcic failed to provide IPTF with copies of local police reports on the arson incident of 2-3 May and refused to conduct a proper investigation of the two suspects caught by the IPTF on 3 May. Moreover, IPTF monitors have filed numerous other non-compliance reports against Frankic and Sokcic. These include for the beating of a Serb (1 August 1996); two obstructions of freedom of movement (19 and 27 September 1996); negligence in investigating the throwing of a grenade into a public area by

⁹ Mira Coric, “Return Can Happen When Conditions Are Created,” interview with Stefo Masatovic, *Branimir*, No. 18, February 1997, p. 14.

a member of HVIDRA - Croat Veterans and Invalids of the Homeland War (23 November 1996); failure to investigate arson (1 January 1997); and sexual harassment of an IPTF interpreter (18 April 1997).

V. ELECTION APPEALS SUB-COMMISSION RULING

The Election Appeals Sub-Commission (EASC), comprised of three Bosnian judges (a Serb, Croat and Bosniac) and one international judge, investigated the house-burnings in Drvar. In its ruling issued on 28 May,¹⁰ the EASC concluded that:

- “the HDZ [in Drvar] ... has complete control over the local authorities and the police” as well as the area where the houses were destroyed”; and
- “the local police failed to conduct an adequate investigation,” “failed to follow up on leads regarding the identity of the perpetrators”, tolerated “obstructionist behavior against buses traveling to Drvar from minority areas”, and “behaved unprofessionally and disgracefully”.

As a result, the EASC struck the first name, Mayor Malbasic, from the HDZ party list for the municipal elections. In addition, the EASC warned that, should there be a repetition of the events of the night of 2-3 May, it “was attracted to the remedy of striking two or more candidates” from the HDZ party list for the destruction of each additional house.

VI. RECOMMENDATIONS

- 1) The international community and, in particular, the Contact Group countries of the United States, United Kingdom, Germany, Russia and France must exert maximum pressure on Zagreb and through Zagreb on the Bosnian Croat authorities with three objectives:
 - to stop resettlement in Drvar of Croats displaced from elsewhere;
 - to stop the obstruction and harassment of displaced Serbs wishing to return to their homes; and

¹⁰ The EASC made its ruling on 26 May but delayed its release until after the closing date for parties to submit their candidate lists.

- to dissolve the para-state structure of “Herceg-Bosna”.
- 2) DPA violations, such as house burnings and inflammatory statements published through the mass media, must be met with proportionate and forceful penalties.
- The EASC’s decision to strike a candidate from the HDZ list for the municipal elections was a bold move and a fitting response, but may not be enough, in and of itself, to deter future acts of vandalism. Some of the people responsible for the violations (e.g., in Drvar, Deputy Mayor Tokmakcija and several of the police officers) are not standing for office in the municipal elections and so are not subject to the EASC’s jurisdiction. Moreover, other international institutions and Bosnian authorities must not cite the EASC decision as an excuse to shirk their DPA responsibilities.
 - When minority-owned property is destroyed, in Drvar or elsewhere, SFOR should remove an equal number of tanks or heavy artillery pieces from the cantonment sites of the army in control of the area and destroy them. A “tank-for-a-house” response, like the EASC’s proposal of “two candidates for a house”, would be measured and proportionate, easy to explain and transparently fair. It would be particularly appropriate in areas where houses continue to be destroyed after a first penalty from the EASC.
 - The arsons in Drvar underscore the pressing need to establish a body which could hold authorities accountable and dismiss them for substantial violations of the DPA or the Federation Constitution. The official perhaps most responsible for the campaign of intimidation and violence against Drvar Serbs and their property, Deputy Mayor Tokmakcija, is not subject to the EASC’s jurisdiction and penalties. The proposal to establish a Federation Implementation Council was adopted by the Federation government on 27 March 1997. The Federation Assembly should pass the implementing legislation without delay.
 - Drvar commanding police officers Frankic and Sokcic refused to conduct a proper investigation of the 2-3 May arsons or to co-operate with IPTF’s investigation. IPTF monitors had previously filed at least six non-compliance reports against them for serious acts of police abuse amounting to gross professional, and in some cases criminal, misconduct. IPTF monitors have done a good

job of documenting police misconduct in Drvar. IPTF-HQ must redouble its efforts to have the two police commanders removed from the force, or at least demoted to positions where they cannot abuse people's rights and their salaries are docked. If IPTF does not have the leverage to accomplish the job, it must consult with OHR and SFOR, and one or both of those organisations must take effective action.

- There is strong evidence that the HVO is involved in efforts to obstruct Serb visits. Evidence of HVO involvement in the obstruction or non-implementation of the DPA should be recorded by SFOR. Based on their investigation, SFOR should demand that officers responsible for HVO conduct in the area be removed and prosecuted.
3. International implementing agencies should improve procedures to ease displaced persons visits and returns.
- Security for returnees must be a priority. To this end, SFOR, IPTF, OHR, UNHCR and OSCE should better co-ordinate their efforts to ensure optimal security conditions during return visits. The staff of OSCE field office Livno and OSCE regional centre Bihac stated that they are often not contacted by international implementing agencies visiting Drvar from other parts of Bosnia and Herzegovina. SFOR in Drvar has also stated that displaced persons visits and return plans by international agencies have not always been co-ordinated with them. During and after the Drvar arsons, several representatives of international organisations stated that much of their work was less effective than it would have been had they acted in concert.
 - All future visits and return efforts organised by the international implementing agencies should take both communities of displaced persons into account. This way, the receiving community will not be able to be manipulated by their political leaders into believing that their interests are being overlooked. The Croat displaced persons community in Drvar should be aided in organising visits to their homes in central Bosnia as soon as possible.
 - Cantonal authorities should allow the International Management Group (IMG) to carry out a property assessment mission in the Drvar area and the UNHCR and local authorities to set up a vacant housing register.

This will enable the international implementing agencies to keep track of the empty housing stock in the Drvar area. It will also enable the international agencies to monitor the settlement rate of displaced Croats in the area and match returning displaced Serbs with their homes.

- Once return and visit procedures are agreed upon between the relevant international implementing agencies, IPTF and SFOR should make sure that additional police and troops are deployed where a more robust and effective security presence will be necessary to facilitate visits or returns based on previous experiences.
- Radio Drvar has been responsible for instigating local hatred towards visiting and returning Serbs. Alternative media in Canton 10 must be boosted and international agencies operating in the area should pursue an aggressive, anti-nationalist public information campaign in the local media explaining what they are attempting to achieve in the Drvar area and thus challenge the misinformation barrier created by local officials.
- In particular, international agencies should explain to the population of Drvar the basis for the EASC's decision as well as all subsequent actions, and the connections found between the Mayor, the Deputy Mayor and the criminal campaign of intimidation.

Sarajevo, 9 June 1997

ABOUT THE INTERNATIONAL CRISIS GROUP

We want to head off crises before they develop,
rather than react to crises after they happen.

Senator George Mitchell, ICG Board of Trustees Chair

The International Crisis Group (ICG) is a multinational non-governmental organisation founded in 1995 to reinforce the capacity and resolve of the international community to head off crises before they develop into full-blown disasters. ICG board members - many of them high profile leaders in the fields of politics, business and the media - are committed to using their influence to help focus the attention of governments, international organisations and the private sector on impending crises and to build support for early preventive action.

Since February 1996 ICG has been engaged in Bosnia and Herzegovina in support of the international effort to implement the Dayton Peace Agreement. Based in Bosnia, the ICG staff have monitored progress towards implementation of the peace accord, identifying potential obstacles, and advocating strategies for overcoming them. ICG's priority has been to assist the international community and to pre-empt threats to the peace process before they have a chance to re-ignite the conflict that has ravaged the region since 1991.