



GRAVE SITUATION IN MOSTAR:
ROBUST RESPONSE REQUIRED

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I. Introduction

The violent events in Mostar on 10 February -- and the failure of the International Police Task Force (IPTF) and the Stabilisation Force (SFOR) to either anticipate or control them -- constitute a mortal threat to the peace in Bosnia and Herzegovina and to the continued existence of the Bosniac-Croat Federation.

Urgent measures are now required to repair the damage:

- SFOR must take stronger and more consistent steps to anticipate and forestall civil violence in Mostar.
- IPTF must investigate the events on 10 February and publish the results of its investigation. Among the issues the investigation must cover is the apparent failure of SFOR and IPTF to maintain a deterrent presence in Mostar on 10 February.
- The individuals found responsible for the unprovoked attack must be arrested and tried in an effective court.

The international community's response to the violence will serve as a litmus test of the determination of SFOR, IPTF, and the international civilian authorities in Bosnia in implementing and enforcing the Brcko arbitration panel's decision expected on 14 February. The parties to the Brcko dispute will draw lessons and behave accordingly.

II. Chain of Events

The International Crisis Group (ICG) has examined evidence, including a sequence of photographs of the scene of the violence before and during the shooting, and TV footage of the violence in Mostar. ICG has interviewed credible eyewitnesses, and held discussions with various international officials in that city. The evidence examined suggests the following course of events:

- On 10 February at about 14:00, a group of not more than 200 Bosniacs (some suggest about 100), including women, reached a cemetery in West Mostar to offer traditional Bajram prayers. At the head of the group were Mufti Seid Smajkic and Deputy Mayor of the Mostar City Council Safet Orucevic. There are allegations that the international community had notice of the visit at least since Sunday, although the UNMiBH spokesman stated they had only 90 minutes warning.
- Between five and twenty minutes before the group arrived at the scene, a handful of Spanish brigade SFOR troops with an armoured personnel

carrier (APC) left. It is not known why SFOR was present in the first place. One unarmed Spanish soldier was at the scene when the violent incident occurred later. As the group approached the cemetery, there were a handful of Bosnian Croat police on the scene. They were joined by another van full of Bosnian Croat police. Television footage from the scene also show that a female IPTF officer was present. A group of about 20 Bosnian Croat youths carrying iron bars and wooden sticks, who had been loitering near the cemetery since that morning and prepared for an incident, were behind the Bosnian Croat police when the group of Bosniacs arrived. Eyewitnesses presume that some of the youths were members of the special Bosnian Croat police in civilian clothes.

- The uniformed Bosnian Croat police, using abusive language, ordered the Bosniac group to turn back. The Bosniacs proceeded towards the entrance of the cemetery peacefully. The group of some 20 Croat youths then intervened by joining in the abusive name-calling and assaulting the Bosniacs with iron bars and wooden sticks. One of the Croat youths appears to have been injured in the scuffle; he was doubled over. Photographic evidence suggests that stones were thrown, but it is not clear by whom or against whom. The Croat police then fired warning shots (photographs show the Bosnian Croat police pointing their side-arms above the heads of Bosniacs), and stepped back from the scene. Out of uniform Croat special police members drew their side-arms, until then disguised, and started firing directly at the Bosniac crowd from a distance of not more than 10 meters (photographs clearly show at least two civilians pointing their weapons at the Bosniacs). The uniformed Croat police were standing to the side and watching the scene while the civilian Croats opened fire. No weapons were seen or shots fired from the Bosniac side. At that time, the Bosniacs started to run away from the scene. There was one dead, and more than 20 injured, including several seriously, on the Bosniac side (the Mufti and Deputy Mayor included), and no independent confirmation of injuries on the Croat side other than the one youth seen in the photograph. During the unprovoked attack and shooting, SFOR were nowhere near the scene, only arriving after the crowd had dispersed.
- At around 16:00 the same day, some 100 Croat police in uniform carrying side-arms and Croat civilian youth carrying long-barrelled weapons (AK-47, etc.), believed to be members of the Croat special police, took up positions behind lamp-posts, trees, and street corners in front of the ERO Hotel (Office of the High Representative's Mostar Headquarters), observing the only bridge open for vehicle traffic between East and West Mostar. Also snipers were seen on rooftops in the area. Bosniacs had also gathered on the East side of the bridge (but ICG does not have information on whether they were also armed). Despite pleas from OHR staff who were trapped in the Hotel, and the presence of at least one Spanish brigade SFOR patrol near the hotel, SFOR did not respond to the threat until much later.
- That same morning, a number of Bosniac residents of West Mostar had crossed into East Mostar to visit relatives and cemeteries on the occasion

of Bajram. When they heard the gunfire, the Bosniacs tried to return to their flats in West Mostar, but were stopped at the bridge crossing by Croat police and armed civilians, and their identification documents and keys to their flats confiscated. Even on Wednesday afternoon, 12 February, Bosniacs trapped in East Mostar since 10 February and trying to return to their flats in West Mostar, were turned back at the bridge by Croat police.

- During the evening and night of Monday 10 February, 26 Bosniac families, up to 100 people, were expelled from their flats in West Mostar by armed thugs. The evictions continued on Tuesday 11 February evening and night (the number was not known).
- On Tuesday 11 February, the SFOR Spanish brigade whose area of responsibility includes Mostar, were reinforced by troops of the SFOR French battalion, who proceeded to take measures to ensure security in and around the city, including random searches of vehicles, the disarming of civilians, a dusk to dawn curfew, and the removal of illegal checkpoints.
- On Wednesday 12 February, an agreement was reached between IPTF, SFOR, and local police, to accompany and return Bosniacs expelled from their flats in West Mostar, and arrest anyone found occupying the flats illegally. By 16:00 the same day, only two families were returned to West Mostar. Two illegal occupants of the flats were arrested, but were reported to have “escaped” later, presumably from Croat police stations. Evictions continued through Wednesday 12 February.
- As of Wednesday evening, telephone communication between East and West Mostar, as well as between the city and Sarajevo was interrupted.

III. Long-Simmering Violence in Mostar and Ineffective International Response

The above events cannot be viewed in isolation. It must be viewed in the context of the cycle of violence, more than 80 evictions, and bombings taking place in Mostar since the signing of DPA, but especially during the past few months. In each case, the local police were called upon to investigate and prosecute those responsible, but to no avail. In August 1996, Sir Martin Garrod, the current Head of the Office of the High Representative (OHR) Regional Centre in Mostar and formerly European Union Administration of Mostar (EUAM) Special Envoy until last December, publicly named six individuals in West Mostar and demanded that they account for the violence, again to no avail. In January of this year, Sir Martin called for SFOR assistance to apprehend the Croat thug responsible for a physical attack on a Bosniac journalist in the Hotel ERO lobby, but again to no avail. Left with impunity, those responsible continued and escalated the violence to an unprecedented level on Monday. If impunity reigns once more, the violence in Mostar will, at the very least, drag on indefinitely, or could even unravel the Federation as well as the DPA process.

The non-functioning Mostar City Council and the Croat police in West Mostar deeply implicated in the violence, cannot be expected seriously to take charge of the situation, ensure security, investigate the violence, bombings, murder and evictions, and bring those responsible to account for their deeds or dereliction of duty. The unified police force of Mostar, set up under the EUAM more than two years ago at a great expense, cannot assume any effective role either as it has ceased to function since 10 February. East Mostar Police cannot provide a solution. Federation and cantonal police have not been formed yet.

IV. Recommendations

The only option is for SFOR and IPTF to assume their respective responsibilities under DPA and enforce the provisions - the events in Mostar must be viewed as a serious threat to the peace process.

A high-level meeting on Wednesday evening, 12 February, with the participation of Bosnian and international officials, reached a decision with 11 points to stabilise the situation in Mostar. ICG is concerned that beyond the agreement for IPTF to conduct a full investigation of the events, an increased SFOR/IPTF presence in Mostar, and rhetorical support to freedom of movement, dismissal of police responsible for the incident, and return of expelled Bosniacs to their flats, the decision of 12 February will merely remain on paper as all previous such agreements and will not be sufficiently proactive to defuse the situation.

ICG urges the international community in Bosnia to consider the following additional measures to break the cycle of impunity in Mostar and diffuse the crisis before it is too late:

Security Measures - SFOR and IPTF

1. While ICG is encouraged that IPTF will assume full responsibility for a thorough investigation of the events in Mostar, additional personnel must be assigned to the task. Individuals responsible for the violence at the cemetery and the subsequent evictions must be identified without delay, arrested, and delivered to effective judicial authorities in a venue other than Mostar for trial. Any police, including those in responsible positions, found guilty must be removed from duty immediately.
2. IPTF must also investigate the appropriateness of its own conduct after the incident on 10 February when, at 16:00, a "black alert" was declared and all officers in Mostar were ordered to their headquarters. Thus, IPTF could not respond to any calls for assistance from Bosniac families threatened with evictions in West Mostar.
3. SFOR must conduct its own investigation to determine the causes for (i) the apparent total failure of communications on 10 February before the incident occurred between SFOR, IPTF, and OHR in Mostar. and (ii) the SFOR Spanish brigade's failure to ensure security before, during and after the incident.

DPA, Annex 1A, Article VI(3) states in relevant parts: “IFOR [now SFOR] shall have the right to fulfil its supporting tasks, within the limits of its assigned principal tasks and available resources, and on request, which include the following: (a) to help create secure conditions for the conduct by others of other tasks associated with the peace settlement.... ... (c) to assist UNHCR and other international organisations in their humanitarian missions. (d) to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person.”

4. SFOR must ensure security in Mostar by: confiscating all long-barrelled weapons from both police forces; completely disarming and dismantling the special Croat police in West Mostar; completely disarming and dismantling any HVO units still in existence; conducting random searches of vehicles and pedestrians in and around Mostar; confiscating any weapons or explosive devices found, arresting those carrying them, and delivering them to effective judicial authorities for trial.
5. SFOR must deploy a sufficient number of troops in and around Mostar to ensure absolute and total freedom of movement between the East and West parts of the city.
6. SFOR and IPTF must ensure that the Bosniac families and others expelled from their homes in West Mostar are returned to their flats, and those found occupying their flats illegally are arrested and delivered to effective judicial authorities for trial. “Escapes” of those arrested must not be allowed again. Reliance on the parties, effectively the Croat police, to enforce the return of those evicted is not realistic and will not work.
7. SFOR must arrest for investigation purposes the thugs in Mostar responsible for the violent incidents and evictions during the past few months - their identities and whereabouts are well known. IPTF should then take over the task of investigating these individuals and deliver them to effective judicial authorities for trial.

Measures for Civilian Authorities

1. The OHR must request Croatia to stop once and for all financial and political support to intransigent Croat authorities in West Mostar. Croatia must also stop inflammatory statements broadcast by HRT. The OHR must request the UN Security Council to impose sanctions on Croatia and the Council of Europe to expel Croatia from membership, if Croatia fails again.

The UN Human Rights Commission Special Rapporteur for former Yugoslavia, Elizabeth Rhen, stated correctly that Croatia exercises “serious influence” in the region and therefore bears responsibility for the human rights situation in Mostar.

2. If the Mostar City Council fails to assume its responsibilities immediately to administer the city in good and full faith, then the international community

must consider further measures to bring Mostar out of the current chaos, including the imposition of martial law and the possible establishment of military control for the duration of the SFOR mandate.

3. The PEC must adopt a decision to exempt Mostar from the municipal elections in July in order to avoid another escalation of tension in the city (the PEC adopted a similar decision in 1996 when municipal elections were to take place in September). In the alternative, elections should take place only in the six "municipalities" of Mostar as defined in the EUAM Interim Statute of 7 February 1996, which remains still valid, and the City Council, which is more akin to a cantonal assembly, must be exempt from the municipal elections.
4. Finally, the OHR must investigate the possibility of helping establish an independent radio station in Mostar in order to provide alternative and objective information about unfolding events in the area. This lacuna was further aggravated during and immediately after the 10 February violence in Mostar, when OHR Mostar could not or did not appeal to the population of the city, or provide accurate information - highly exaggerated and biased accounts were propagated by the media in both sides of the city. OHR must consider measures to stop inflammatory statements in the local media.

Sarajevo, 13 February 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 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 considerable 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, alerting the international community to the existence of such obstacles and advocating strategies for overcoming them. At all times ICG's priority has been to assist the international community, including all those organisations involved in implementing the peace agreement, and to identify and pre-empt any threats to the peace process before they have a chance to re-ignite the conflict that has ravaged the region since 1991.