

BOSNIA AND HERZEGOVINA

Follow-Up: State Reporting

i) Action by Treaty Body

CCPR, A/62/40 vol. I (2007)

CHAPTER VII. FOLLOW-UP ON CONCLUDING OBSERVATIONS

220. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/61/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2007.

221. Over the period covered by the present annual report, Mr. Rafael Rivas-Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State. In view of Mr. Rivas-Posada's election to the Chair of the Committee, Sir Nigel Rodley was appointed the new Special Rapporteur for follow-up on concluding observations at the Committee's ninetieth session.

222. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.¹ Over the reporting period, since 1 August 2006, 12 States parties (Albania, Canada, Greece, Iceland, Israel, Italy, Slovenia, Syrian Arab Republic, Thailand, Uganda, Uzbekistan and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 12 States parties (Brazil, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Mali, Moldova, Namibia, Surinam, Paraguay, the Gambia, Surinam and Yemen) and UNMIK have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

223. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided before 1 August 2006 to take no further action prior to the period covered by this report.

...

Eighty-eighth session (October 2006)

State party: Bosnia and Herzegovina

Report considered: Initial (due since 2003), submitted on 24 November 2005.

Information requested:

Para. 8: Reopening of talks on constitutional reform with a view to adopting an electoral system consistent with the Covenant (arts. 2, 25 and 26).

Para. 14: Investigation of unresolved cases of missing persons; ensuring that the Institute for Missing Persons becomes fully operational; whether central database of missing persons is finalized and accurate; steps to ensure that the Fund for Support to Families of Missing Persons is sound and payments to families commence as soon as possible (arts. 2.3, 6 and 7).

Para. 19: Improvement of material and hygienic conditions in detention facilities, prisons and mental health institutions; appropriate treatment of mental health patients; transfer of all patients from Zenica Prison to Sokolac Psychiatric Hospital (arts. 7 and 10).

Para. 23: Review of relocation plan for the Roma settlement at Butmir, to be carried out in a non-discriminatory manner; alternative solutions to prevent pollution of the water supply (arts. 2, 17 and 26).

Date information due: 1 November 2007

Next report due: 1 November 2010

...

Note

1/ The table format was altered at the ninetieth session.

CCPR, CCPR/C/SR.2564/Add.1 (2008)

HUMAN RIGHTS COMMITTEE

Ninety-third session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 2564th MEETING

Held at the Palais Wilson, Geneva,

on Wednesday, 23 July 2008 at 11.25 a.m.

...

FOLLOW-UP TO CONCLUDING OBSERVATIONS ON STATE REPORTS AND TO
VIEWS UNDER THE OPTIONAL PROTOCOL

...

Report of the Special Rapporteur for follow-up on concluding observations (CCPR/C/93/R.1)

1. Sir Nigel RODLEY, Special Rapporteur for follow-up on concluding observations, introduced his report contained in document CCPR/C/93/R.1.

...

4. ...Consultations should be scheduled with a representative of Bosnia and Herzegovina for the ninety-fourth session...

...

39. The draft report of the Special Rapporteur for follow-up on concluding observations was adopted.

...

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

194. In chapter VII of its annual report for 2003,²⁰ the Committee described the framework that it has set out for providing for more effective follow up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/62/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2008.

195. Over the period covered by the present annual report, Sir Nigel Rodley acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-first, ninety-second and ninety third sessions, he presented progress reports to the Committee on inter-sessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

196. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.²¹ Over the reporting period, since 1 August 2007, 11 States parties (Bosnia and Herzegovina, Brazil, Hong Kong Special Administrative Region (China), Mali, Paraguay, Republic of Korea, Sri Lanka, Suriname, Togo, United States of America and Ukraine), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow up procedure. Since the follow up procedure was instituted in March 2001, 10 States parties (Barbados, Central African Republic, Chile, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Honduras, Madagascar, Namibia and Yemen) have failed to supply follow up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

197. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow up responses provided to it, decided before 1 August 2007 to take no further action prior to the period covered by this report.

198. The Committee emphasizes that certain States parties have failed to cooperate with it in the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Gambia, Equatorial Guinea).

20/ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40 (A/58/40), vol. I.*

21/ The table format was altered at the ninetieth session.

...

Eighty-eighth session (October 2006)

State party: Bosnia and Herzegovina
Report considered: Initial (due since 2003), submitted on 24 November 2005.
Information requested: Para. 8: Reopening of the public debate and talks on constitutional reform with a view to adopting an electoral system that guarantees equal enjoyment of the rights under article 25 of the Covenant to all citizens, irrespective of ethnicity (arts. 2, 25 and 26). Para. 14: Investigation of all unresolved cases of missing persons; ensure that the Institute for Missing Persons becomes fully operational in accordance with the Constitutional Court's decision of 13 August 2005; ensure that the central database of missing persons is finalized and accurate; ensure that the Fund for Support to Families of Missing Persons is secured and that payments to families commence as soon as possible (arts. 2 (3), 6 and 7). Para. 19: Improvement of material and hygiene conditions in detention facilities, prisons and mental health institutions in both Entities; adequate treatment of mental health patients; transfer of all patients from Zenica Prison Forensic Psychiatric Annex; ensure that Sokolac Psychiatric Hospital meets international standards (arts. 7 and 10). Para. 23: Review of relocation plan for the Roma settlement at Butmir; alternative solutions to prevent pollution of water supply; ensure that any relocation is carried out in a non-discriminatory manner and in compliance with international human rights standards (arts. 2, 17 and 26).
Date information due: 1 November 2007
Date information received: <u>21 December 2007</u> Partial reply (responses incomplete with regard to paragraphs 8, 14, 19 and 23).

Action taken:

17 January 2008 A reminder was sent.

Recommended action: Consultations should be scheduled for the ninety-fourth session.

Next report due: 1 November 2010

...

...

Chapter VII: Follow-up to Concluding Observations

203. In chapter VII of its annual report for 2003,¹⁶ the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report,¹⁷ an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2010.

204. Over the period covered by the present annual report, Mr. Abdelfattah Amor acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-seventh, ninety-eighth and ninety-ninth sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

205. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.¹⁸ Over the reporting period, since 1 August 2009, 17 States parties (Bosnia and Herzegovina, Chile, Costa Rica, Czech Republic, Denmark, France, Georgia, Japan, Monaco, Spain, the former Yugoslav Republic of Macedonia, Sudan, Sweden, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland and Zambia), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, 12 States parties (Australia, Botswana, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Namibia, Nicaragua, Panama, Rwanda, San Marino and Yemen) have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the preparation of the next periodic report by the State party.¹⁹

206. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, the report does not cover those States parties with respect to which the Committee has completed its follow-up activities, including all States parties which were considered from the seventy-first session (March 2001) to the eighty-fifth session (October 2005).

207. The Committee emphasizes that certain States parties have failed to cooperate with it in

the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Equatorial Guinea, Gambia).

...

Eighty-eighth session (October 2006)

State party: Bosnia and Herzegovina

Report considered: Initial (due since 2003), submitted on 24 November 2005.

Information requested:

Para. 8: Reopening of the public debate and talks on constitutional reform with a view to adopting an electoral system that guarantees equal enjoyment of the rights under article 25 of the Covenant to all citizens, irrespective of ethnicity (arts. 2, 25 and 26).

Para. 14: Investigation of all unresolved cases of missing persons; ensure that the Institute for Missing Persons becomes fully operational in accordance with the Constitutional Court's decision of 13 August 2005; ensure that the central database of missing persons is finalized and accurate; ensure that the Fund for Support to Families of Missing Persons is secured and that payments to families commence as soon as possible (arts. 2, para. 3; 6; and 7).

Para. 19: Improvement of material and hygiene conditions in detention facilities, prisons and mental health institutions in both Entities; adequate treatment of mental health patients; transfer of all patients from Zenica Prison Forensic Psychiatric Annex; ensure that Sokolac Psychiatric Hospital meets international standards (arts. 7 and 10).

Para. 23: Review of relocation plan for the Roma settlement at Butmir; alternative solutions to prevent pollution of water supply; ensure that any relocation is carried out in a non-discriminatory manner and in compliance with international human rights standards (arts. 2, 17 and 26).

Date information due: 1 November 2007

Date information received:

21 December 2007 Partial reply (responses incomplete with regard to paras. 8, 14, 19 and 23).

1 November 2008 Partial reply (responses incomplete with regard to paras. 8, 14, 19 and 23).

4 March 2009 Partial reply (responses incomplete with regard to paras. 8, 14, 19 and 23).

14 December 2009 Supplementary follow-up report received.

Action taken:

17 January 2008 A reminder was sent.

22 September 2008 The Special Rapporteur requested a meeting with a representative of the State party.

31 October 2008 During the ninety-fourth session, the Special Rapporteur met with a representative of the State party, who informed him that the State party's replies to the Committee's additional follow-up questions have been prepared and will be submitted as soon as the Government has approved them.

29 May 2009 A letter was sent to request additional information.

27 August 2009 A reminder was sent.

11 December 2009 A reminder was sent.

Recommended action: The additional replies of the State party should be sent for translation and considered at a later session.

Next report due: 1 November 2010

...

¹⁶ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40*, vol. I (A/58/40 (vol. I)).

¹⁷ *Ibid.*, *Sixty-Fourth Session, Supplement No. 40*, vol. I (A/64/40 (vol. I)).

¹⁸ The table format was altered at the ninetieth session.

¹⁹ As the next periodic report has become due with respect to the following States parties, the Committee has terminated the follow-up procedure despite deficient information or the absence of a follow-up report: Austria, Brazil, Central African Republic, Democratic Republic of the Congo, Hong Kong (China), Mali, Namibia, Paraguay, Republic of Korea, Sri Lanka, Suriname and Yemen.

CCPR, CCPR/C/SR.2738/Add.1 (2010)

Human Rights Committee
Ninety-ninth session

Summary record of the second part (public) of the 2738th meeting
Held at Palais Wilson, Geneva,
on Wednesday 28 July 2010, at 11:25 am

...

Follow-up to concluding observations on State reports and to Views under the Optional Protocol

Report of the Special Rapporteur for Follow-up on Concluding Observations (CCPR/C/99/2/CRP.1)

...

2. **Mr. Amor**, Special Rapporteur for Follow-up on Concluding Observations, said that, while he commended the excellent work of the secretariat, it was regrettable that the relevant staff did not have more time to devote to follow-up on concluding observations. At the Committee's request, he had undertaken to supply details of the contents of the letters sent to States parties concerning follow-up in which the Committee asked for further information, urged the State to implement a recommendation or, alternatively, noted that a reply was satisfactory.

...

9. Bosnia and Herzegovina had sent additional replies, which were currently being translated. He noted that the time taken to translate documents was having a detrimental effect on the Committee's work.

...

Follow-Up: State Reporting
ii) Action by State Party

CCPR, CCPR/C/BIH/CO/1/Add.1 (2007)

Replies by the Government of Bosnia and Herzegovina on the concluding observations of the Human Rights Committee CCPR/C/BIH/CO/1

[21 December 2007]

Introduction

1. The Council of Ministers of Bosnia-Herzegovina, pursuant to Article 12 of the Law on Ministries and Other Administrative Bodies of Bosnia-Herzegovina, and pursuant to Article 54 item 1 of the Rules of Procedure of the Council of Ministers of Bosnia-Herzegovina, at its 86th session, held in 2005, adopted the Initial Report of Bosnia-Herzegovina on the implementation of the International Covenant on Civil and Political Rights for the period 1994-2004.
2. The Human Rights Committee, at its 35th session, held on 18 and 19 October 2006, with participation of the Delegation of Bosnia-Herzegovina, adopted the subject Report, and subsequently passed Conclusions and Recommendations (CCPR/C/BIH/CO/1) specifying 1 November 2010 as the date for the submission of the Second periodic report of Bosnia-Herzegovina.
3. In paragraph 26 of the Conclusions and Recommendations the Committee requested Bosnia-Herzegovina to publicise and widely disseminate the Initial Report in official languages to the public, as well as to judicial, legislative and administrative authorities. The Council of Ministers of B-H, at its 86th session, held on 14 July 2005, took note of the Conclusions and Recommendations of the Human Rights Committee, and pursuant to Article 20 of the Conclusions and Recommendations obligated the competent authorities at all levels to work continuously on their implementation, and to inform the Council of Ministers of B-H at least once a year on undertaken activities, state and achievements, as well as on the problems arising in the area pertaining to the Conclusions and Recommendations of the Human Rights Committee. Moreover, the Council of Ministers of B-H has obligated competent authorities to work within their everyday activities on stimulation of civil sector work, particularly those NGOs dealing with the subject topic more directly.
4. Pursuant to Rule 71 para 5 of the Rules of Procedure of the Human Rights Committee, Bosnia-Herzegovina was requested to submit within a year the information on undertaken activities, as required by the Conclusions and Recommendations of the Committee - paras 8, 14, 19 and 23. This means that Bosnia-Herzegovina has obligation and task to inform the competent Committee on the situation of human rights dealt with by the mentioned paragraphs.
5. Complying with the specified deadline, Bosnia-Herzegovina is providing the following information as responses to the recommendations in paragraphs 8, 14, 19 and 23 of the conclusions and recommendations of the Human Rights Committee.

Paragraph 8

6. Bosnia-Herzegovina appreciates justified concern of the Committee over the failure to adopt relevant constitutional amendments on 26 April 2006, and for the fact that the current Election Law of B-H has not yet solved the issue of citizens of Bosnia-Herzegovina belonging to the group of national minorities, treated by the Constitution of B-H as "Others", i.e. persons not belonging to one of the "constituent peoples" of Bosnia-Herzegovina (Bosniaks, Serbs and Croats) in the sense of their exclusion and impossibility to be elected into the House of Peoples and the three-member Presidency of B-H (Articles 2, 25 and 26). Therefore, Bosnia-Herzegovina is asked to reopen the talks on constitutional reforms in a transparent process and on a wide participatory basis, including all interested parties, with a view of adoption of electoral system which guarantees equal enjoyment of rights to all B-H citizens, regardless of their ethnicity, in accordance with Article 25 of the Covenant which reads:

"Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- c) To have access, on general terms of equality, to public service in his country".

7. Proceeding from the overall structure of population of Bosnia-Herzegovina in the course of conclusion of the Dayton Peace Agreement, particular attention was paid to constitutional-legal organisation of future state union. Creators of the Dayton Constitution of B-H had a serious task - how to design political and legal mechanisms which would guarantee equality of peoples and application on conventions on human rights and freedoms. On that occasion the solution was found in adoption of the principle of non-discrimination and avoidance to get into detailed solution of this problem. Article II item 4 of the Constitution of B-H reads:

"The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia-Herzegovina without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status".

The fact that 15 international legal documents protecting human rights, among which the 1992 European Charter for Regional or Minority Languages and 1994 Framework Convention for the Protection of National Minorities are an integral part of the Constitution of B-H implies that the Constitution of B-H secures minority rights to minorities under the highest European standards.

8. However, minority peoples have specific political and constitutional-legal status in the practice of Bosnia-Herzegovina. Although there is still no clear definition as regards who are "Others" and how many of them reside in B-H, except that they are not Bosniaks, Serbs or

Croats, i.e. that they do not belong to one of the "constituent peoples", it could be expected that Bosnia-Herzegovina in the forthcoming period will put efforts to secure for members of minorities - through practical life activities - rights which belong to them under the Constitution. To this end, with a view of full protection of this category of BH population, the Constitutional Court of B-H in the course of 1998 and 2000 put effort to protect their status with several decisions on constituency of peoples of Bosnia-Herzegovina. Subsequently the High Representative for Bosnia-Herzegovina in April 2002, referring to specific decisions of the Constitutional Court of B-H, has made decisions amending Entity Constitutions with direct provisions on proportional representation of constituent peoples and "Others" in the state authorities and public institutions in Bosnia-Herzegovina. According to the High Representative's amendments in Republic Srpska "Serbs, Bosniaks and Croats as constituent peoples, `Others` and citizens participate in execution of power in Republic Srpska". Identical amendments have been imposed on the Constitution of the Federation of B-H. This principle has been worked out through provisions on the structure of representative bodies and executive authorities. In the Federation of B-H at least four members of one constituent people are represented in the House of Representatives, while constituent peoples have 17 delegates each in the House of Peoples, and there are seven "Others". Unfortunately, this principle has not started operating fully in the House of Peoples of the Federation B-H.

9. The practice of "the protection of national interest" has been introduced through constitutional amendments in Republic Srpska, according to which neither law concerning vital national interest can enter into force until adopted by the Council of Peoples, comprising of eight members from each constituent peoples and four members from among "Others". A special Council within the Constitutional Court of Republic Srpska has been introduced as an instrument for vital national interests` protection, with two judges from each of three constituent peoples and one from among "Others".

10. So, from the legal point of view, legal and political status of minority groups in Bosnia-Herzegovina has been determined in accordance with the generally adopted European standards. The problem is that the mentioned provisions have not been implemented consistently in practice.

11. Due to the mentioned and other problems, at the end March 2006, following many month discussions, the actual authorities signed the Agreement on Amendments to the Constitution of B-H, in order to eliminate more successfully certain constitutional provisions which due to their unclearness may present discrimination of those not belonging to constituent peoples. Although under the current Constitution of Bosnia-Herzegovina members of national minorities, i.e. "Others" are not technically prevented to run for and to be elected on the most responsible political functions in the state, it is evident that members from among "Others" are not positioned on the most responsible functions, which is guaranteed to them under the current constitutional arrangement.

12. We emphasise that proposed constitutional solutions even more encourage and guarantee members of national minorities to participate in political life of the state equally and without any discrimination. In order to realise this in the forthcoming period it will be necessary to work out Election Law mechanisms under which guaranteed seats for members of national minorities,

called "Others" will be filled up. This issue could be worked out only after the new constitutional amendments reform, which is to be expected soon. It is hoped that a constitutional category "Others" will be equal in all fields of society, both technically and essentially and actually, as well as they will participate equally and without discrimination in the highest political and social functions, from local self-governance to the highest authorities at the State level.

13. Proposals on constitutional amendments were not adopted in parliamentary procedure, and after that at the end 2006 General Parliamentary Elections were held. It was agreed that after the Elections activities would be continued on agreements and on constitutional solutions, containing solutions relating to the rights of "Others". However, this has not been the case yet.

14. As regards amendments to the Election Law of Bosnia-Herzegovina, the Interministerial Working Group has been established, tasked with the preparation of the Proposals of Amendments to the Election Law of Bosnia-Herzegovina, the Law on Political Parties Financing and the Law on the Conflict of Interests in Bosnia-Herzegovina. The Interministerial Working Group is composed of three representatives of the Council of Ministers of B-H, three representatives of the Parliamentary Assembly of B-H (both Houses), and four members of the Central Electoral Commission of Bosnia-Herzegovina.

15. The Working Group has been working intensively on the set tasks since the beginning July 2007. It has been planned that the Proposal of the draft Law on the Amendments to the Election Law of Bosnia-Herzegovina be prepared by 15 November 2007, and that it be forwarded into parliamentary procedure.

16. The essence of amendments of the Election Law of Bosnia-Herzegovina refers to the three levels:

- the first level is related to the technical informative amendments of the Law, for the purpose of better organising and technical preparations of the next local elections, to be held in October 2008. Hence, its amendments have to be adopted a year before elections are held;
- the second amendment would relate to enabling members of national minorities to be represented in the legislative bodies of local authorities (municipal assemblies in Republic Srpska and municipal councils in the Federation of B-H), and
- harmonisation of the whole Election Law with European electoral heritage, i.e. with international standards in the field of elections.

17. As regards national minorities, underway are activities on amendments of Articles 13 and 14 of the Election Law of Bosnia-Herzegovina. In this way, in accordance with the mentioned provisions, members of national minorities will be enabled to be included into electoral process on an equal footing.

18. We inform you that, in accordance with the forthcoming constitutional changes in Bosnia-Herzegovina, the issue of the meaning of the term "Others" has been raised more frequently. Upon delegates' questions, the Constitutional-Legal Commission of both Houses of the Parliamentary Assembly of B-H has addressed this question for one of the forthcoming

sessions of the Council of Ministers of B-H with a view of defining the term "Others", in order to finally have authentic interpretation of the term "Others", and to carry out in this way certain changes in the Election Law of B-H pertaining to this issue.

Paragraph 14

19. The issue of the missing persons is one of the most urgent issues, both from the aspect of obligation of the State to solve it and to end it, and from the deepest human and moral relation towards families which have not found their relatives yet. Therefore, the Committee reminds Bosnia-Herzegovina to solve the fate of some 13,000 persons found missing during the war 1992-1995, reminds B-H on more transparent and detailed informing the families of missing persons on the fate of their relatives, since the failure to examine causes and circumstances of their death, as well as the burial places increases uncertainty and sufferings for the family members and most often present violation of Article 7 of the Covenant (Articles 2(3), 6 and 7). Bosnia-Herzegovina is required to intensify efforts in undertaking immediate and efficient actions to investigate all outstanding cases of missing persons and to immediately secure that the Missing Persons Institute of B-H become fully operational, in accordance with the Decision of the Constitutional Court from 13 August 2005. The Committee insists on providing the central database of the missing persons, and full operative work of the Fund for Support to the Families of Missing Persons, with a main view to commence payments to families of missing persons as soon as possible.

20. Considering seriousness and severity of the problems pertaining to the missing persons in the previous time, Bosnia-Herzegovina has made great efforts on solving the problem. Moves have been made on preparation and adoption of legal regulations. The Law on Missing Persons B-H has been adopted; the Guide for Families of Missing Persons has been prepared; institutions established under the Law have been established, namely the Missing Persons Institute of B-H and the Fund for Support to the Families of Missing Persons.

21. The Law on Missing Persons, adopted at the end 2004, determines the principles for the improvement the tracing process, definition of a missing person, the manner of central register keeping, realisation of social and other rights of the members of families of missing persons, as well as other issues pertaining to tracing the missing persons from Bosnia-Herzegovina and in Bosnia-Herzegovina.

22. The Law determines and guarantees full rights to the families of the missing persons to find the fate of the missing persons and relatives, their whereabouts, or, in case they are dead, circumstances, cause of death and burial places if it is known, and to get mortal remains. Article 4 of the Law bounds the authorities to offer available information to the families of the missing persons, to the relevant institutions for missing persons tracing, as well as all necessary assistance pertaining to the improvement of the tracing process and solving the cases of missing persons from and in Bosnia-Herzegovina.

23. With a view of improvement of the tracing process and more efficient identification of mortal remains of missing persons at the State level, the Missing Persons Institute of B-H (MPI) has been established, as an independent institution for tracing the missing persons in/from

Bosnia-Herzegovina. Co-founders of the Missing Persons Institute of B-H are the Council of Ministers of B-H and the International Commission for Missing Persons (ICMP).

24. The MPI has commenced its work, however, not in full capacity yet, which is expected to take place in November 2007. Management bodies have been elected, namely: the Steering Board, the Supervisory Board and the Board of Directors.

25. In October 2007 the Steering Board of the MPI appointed the Advisory Committee, composed of representatives of associations of missing persons in Bosnia-Herzegovina, two Bosniaks, two Serbs and two Croats. The Advisory Committee exercises the influence of the families of missing persons on the missing persons tracing process. Members of associations of missing persons in Bosnia-Herzegovina participate in work of the Steering Board, without the voting right. The Steering Board has prepared and adopted normative documents of the MPI, namely: the Statute, the Rulebook on Systematisation of Posts, the Rulebook on Salaries and Other Remuneration, and the Rulebook on the Work of the MPI. These are the documents needed for the functioning of the MPI. The mentioned documents have been forwarded to the Council of Ministers of B-H for adoption, and will be considered at the next session of the CoM. Following this legally established procedure, the contracts on work will be signed with employees, who have been taken over in accordance with the Agreement on Assuming the Role of Co-founders of the Missing Persons Institute of Bosnia-Herzegovina (Official Gazette of B-H, International Agreements, No. 13/05), signed by the Council of Ministers and the International Commission for Missing Persons (ICMP). This will allow the MPI to formally begin with its work. Article 5 item c of the Agreement defines that the initial staff of the Institute will be taken over from the staff employed in the Federation Commission on Tracing Missing Persons and the Republic Srpska Office on Detained and Missing Persons (17 Bosniaks, 12 Serbs and 7 Croats).

26. The MPI Board has prepared and proposed for adoption the budget needed for the work of the MPI for 2008 in the amount of some BAM 8.5 million.

27. Articles 21-23 of the Law on Missing Persons in B-H (Official Gazette of B-H, No. 50/04) stipulate creation of the Central Records (CEN), collection and usage of data and protection of data. Data in the CEN will not present only a list and identification of missing persons, but an obligation to provide all data in a unique place. This will be a comprehensive database containing photos, films and other information pertaining to missing persons. This process will last 1-2 years.

28. The Working Group for Implementation of the State Law on Missing Persons has adopted preliminary design for the CEN in December 2006. The Working Group is composed of representatives of the Ministry for Human Rights and Refugees of B-H, Entity authorities for tracing missing persons, the ICMP, the International Red Cross and representatives of Entity and District Brcko B-H Governments. Preliminary design has not been considered by the MPI Steering Board, since it has not been operational.

29. The Missing Persons Institute of Bosnia-Herzegovina is responsible, inter alia: to collect, process and systematise the information on missing persons, as well as individual and mass graves; to establish a central, unified database on missing persons (CEN); to keep records,

provide notification to families of missing persons, including the issuance of certificates on disappearance and identity of victims; to find, verify, and mark locations of mass and individual graves; to participate in excavations and exhumations of mass and individual graves, collection of visible surface remains, autopsies, anthropological examinations, etc.

30. However, the MPI does not work in full capacity yet, although transfer of authority from Entity Commissions has been carried out. This transfer has been a basic condition for the establishment of the MPI. This has been done so as to eliminate possible discriminatory actions accompanying exhumation and identification of missing persons, and to accelerate improvement of missing persons tracing and identification. The importance of the support to the work of the MPI is based on the fact that in Bosnia-Herzegovina there are still activities on solving and tracing 13,000 missing persons.

31. The Guide for Families of Missing Persons has been prepared in order to facilitate the access to information, justice and guaranteed rights to families of missing persons, as well as to allow proper implementation of the Law on Missing Persons in Bosnia-Herzegovina.

32. Although the Law has stipulated establishment of the Fund for Support to the Families of Missing Persons, this independent administrative organisation has not begun with its work yet. As regards the Fund, provisions of Articles 15-18 of the Law on Missing Persons in B-H have not been applied yet. The Agreement on Financing of the Fund has not been adopted, since the Governments of the Federation of Bosnia-Herzegovina, Republic Srpska and District Brcko B-H has not agreed on the percent of financing set aside for financing of the Fund. This issue, as well as the issue of the MPI seat has been nominated to Governments. Due to noncoordination of positions, the Fund is not able to provide financial assistance determined in Article 19 of the Law on Missing Persons in Bosnia-Herzegovina.

33. In spite of all efforts put both by domestic and international institutions and organisations in Bosnia-Herzegovina in ending missing persons tracing, there is still tracing of 13,000 missing persons. This implies that number of missing persons in Bosnia-Herzegovina is still unjustifiably large; and responsibility is on relevant State authorities to solve the issue of missing persons soon, since there are all preconditions for the mentioned.

Paragraph 19

34. The Committee shows particular interest for consistent implementation of Articles 7 and 10 of the Covenant, which forbid torture and cruel, inhuman or degrading treatment or punishment, since all persons deprived of liberty have to be treated in a human way, respecting dignity inherent in a human being. Examples are listed and responses requested on what is being done in the field of improvement of poor detention conditions in Entity police establishments (overcrowding, understaffing, inadequate equipping, poor material and hygienic conditions, lack of professional and trained staff, etc). The Committee particularly stresses the state in the Forensic-Psychiatric Ward of the Zenica Prison and the Sokolac Psychiatric Clinic. It considers that Bosnia-Herzegovina should pay more attention to improvement of material and hygienic conditions in detention and prison facilities and mental health institutions in both Entities, and to work faster on international standards fulfilment.

35. In Bosnia-Herzegovina there are four incoherent and incomplete systems for the execution of criminal sanctions. We talk on incomplete systems since none of them function as rounded whole, which would satisfy with its complete infrastructure all aspects of the execution of criminal sanctions (there are no separate female correction institutions for serving sentence of imprisonment nor an institution for execution of correctional measures, inadequate placement and treatment of vulnerable groups: juveniles, mentally ill patients, drug addicts, persons with disabilities, elderly and bed-ridden persons, etc). They are incoherent due to the fact that their legal solutions are different and make horizontal flow of sentenced persons impossible, without violation of human rights of sentenced persons.

(a) The first system relates to the execution of sentence of imprisonment and measure of detention pronounced, i.e. determined by the Court of B-H. This subject has been regulated by the Law on the Execution of Criminal Sanctions, Detention and Other Measures of Bosnia-Herzegovina (Official Gazette B-H, No. 13/05). There is no separate correctional institution for execution of sentence of imprisonment pronounced by the Court of B-H; that sentence is executed in Entity correctional institutions. The only measure executed in the Detention Unit of the Court of B-H for 20 persons is a detention measure determined by the Court of B-H. Since these capacities are not sufficient for placement of all detainees of the Court of Bosnia-Herzegovina, other detainees are placed in the Entity correctional institutions. Most often there are the Half-Open Type Correctional Institution in Sarajevo East and the Half-Open Type Correctional Institution in Sarajevo. There is the plan to widen accommodation capacities for 16 more places through adaptation of the current facility of the Detention Unit. However, this will not be sufficient to meet needs of the Court of B-H. Moreover, underway are plans for the construction of a separate Correctional Institution in Sarajevo East, for the execution of sentences of imprisonment and measures of detention pronounced, i.e. determined by the Court of B-H. The Law on the Establishment of the Institution for the Execution of Criminal Sanctions, Detention and Other Measures of Bosnia-Herzegovina is in the parliamentary procedure. Underway are preparations on arrangement of construction land for the commencement of construction of the Institution. It has been planned that the Institution has some 340 places.

The Ministry of Justice of B-H has enacted all by-laws stemming from the provisions of the Law on the Execution of Criminal Sanctions, Detention and Other Measures of Bosnia-Herzegovina. These by-laws contain European prison rules standards and other international documents dealing with sentenced persons` rights, as well the CPT recommendations. The overall treatment of detainees in the Detention Unit of the Court of Bosnia-Herzegovina meets the high European standards, which is judgement of all international and domestic experts visiting the Detention Unit.

(b) The second system functions in the Federation of Bosnia-Herzegovina. Execution of the sentence of imprisonment in the Federation of B-H has been regulated by the Law on the Execution of Criminal Sanctions in the Federation of B-H (Official Gazette of the FB-H, Nos. 44/98 and 42/99). There is one Close-Type Correctional Institution, four Half-Open Type Correctional Institutions and three wards of Half-Open Type Correctional Institutions. Overall placement capacity is: 1052 places for sentenced persons and 361 places for placement of persons serving detention measure.

(c) The third system of execution of criminal sanctions operates in Republic Srpska. Execution of criminal sanctions in Republic Srpska has been regulated by the Law on the Execution of Criminal Sanctions in Republic Srpska (Official Gazette of RS, No. 64/01). The mentioned Law has been harmonised with the Law on the Execution of Criminal Sanctions, Detention and Other Measures of Bosnia-Herzegovina determined in the Law on Amendments to the Law on Execution of Criminal and Misdemeanour Sanctions of Republic Srpska (Official Gazette of RS, No. 68/07). There are two Close-Type Correctional Institutions, one Half-Open Type Correctional Institution and three District Prisons at the territory of Republic Srpska. The overall placement capacities are 770 places for sentenced persons and 285 places for placement of persons serving detention measure.

(d) The fourth system operates in District Brcko B-H. Execution of criminal sanctions in District Brcko B-H has been regulated by the Law on the Execution of Criminal Sanctions of District Brcko B-H (Official Gazette of District Brcko B-H, Nos. 8/00 and 1/01). There is no separate correctional institution in District Brcko B-H for execution of sentence of imprisonment; imprisonment sentence is executed in Entity correctional institutions. In District Brcko B-H there is the Detention Unit with 45 places for placement of persons for whom measure of detention is pronounced by Courts of District Brcko B-H.

36. All available capacities of the correctional institutions in Bosnia-Herzegovina have been filled. There are free places only in the Ward of the Half-Open Type Correctional Institution in Mostar and in the Ward of the Half-Open Type Correctional Institution in Zenica. The most difficult situation is with the Half-Open Type Correctional Institution in Sarajevo. The capacities in that Institution are overcrowded; not all persons referred to serve imprisonment sentence can be received, but there is a waiting list. A similar situation as regards the reception of sentenced persons is in the Half-Open Type Correctional Institution in Bihac, in which there is also a waiting list for the reception of new sentenced persons.

37. Regardless the fact that correctional institutions are under the competence of Entity Ministries of Justice, the State Ministry of Justice, with a view of assisting in solving the problem with placement of detainees in the Half-Open Type Correctional Institution in Sarajevo, has prepared the Information on Overcrowding of Placement Capacities in the Ward of the Half-Open Type Correctional Institution in Sarajevo, with a Proposal of Conclusions. In April 2007 the Information was forwarded to the Council of Ministers of B-H for consideration. The Council of Ministers B-H considered the Information at the beginning of June 2007 and passed a conclusion that, pending adoption of the Law on the State Property, the State Ministry of Justice is tasked to undertake activities and to try to solve the solution for unburdening the capacities, utilising the internal reserves.

38. The problem of adequate placement to treatment of persons currently placed in the special ward for serving of previous measure of obligatory psychiatric treatment and confinement in a medical institution with the Closed-Type Correctional Institution in Zenica is under exclusive competence of the authorities of the Federation of B-H. Moreover, the State Ministry of Justice has been actively included in this problem solving. As a result of these activities, there is the Information on rehabilitation of the building for the needs of execution of

measure of obligatory psychiatric treatment pronounced in criminal proceedings (the building next to the Sokolac Psychiatric Clinic). In August 2007 the Information was submitted to the Council of Minister of B-H on consideration and adoption of the proposed conclusions.

39. Given that the CPT in the course of 2003 set minimum requirements for police establishments, in the course of 2007, under the CPT report, most police stations in Bosnia-Herzegovina have complied with the set criteria; moreover, there have been certain improvements. Taken as a whole, most cells in police stations are still in poor condition: little natural light, poor artificial light, inadequate ventilation, and poor hygienic conditions. Certain police cells have been put out of use, and some have done adaptation and upgrading in the meantime.

40. The situation with police establishments has not changed significantly as compared with the period since the submission of the Initial Report on the Situation of Civil and Political Rights in Bosnia-Herzegovina. Efforts are made, but due to insufficient funds many 2003 CPT's recommendations have not been applied up to date.

41. A particular problem relates to overcrowding of police establishments, stressing a significant problem with placement of juvenile offenders. As a rule, there is no progress with placement of juvenile offenders. Juveniles still share cells with adults, or are placed in rooms of the same corridor whose doors remain unlocked during the night. The solution is in the construction of new units adjusted to the needs of juveniles. There are some ideas to prepare smaller units with multidisciplinary team (male-female would be the best) selected and specially trained for work with juveniles. Recommendations are that it would be the best if such units have their own management.

42. Given that safety situation in certain prisons (Zenica, Dobo, Foca and Sarajevo) is not at satisfactorily level both for inmates and prison staff due to excesses taking place in the previous period, the CPT has recommended as sooner preparation of integral strategy for dealing with violence in prisons at the level of Bosnia-Herzegovina, the Federation of Bosnia-Herzegovina, Republic Srpska and District Brcko B-H. New criminal legislation has amended the criminal justice system by transforming it with international practice and principles. Investigation functions have been transferred to prosecutors, while the office of an investigation judge has been dissolved. Under the new legislation, a person whom the police has deprived of liberty on the grounds for suspicion that he may have committed a criminal act must be brought to the prosecutor not later than 24 hours. The prosecutor must submit a preliminary hearing judge a request for determination of pre-trial confinement or a release order. So, the longest period spent in police detention is 48 hours.

43. The rule of law, however, requires not only adoption of the adequate legal norms, but also undertaking necessary activities securing their application. Focus has been placed on three fundamental rights of persons deprived of liberty, namely: the right to inform his family or the third party about his deprivation of liberty, the right to a defence attorney of his own choice, and the right to a doctor. It is particularly important that a person deprived of liberty be informed on his rights without delay. Information collected in the course of 2007 implies that there is still a need for improvement of practical application of the mentioned and other rights, given the fact

there is incomplete compliance with legal provisions.

44. In accordance with Articles 7 and 10 of the Covenant on Civil and Political Rights in Bosnia-Herzegovina, Bosnia-Herzegovina has submitted and presented to the UN Committee for Human Rights the Initial Report, presenting, inter alia, the situation and position of detainees and inmates in Bosnia-Herzegovina. Subsequently, in accordance with Article 10 para 1 of the European Convention specific activities have been conducted several times, initiated by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Since the first CPT's visit in April 2003 in Bosnia-Herzegovina new criminal codes and laws on internal strategies dealing with violence in prisons have entered into force. In order to make them effective it is necessary to employ adequate number of prison staff able to perform their authorities in an adequate manner. It is only the trained staff which is able to react efficiently and to recognise reaction signs of inmates and to react to problems in a resolute and proper manner. Jobs have to be filled in an adequate manner (appropriate number of persons both in day and night shifts, which is not the case at the moment). In this case a critical issue and a critical component are careful assessment, classification and allocation of cells to individual inmates.

45. With a view of prevention of occurrences of violence in prisons in Bosnia-Herzegovina, certain prison establishments plan construction of high security wards. This will certainly contribute to provision of security system as a whole.

46. Since the Committee has expressed particular interest on the state of psychiatric establishments, specifically of the Sokolac Psychiatric Clinic and Annexe of Forensic Psychiatry of the Zenica Prison, follows updated estimation of the current situation in the mentioned establishments:

(a) As regards the Sokolac Psychiatric Clinic situation has been gradually improving. Premises in which patients are placed are cleaner and overall hygienic conditions have been improved. Observation windows have been placed on the doors of rooms, which has not been the case previously. One dormitory room has been turned into a pleasant visiting room. Filling of jobs in the Forensic Psychiatry Unit has been improved, since one more psychiatrist has been employed. He has taken responsibility for patients of Open Ward, with the presence of a psychologist and a social worker, and compulsory presence of two nurses. Number of guards has remained the same: two guards in day shift and one or two in night shifts and during the weekends. Although this is a welcome improvement, number of staff is still unsatisfactory.

(b) Treatment and care of all patients within the Clinic is carried out in the same way through realisation of various types of therapy, namely: pharmacotherapy, group work, individual work, and psychotherapy, working-occupational therapy, etc. The following therapies have been conducted within working occupation: art therapy (painting, modelling, sculpturing, and other activities according to interests), "ART Magazine" published for five years now, music therapy, library therapy (the Library has 1,200 titles).

(c) Court patients are placed in bad conditions. Moreover, there is no sufficient trained staff for work with court patients (vocational-school specialist's training and unskilled workers). Court patients with determined guard service are a particular problem, since a guard

service has no status regulated. The Management of the Clinic has emphasised the State Ministry of Justice and the Ministry of Health Care and Social Welfare of Republic Srpska solving the following issues: to regulate the issues of patients` capacity, procedures, contracts, education, and stable financing (which is very important).

(d) At the moment there are 106 court patients in the Sokolac Psychiatric Clinic. They have been placed in accordance with the old Criminal Procedure Code. These persons are on the grant of the Government of Republic Srpska (BAM 58,000 for some 50-60 persons). The second group are persons placed in accordance with provisions of Article 400 of the Criminal Procedure Code. Funding is questionable for some 20-25 persons. These are persons who have medical insurance; however, without stable financing (the Health Insurance Fund does not finance the treatment).

(e) The third group is a combination of treatment and prison, but funding has not been secured for this group. A small group of patients are from the Zenica Correctional Institution. There is one problematic category which is under observation. As regards the mentioned, an Expertise Ward has been stipulated within the system. It works periodically with as many patients for whom there are places provided.

(f) The Clinic has 4,500 sqm of useful space. Some 1,200 sqm is not in function. Although the Clinic was constructed purposefully in 1991, the facility was devastated, and large investments are needed for its usage. It should be stressed that during the war it was used as a military hospital, and it would be good if competent State authorities accelerate activities on facility reconstruction.

(g) Female court patients are placed with other females, without guard service. This issue should be considered, since such practice is not good.

47. Taken as a whole, activities are still needed to strengthen training of professional staff. The current staff without further staffing improvement will establish with difficulties more meaningful therapeutic environment, which in such type of institutions consists in a wide range of physical, psychological, social and occupational activities. However, the Clinic's management is trying to mitigate that problem through training of the current staff, such as work on issues pertaining to appellate procedure, internal and external reporting mechanisms, exchange of impressions, training of medical staff, training of guards, etc. It is presumption that it would be useful not only to employed staff but also for patients, their guardians and representatives. In contrast to previous use of metal handcuffs, which is unacceptable, usage of magnetic laces has been introduced. One of the innovations is introduction of occupational therapy, since most often the only leisure in free time is watching TV.

48. It should be emphasised that the Forensic Psychiatry Unit was completely destroyed in a fire in April 2006. As per findings, the fire was set by inmates. In this way already poor situation for some 30 or more patients has deteriorated. Dormitories are small. Sometimes two patients are placed in the same bed. There also lack the space for patients` personal belongings. Conditions are also very poor for daily stay and rest of patients. This is practiced in an annexe to the building in which patients stay during nice weather, however, there is no enough place for

walking. There are neither benches for sitting no shelter during bad weather.

49. It will be needed to improve conditions in the dining room, since patients often have to stay and eat meals there. Underway is reconstruction of the restaurant, and it is expected it would be ready for use at the beginning of 2008.

50. As regards involuntarily placement on civil ground, there is the Commission for the Protection of Persons with Mental Disorders within the Clinic. Under provisions of positive legal regulations, the Commission is responsible for monitoring the issues such as: consent to treatment, efficiency of the right to appeal against involuntarily placement, information pertaining to the rights of patients and nature and side effects of the proposed treatment, etc. The Commission is authorised to receive complaints from patients and to act upon them. Unfortunately, the Commission has not been fully operative yet.

51. The Sokolac Psychiatric Clinic management is putting efforts to implement positive legal regulations and CPT's recommendations in order to improve living conditions of patients and the staff. Therefore it is planned, in cooperation with competent State and Entity Ministries and with donor assistance, to reconstruct and upgrade the unused space, so that each patient is provided with minimum 4 sqm, conditions for working and leisure activities, locked places (for personal belongings), that conditions and place for outdoor stay are improved, that arrangement of complete area and green areas are particularly conducted, for which there are all presumptions within the Clinic's complex.

52. Adequate funds are needed for realisation of planned and enumerated items in the foreseeable future. The funds would be secured by competent authorities, one part from the State budget and the other from international donations.

53. As per latest information, there are few noticeable changes and improvement as regards material conditions for patients in the Annexe of Forensic Psychiatry of Zenica Prison. However, noticeable is reduction of number of patients from 69 to 32, which means that two dormitories are less crowded.

54. If placement in smaller groups were secured, which is the fundamental aspect and plan of the Clinic's management, this would preserve the patient's dignity, and policy for psychological and social rehabilitation of patients would be realised more consistently.

55. The issue of qualified staff has not been solved yet. There remained the practice that two psychiatrists visit the Annexe three times a week for a couple of hours, which is not sufficient. CPT's recommendations to provide for contribution of multidisciplinary clinic staff (social worker, working therapist, psychologist) have hardly been implemented. If this and other conditions were fulfilled, prison guards would not have been present in the field of the Annexe, which is the case at the moment.

56. Having in mind all the mentioned, conscience and understanding of competent authorities of both Entities is maturing on the issue that acute problems may be solved at the State level, which implies uniting of forensic psychiatry with the Sokolac Psychiatric Clinic and the Zenica

Prison. All this given that at the moment B-H does not have both funds and expertise to manage two separate safe forensic psychiatry units, capable of providing care and treatment of patients which would have been placed in qualified forensic psychiatry units.

57. Bosnia-Herzegovina has to address this problem in a more organised way. It has to work on a clear and realistic plan including all relevant actors so to enable that a new institution provide adequate and safe conditions to patients in a reasonable time. This means that contradictory information as regards "the founder" of the newly proposed institution has to be overcome urgently. Pending solution of this issue, real efforts have to be put to provide assistance to the current managerial structure to enable them to provide minimal conditions for care and treatment of patients. Without certain and adequate assistance of the competent authorities, administrative structure of this and similar institutions will not be able to meet either legal obligations or fundamental rights required by them.

58. For the purpose of improvement of situation and creation of adequate conditions based on European standards and principles, the Memorandum of Understanding on legal aid and official cooperation in the field of execution of measure of compulsory psychiatric treatment pronounced in criminal procedure was signed between B-H, Republic Srpska, the Federation of B-H and District Brcko B-H. The Memorandum was published in the "Official Gazette of B-H", No. 44/06. The Memorandum regulates that all measures of compulsory psychiatric treatment pronounced by any court in Bosnia-Herzegovina will be executed in the Sokolac Psychiatric Clinic. In the middle 2006 the Council of Ministers of B-H passed the decision on adoption of the Memorandum, and determined to approve special funds for reconstruction and qualification of the Sokolac Psychiatric Clinic, in accordance with the accomplished agreement. A special Unit has been established and the Coordinator for implementation of the Clinic's reconstruction has been appointed. Moreover, the Supervisory Board of the Project has been constituted. The Council of Ministers of B-H has approved initial funds for these purposes in the amount of BAM 15,000.00. The Government of the Swiss Confederation has contributed funds in the amount of CHF 2.8 million (as agreed, managed by the Ministry of Finance and Treasury of B-H). The competitive request has been announced for preparation of the project on reconstruction of the Clinic, rehabilitation project has been prepared, and the project's audit has been carried out. Practically all has been ready for announcement of tender for contractors.

59. Delay in realisation of the mentioned has occurred when the Ministry of Justice of B-H has created problem over the status of future institution. B-H Entities have been asked to declare themselves on the mentioned problem, since diametrically opposed approaches as regards the status of future institution have been proposed at joint meetings. The Republic Srpska Government is of the opinion it should be the founder of the Sokolac Special Hospital for Forensic Psychiatry; while the Government of the Federation of B-H is of the opinion the founder should be the Council of Ministers of B-H. It could be expected that this project, which is important for the whole B-H, will be solved by the end of 2007, and that conditions for placement of forensic inmates will finally been created, in accordance with international standards.

60. Construction of prison at the State level is the second very important project. The aim of the Project is improvement of overall conditions for placement of prisoners and detainees in

Bosnia-Herzegovina. The capacity of future State-level prison is 300 prisoners and 50 detainees. Its construction has been planned for the end of 2008, but due to lack of funds it is likely that the mentioned period would be prolonged for the next six months. Some _ 15 million are needed for construction of this important facility for B-H, which Bosnia-Herzegovina is unable to finance on its own. However, agreement has been reached with international donors, so Bosnia-Herzegovina will participate with 40% funds, while Governments of the USA, the Netherlands and Sweden will participate with 60% of planned funds for realisation of the Project.

61. It could be expected that upon realisation of these two projects there will be significant improvement of general conditions of prisoners and detainees in the forthcoming period. This implies spatial unburdening of prison due to crowded space, improvement of hygienic-material conditions, staffing improvement and training of qualified prison staff, improvement of out-of-prison conditions and contents, respecting human rights of prisoners and providing adequate treatment to mental patients. All mentioned and creation of other presumptions will contribute to general progress and improvement of conditions in prisons in Bosnia-Herzegovina, and more real realisation of generally accepted international standards and norms in this field.

Paragraph 23

62. Given that solving of this significant issue is under jurisdiction of the Ministry of Spatial Planning and Environment of the Sarajevo Canton, it has carried out numerous activities on dislocation of Roma settlements from water protection zone of Butmir and Sokolovic-Kolonija.

63. The subject region, in which a Roma settlement has been established without urban agreement and in unplanned manner, is a water protection area on the border of the first (I) water protection zone. There are following limitations in accordance with the Law on Waters of the Sarajevo Canton, the Rulebook on Conditions for Identification of Sanitary Protection Zones and Protective Measures for Water Sources Used or Intended for Use for Drinking, and the Decision on the Protection of Drinking Water Sources in the Sarajevo Field (Official Gazette of the Sarajevo Canton, No. 16/00):

64. With a view of preservation of quality of surface underground waters at the territory of the Sarajevo Canton:

(a) It is forbidden to construct or reconstruct production capacities, housing and other business and water supply facilities at the land in the zone of influence to the quality of underground waters which may be used for drinking and in areas in which construction of drinking water supply reservoirs for residents and economy in the Sarajevo Canton area has been foreseen in design and other documents;

(b) It is forbidden to store materials which may be hazardous and dangerous for the quality of waters in the zones of sanitary protection of drinking water sources;

(c) Protection of drinking water sources and sources foreseen to be used for drinking by water supply and other documents, as well as protection of waters from pollution in the

Canton area, are of particular long-term importance for the Canton, the City of Sarajevo, municipalities, legal entities and residents of the Canton. All activities which are not in direct relation with normal work and maintenance of water supply system are forbidden within the area of the First protection zone, i.e. First A protection zone. Activities carried out with a view of normal maintenance of the water supply system may not harmfully act on sources.

65. Since the beginning of June 2006 the competent Cantonal Ministry has started numerous activities on Roma settlement dislocation. Several meetings have been held and the ground has been visited, with participation of competent authorities and institutions at all levels, aimed at operationalisation of agreement on the need to relocate Roma settlements from the water protection zone as a main precondition for normalisation of situation in that area. Besides representatives of competent institutions and authorities of Canton Sarajevo, representatives of Roma associations, the B-H Roma Council, international organisations and residents of Roma settlement Butmir, have participated in the subject meetings.

66. Under the current records, a total of 44 families with 236 members reside in Butmir locality, while 6 families with 22 members reside in Sokolovic-Kolonija locality, which means 50 families with 258 members. Out of this number, there are 124 children aged 0-17 (112 in Butmir and 12 in Sokolovic-Kolonija). It has been decided without a doubt that they be relocated on another locality, due to the abovementioned reasons.

67. Following analyses of several locations, Vlakovo locality has been offered as the only actual location for the Roma settlement establishment. Analysis of the location has determined the ownership over the land by the Ilidza Agricultural Cooperative. A Roma settlement would be of a temporary accommodation character. Accommodation for 250 persons would be secured in container units. A needed land is 5,000-6,000 sqm. It is necessary to plan space within this area for secondary raw material dump. A total of 63 containers are needed for accommodation of the settlement's residents (four persons per a container). Five containers would be placed for toilet facilities with showers, and two containers for secondary raw material dump. To place containers it is necessary to provide adequate infrastructure, namely: connection to water supply network, biological device for water cleaning, connection to electric system with street lighting, sub-basing of roads, concrete foundations for containers, access roads to settlement and refuse containers. Establishment of a container settlement would cost BAM 640,000.

68. The Protocol on co-financing the Project on dislocation of Roma settlement from Butmir to Vlakovo, Ilidza Municipality was signed on 1 June 2007 between the Ministry of Housing Issues of Canton Sarajevo and Ilidza Municipality. The Protocol was prepared with a view to provide residents of the settlement with long-term better living and working conditions. The Ministry has committed itself to set aside up to BAM 720,000 for these activities. Ilidza Municipality will secure location for dislocation of Roma settlement to Vlakovo; to obtain, with agreement of the Cantonal Ministry of Economy as the owner of the subject land, general design and execution project for the location equipping, which implies all needed infrastructure; select contractor and supervision over works; and submit phase and final reports on realisation dynamics to the Ministry of Housing Issues. According to the Protocol, Ilidza Municipality is obliged, in cooperation with the Roma association "Our Future", to undertake all activities on list and records of number of persons being dislocated, as well on activities on obtaining necessary

agreements.

69. Based on the Protocol, a special Agreement on realisation of the subject Project will be made. The Agreement will regulate mutual rights and duties for the signatories of the Protocol. It has been planned that realisation of the Project be completed by the end of 2007.

70. The position of the OSCE and the UNHCR is to provide a new location for Roma population, under precondition that they may not be dislocated from that location in the next 10 years, so it would be durable solution of the problem.

71. However, at the meeting held in August 2007 new talks were started, since the Swedish International Development Agency (SIDA) had addressed the Letter of Intention to the Ministry of Housing Issues, in which it guaranteed to set aside in the following year funds for construction of solid facilities for dislocation of this Roma settlement. The SIDA will set aside 5 million SFK (Swedish krana), which significantly had influence on development of further activities in solving of the problem.

72. Activities of the Ministry have been directed to provision of locations for construction of new permanent facilities at localities of nine Municipalities of Canton Sarajevo, stressing that solving of this problem concerning the protection of water protection zone and drinking water is problem of all residents of Canton Sarajevo. To this end engagement of all Sarajevo Municipalities has been requested in a sense that a building with four housing units be constructed in each Municipality. The Government of Canton Sarajevo would direct funds set aside for container units purchasing to provision of land and infrastructure for placement of these buildings. Construction of 11 buildings with 4 housing units each would be adapted to number of household members. These buildings would have ground floor and high attic. External dimensions of a housing unit would be 8x8 m.

73. The Letter of Intent has determined that execution of works will begin in January 2008, and be completed in middle 2008. In this way residents of Roma settlement would be cared for in the best possible way. Localities have already been secured, namely Hadzici Municipality 800-900 sqm of land for construction of two buildings and Vogosca Municipality land for one building. The Swedish Caritas would be obliged to implement construction documentation. Municipalities will be owners of the constructed buildings. Residents of housing units will use them under agreement on housing usage, and are obliged to pay utilities. If a family moves or solves its housing issue in some other way, a housing unit would be allocated to a new family as a temporary accommodation.

74. There are some more positive examples of activities carried out in Bosnia-Herzegovina on housing care of Roma families. These are Ilijas Municipality in which two buildings for accommodation of Roma families have been constructed, and Stari Grad Municipality and Roma association "Our Future" which have secured BAM 800,000 set aside for aid to Roma settlement Butmir.

75. Bosnia-Herzegovina is operating dislocation of Roma families without discrimination and in accordance with international standards, as reminded by the competent Committee.

Regarding discrimination of families in water protection zone, all activities have been undertaken to dislocate them in accordance with established standards to secure a very significant right of Sarajevo residents to drinking water, simultaneously without any discrimination to residents of Roma settlement as compared to old-time residents who are pre-war occupants and owners of land and buildings in accordance with current legal regulation, and which are not in water protection zone. So, urban and space planning documents are public documents issued by competent authorities and are base for legal usage of private property. We emphasise that non-Roma residents across the street are not in water protection zone and their buildings have been constructed in accordance with town-planning scheme of Ilidza Municipality.

76. Just to remind that the mentioned Roma settlement belongs to a category of illegally constructed settlements. Buildings are unconditional, some of them being constructed from cardboard. All were constructed without appropriate permits and authorisation. Residents do not have legal right to use the land, since this is the State-owned land. It particularly has to have in mind that the subject settlement directly endangers the area of the First water protection zone, from which almost 92% of Sarajevo residents is supplied with water. Compensation to those residents will be done through allocation for use of conditional buildings with all conveniences.

77. We emphasise that Bosnia-Herzegovina still has not acceded to the "Decade for Roma Inclusion", an initiative adopted by nine Central and South-eastern Europe countries, supported by international community. The Decade represents political determination of the countries to reduce Roma inequality as regards economic and overall development through implementation of reforms and programmes devised to break that vicious circle of poverty and active exclusion of Roma from social flows. In the course of preparations for the Decade each country has identified limited numbers of national tasks whose fulfilment may be changed, including three mutually interwoven topics. Each country has prepared action plans containing goals and indicators in all areas.

78. As a compensation to the mentioned we emphasise that Bosnia-Herzegovina adopted in 2005 the Strategy for Solving Roma Problems in Bosnia-Herzegovina, which is a great step towards comprehensive national policy for Roma protection. In order to allow the Strategy to be more efficient, B-H has started with elaboration of specific action plans, which will define activities to be undertaken, including the time frame, holders of activities, and detailed budget financing.

79. Bosnia-Herzegovina has already fulfilled conditions to apply for the Decade programme. Besides the current Action Plan of Education of Roma and Members of Other National Minorities, underway are activities on preparation of the Action Plan for Employment, the Action Plan for Housing, and the Action Plan for Health Care. Their preparation is in the final phase, and we hope that Bosnia-Herzegovina will soon fulfil all conditions for joining Decade of Roma programme. Confirmation of the mentioned is the Conference on National Strategy on Roma in Bosnia-Herzegovina, held in Mostar in June 2006. The Conference discussed preparation of Action Plans. This and other undertaken activities confirm the readiness of Bosnia-Herzegovina to solve issues of national minorities, Roma being the most numerous, as a matter of priority and through preparation of action plans, and their subsequent consistent

implementation.

Enclosure:

- Table: A list of Roma families
- Table: A list of Roma children, elementary school pupils

...

**A LIST OF ROMA POPULATION BY HOUSEHOLDS, LOCAL COMMUNITIES
(BUTMIR AND SOKOLOVIC-KOLONIJA) AND AGE**

- NUMBER OF HOUSEHOLD NUMBERS AND
- NUMBER OF HOUSEHOLD NUMBERS (CHILDREN) (AGED FROM 0 TO 17)

TABLE-ROMA - BUTMIR / S.KOLONIJA					
HOUSEHOLD NO. 01					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
1	1	SULEJMANOVI_ (HAJRO) RASEMA	170493313 6559	BUTMIR	74
NUMBER OF HOUSEHOLD MEMBERS 1 NUMBER OF CHILDREN 0					
HOUSEHOLD NO. 02					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
2	1	SULEJMANOVI_ (ZUHDIJA) SAFET	151297013 1544	BUTMIR	36
3	2	SEJDOVI_ (RAMIZ) MEVLA	1.010e+12	BUTMIR	33
4	3	SULEJMANOVI_ (SAFET) ŠEMSA	160798617 5208	BUTMIR	21
5	4	SULEJMANOVI_ (SAFET) ŠEMSO	401989	BUTMIR	18
6	5	SULEJMANOVI_ (SAFET) MIRSADA	1.206e+12	BUTMIR	16
7	6	SULEJMANOVI_ (SAFET) AMBRA	191199517 6621	BUTMIR	11
8	7	SULEJMANOVI_ (SAFET) ADIS	1.905e+12	BUTMIR	14

9	8	SULEJMANOVI_ (SAFET) SANDRA	2.304e+12	BUTMIR	9
10	9	SULEJMANOVI_ (SAFET) SAMIRA	1.202e+12	BUTMIR	4
11	10	SULEJMANOVI_ (SAFET) ARMIN	2402005	BUTMIR	2
12	11	SULEJMANOVI_ (SAFET) OLIVER	4.070e+11	BUTMIR	6

NUMBER OF HOUSEHOLD MEMBERS 11
NUMBER OF CHILDREN 7

HOUSEHOLD NO. 03

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
13	1	SULEJMANOVI_ (BAJRO MEHMED	5.039e+11	BUTMIR	65
14	2	SULEJMANOVI_ (D_EMO) HAFIZA	1.802e+12	BUTMIR	66
15	3	SULEJMANOVI_ (MEHMED) JAGODA	7.030e+11	BUTMIR	24
16	4	SULEJMANOVI_ (MEHMED) MALENA	7.030e+11	BUTMIR	24
17	5	SULEJMANOVI_ (MEHMED) HALIMA	1.303e+12	BUTMIR	20

NUMBER OF HOUSEHOLD MEMBERS 5
NUMBER OF CHILDREN 0

HOUSEHOLD NO. 04

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
18	1	SULEJMANOVI_ (RIFET) HAJRUDIN	2.512e+12	BUTMIR	51
19	2	SULEJMANOVI_ (ZUHDIJA) ŠEVALA	3.104e+12	BUTMIR	49
20	3	SULEJMANOVI_ (HAJRUDIN) SANJA	2.020e+11	BUTMIR	19
21	4	SULEJMANOVI_ (HAJRUDIN) ANDREA	1310993	BUTMIR	14
22	5	SULEJMANOVI_ (HAJRUDIN) NIJAS	2.202e+12	BUTMIR	11
23	6	SULEJMANOVI_	2.002e+12	BUTMIR	18

		(HAJRUDIN) MERDAN			
24	7	SULEJMANOVI_ (HAJRUDIN) ERMNIN	2.302e+11	BUTMIR	16
NUMBER OF HOUSEHOLD MEMBERS 7 NUMBER OF CHILDREN 3					

HOUSEHOLD NO. 05					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
25	1	SULEJMANOVI_ (HAJRUDIN) GALIB	3.040e+11	BUTMIR	30
26	2	SULEJMANOVI_ (RAMIZ) RAMIZA	060598217 6505	BUTMIR	25
NUMBER OF HOUSEHOLD MEMBERS 2 NUMBER OF CHILDREN 0					

HOUSEHOLD NO. 06					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
27	1	SULEJMANOVI_ (_AZIM) HIMZO	1.040e+11	BUTMIR	25
28	2	SEFEROVI_ (NAZIF) VERA	1.008e+12	BUTMIR	25
NUMBER OF HOUSEHOLD MEMBERS 2 NUMBER OF CHILDREN 0					

HOUSEHOLD NO. 07					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
29	1	SULEJMANOVI_ (FEHIM) SANDALA	1.060e+11	BUTMIR	38
30	2	SULEJMANOVI_ (SANDALA) D_ANA	2.602e+12	BUTMIR	9
31	3	SULEJMANOVI_ (SANDALA) ĐANI	2.602e+12	BUTMIR	13
32	4	SULEJMANOVI_ (SANDALA) VALTER	2.602e+12	BUTMIR	13

NUMBER OF HOUSEHOLD MEMBERS 4 NUMBER OF CHILDREN 3					
---	--	--	--	--	--

HOUSEHOLD NO. 08					
NO.	MEMBER	FAMILY NAME AND NAME	ID	LOCAL	AGE

	NO.		NUMBER	COMM.	
33	1	SULEJMANOVI_ (MEHMED) HASENIJA	300997917 6501	BUTMIR	28
NUMBER OF HOUSEHOLD MEMBERS 1 NUMBER OF CHILDREN 0					
HOUSEHOLD NO. 09					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
34	1	SULEJMANOVI_ (MEHMED) FERID	2.708e+12	BUTMIR	34
35	2	AD_OVI_ (MOM_ILO) BEBA	1.803e+12	BUTMIR	28
36	3	SULEJMANOVI_ (FERID) MARIO	1.802e+12	BUTMIR	8
37	4	SULEJMANOVI_ (FERID) KRISTINA	5.030e+11	BUTMIR	9
38	5	SULEJMANOVI_ (FERID) ŠABAN	140800517 0039	BUTMIR	2
39	6	SULEJMANOVI_ (FERID) LATIFA	021000317 6082	BUTMIR	4
NUMBER OF HOUSEHOLD MEMBERS 6 NUMBER OF CHILDREN 4					
HOUSEHOLD NO. 10					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
40	1	SULEJMANOVI_ (MEHMED) RATKO	1.812e+12	BUTMIR	27
41	2	SULEJMANOVI_ (EDHEM) SNJE_ANA	3.009e+12	BUTMIR	29
42	3	SULEJMANOVI_ (RATKO) MALENA	171200017 5072	BUTMIR	6
43	4	SULEJMANOVI_ (RATKO) SANDRA	1.009e+12	BUTMIR	5
NUMBER OF HOUSEHOLD MEMBERS 4 NUMBER OF CHILDREN 2					
HOUSEHOLD NO. 11					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
44	1	SULEJMANOVI_ (MEHMED) MEHMED	1.102e+12	BUTMIR	31

45	2	SEFEROVI_ (IFET) IZETA	2.704e+12	BUTMIR	27
46	3	SULEJMANOVI_ (MEHMED) RUBIN	2004002	BUTMIR	5
47	4	SULEJMANOVI_ (MEHMED) ROMINA	101995	BUTMIR	12

48	5	SULEJMANOVI_ (MEHMED) AMELA	0101001	BUTMIR	6
49	6	SULEJMANOVI_ (MEHMEDA) EDIN	7.080e+11	BUTMIR	9
50	7	SULEJMANOVI_ (MEHMED) KASANDRA		BUTMIR	
51	8	SULEJMANOVI_ (MEHMED) HALIMA		BUTMIR	

NUMBER OF HOUSEHOLD MEMBERS 8
NUMBER OF CHILDREN 4

HOUSEHOLD NO. 12

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
52	1	SULEJMANOVI_ (OMER) MEHMED	170493617 2009	BUTMIR	71

NUMBER OF HOUSEHOLD MEMBERS 1
NUMBER OF CHILDREN 0

HOUSEHOLD NO. 13

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
3	1	SULEJMANOVI_ (RIFET) NURA	060596017 7036	BUTMIR	47
54	2	SULEJMANOVI_ (_AZIM) LAZAR	2003983	BUTMIR	24
55	3	SULEJMANOVI_ (_AZIM) BEBI	2701992	BUTMIR	15
56	4	SULEJMANOVI_ (_AZIM) MACA	1.011e+12	BUTMIR	13
57	5	SULEJMANOVI_ (_AZIM) EJUB	150397719 1608	BUTMIR	30

NUMBER OF HOUSEHOLD MEMBERS 5
NUMBER OF CHILDREN 2

HOUSEHOLD NO. 14

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
58	1	SEFEROVI_ (NAZIF) NUSRET	040595813 1542	BUTMIR	49
59	2	SULEJMANOVI_ (KASIM) VASVIJA	5.050e+11	BUTMIR	52
NUMBER OF HOUSEHOLD MEMBERS 2 NUMBER OF CHILDREN 0					
HOUSEHOLD NO. 15					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
60	1	SEFEROVI_ (IBRO) MURADIF	150196115 1972	BUTMIR	46
NUMBER OF HOUSEHOLD MEMBERS 1 NUMBER OF CHILDREN 0					
HOUSEHOLD NO. 16					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
61	1	SEFEROVI_ (NAZIF) NAZIF	011095313 0009	BUTMIR	54
62	2	SEFEROVI_ (AGO) ESMA	6.070e+11	BUTMIR	50
63	3	SEFEROVI_ (NAZIF) DALIBORKA	080398313 5027	BUTMIR	24
64	4	SEFEROVI_ (NAZIF) SLADANA	2.505e+12	BUTMIR	9
65	5	SEFEROVI_ (NAZIF) VIOLETA	7.070e+11	BUTMIR	16
66	6	SEFEROVI_ (NAZIF) NED_AD	271098513 0005	BUTMIR	22
67	7	SEFEROVI_ (NAZIF) KENTI	2.604e+12	BUTMIR	18
68	8	SEFEROVI_ (NAZIF) RASEMA	9.090e+11	BUTMIR	13
69	9	SEFEROVI_ (NAZIF) KASANDRA	101199917 6505	BUTMIR	8
70	10	SEROVI_ (NAZIF) FERID	1.020e+11	BUTMIR	12
71	11	SEFEROVI_ (NAZIF) KASANDRO	3.012e+12	BUTMIR	5
NUMBER OF HOUSEHOLD MEMBERS 11 NUMBER OF CHILDREN 6					
HOUSEHOLD NO. 17					

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
72	1	SEFEROVI_ (NAZIF) HAMDIJA	1.204e+12	BUTMIR	33
73	2	SEFEROVI_ (LATIF) BEHARA	1.050e+11	BUTMIR	29
74	3	SEFEROVI_ (HAMDIJA) REUF	3.100e+11	BUTMIR	13
75	4	SEFEROVI_ (HAMDIJA) ENES	2.040e+11	BUTMIR	14

76	5	SEFEROVI_ (HAMDIJA) SAMSON	1.303e+12	BUTMIR	8
77	6	SEFEROVI_ (HAMDIJA) D_EKSON	211000017 1503	BUTMIR	7
78	7	SEFEROVI_ (HAMDIJA) JELENA	150299917 6630	BUTMIR	8
79	8	SEFEROVI_ (HAMDIJAS) SAMANTA	5.060e+11	BUTMIR	3
80	9	SEFEROVI_ (HAMDIJA) SAMIR	1.708e+12	BUTMIR	5

NUMBER OF HOUSEHOLD MEMBERS 9
NUMBER OF CHILDREN 7

HOUSEHOLD NO. 18

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
81	1	SEFEROVI_ (MEHMED) MUFIK	7.030e+11	BUTMIR	39
82	2	SEJDOVI_ (IBRAHIM) ALEMA	7.100e+11	BUTMIR	36
83	3	SEFEROVI_ (MUFIK) DRAGANA	2.113e+12	BUTMIR	17
84	4	SEFEROVI_ (MUFIK) MUHAREM	2911990	BUTMIR	16
85	5	SEFEROVI_ (MUFIK) GRANA	2.013e+12	BUTMIR	18
86	6	SEFEROVI_ (MUFIK) SINAN	1501993	BUTMIR	14

NUMBER OF HOUSEHOLD MEMBERS 6

NUMBER OF CHILDREN 3					
HOUSEHOLD NO. 19					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
87	1	SEFEROVI_ (MUFIK) D_EVAD	5.080e+11	BUTMIR	22
88	2	SEFEROVI_ (HAMDIJA) LENKA	2.810e+12	BUTMIR	18
89	3	SEFEROVI_ (D_EVAD) EMIN	1.608e+12	BUTMIR	3
NUMBER OF HOUSEHOLD MEMBERS 3 NUMBER OF CHILDREN 1					
HOUSEHOLD NO. 20					

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
90	1	SEFEROVI_ (MEHMED) BEKRIJA	6.040e+11	BUTMIR	37
91	2	SEFEROVI_ (BEKRIJA) VIŠNJA	2411987	BUTMIR	19
NUMBER OF HOUSEHOLD MEMBERS 2 BROJ DJECE 0					
HOUSEHOLD NO. 21					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
92	1	SEFEROVI_ (OMER) HAJRIJA	3.039e+10	BUTMIR	61
93	2	OSMANOVI_ (GALIB) ELIZABETA	3.111e+12	BUTMIR	17
94	3	SEFEROVI_ (BEKRIJA) LJUBO	1.110e+11	BUTMIR	22
95	4	SULEJMANOVI_ (_AZIM) SUZANA	605980	BUTMIR	27
96	5	SEFEROVI_ (BEKRIJA) HAJRIJA	2011989	BUTMIR	17
97	6	SEFEROVI_ (BEKRIJA) MUNIBA	0505994	BUTMIR	13

98	7	SEFEROVI_ (BEKRIJA) GIGAN	2610995	BUTMIR	12
99	8	SEFEROVI_ (BEKRIJA) TULJE	2.012e+12	BUTMIR	5
100	9	SEFEROVI_ (BEKRIJA) SAMIR	2.810e+12	BUTMIR	7
101	10	SEFEROVI_ (BEKRIJA) TAIBA		BUTMIR	
NUMBER OF HOUSEHOLD MEMBERS 10 NUMBER OF CHILDREN 6					
HOUSEHOLD NO. 22					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
102	1	SEFEROVI_ (MAHMUT) HAJRIJA	3.039e+11	BUTMIR	61
NUMBER OF HOUSEHOLD MEMBERS 1 NUMBER OF CHILDREN 0					
HOUSEHOLD NO. 23					

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
103	1	SEFEROVI_ (BEKRIJA) ŠEFKIJA	1.504e+12	BUTMIR	58
104	2	SEFEROVI_ (ŠEFKIJA) ZUHDIJA	101991	BUTMIR	16
105	3	SEFEROVI_ (ŠEFKIJA) ŠEVKIJA	101997	BUTMIR	10
NUMBER OF HOUSEHOLD MEMBERS 3 NUMBER OF CHILDREN 2					
HOUSEHOLD NO. 24					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
106	1	HAD_OVI_ (BAHTO) BEBA	2.410e+12	BUTMIR	40
NUMBER OF HOUSEHOLD MEMBERS 1 NUMBER OF CHILDREN 0					
HOUSEHOLD NO. 25					

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
107	1	SULEJMANOVI_ (MEHMED) BAJRO	2.112e+11	BUTMIR	35
108	2	SULEJMANOVI_ (RAMIZ) NAZIFA	1.212e+12	BUTMIR	31
109	3	SULEJMANOVI_ (BAJRO) ROMANO	8.100e+11	BUTMIR	4
110	4	SULEJMANOVI_ (BAJRO) ROMEO	3.101e+12	BUTMIR	1
111	5	SEJDOVI_ (NAZIFA) SANJA	101989	BUTMIR	18
112	6	SEJDOVI_ (NAZIFA) DUDIJA	091199219 7172	BUTMIR	15
113	7	SEJDOVI_ (NAZIFA) MAJKON	0101001	BUTMIR	6
114	8	SEJDOVI_ (NAZIF) GORDANA	101002	BUTMIR	5
115	9	SEJDOVI_ (NAZIF) SAMANTA	101999	BUTMIR	8
116	10	SEJDOVI_ (NAZIF) MUHAREMA		BUTMIR	
NUMBER OF HOUSEHOLD MEMBERS 10 NUMBER OF CHILDREN 6					
HOUSEHOLD NO. 26					

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
117	1	HUSEINOVI_ (ALAGA) HAJRIJA	5.130e+11	BUTMIR	44
118	2	SEJDOVI_ (RAMIZ) RAMBO	1.120e+11	BUTMIR	17
119	3	SEJDOVI_ (RAMIZ) HAJRUDIN	2.012e+12	BUTMIR	20
120	4	SEJDOVI_ (RAMIZ) ROKI	1.511e+12	BUTMIR	19
NUMBER OF HOUSEHOLD MEMBERS 4 NUMBER OF CHILDREN 1					
HOUSEHOLD NO. 27					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE

121	1	SEJDOVI_ (RIFET) FATIMA	1.307e+12	BUTMIR	67
122	2	SEJDOVI_ (MEHMED) HALIDA	2.312e+12	BUTMIR	31
123	3	SEJDOVI_ (MEHMED) SAKIB	2608983	BUTMIR	24
NUMBER OF HOUSEHOLD MEMBERS 3 NUMBER OF CHILDREN 0					
HOUSEHOLD NO. 28					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
124	1	SEJDOVI_ (MUSTAFA) MEHMED	1.010e+12	BUTMIR	66
125	2	SEJDOVI_ (MEHMED) LIBER	2603989	BUTMIR	18
NUMBER OF HOUSEHOLD MEMBERS 2 NUMBER OF CHILDREN 0					
HOUSEHOLD NO. 29					
126	1	SEJDOVI_ (MEHMED) ENVER	4.040e+11	BUTMIR	28
127	2	SULEJMANOVI_ (HIMZO) FADILA	6.050e+11	BUTMIR	27
128	3	SEJDOVI_ (ENVER) ALDIN	220700417 0017	BUTMIR	3
NUMBER OF HOUSEHOLD MEMBERS 3 NUMBER OF CHILDREN 1					
HOUSEHOLD NO. 30					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
129	1	SEJDOVI_ (MEHMED) HALID	5.080e+11	BUTMIR	26
130	2	SULEJMANOVI_ (_AZIM) HALIDA	1.903e+12	BUTMIR	22
131	3	SEJDOVI_ (HALID) DENIS	1.302e+12	BUTMIR	5
132	4	SEJDOVI_ (HALID) TAJSON	2510003	BUTMIR	4
133	5	SEJDOVI_ (MEHMEDA) LJUBINKA	2.103e+12	BUTMIR	20
134	6	SEJDOVI_ (MEHMED) ZDRAVKO	230597117 2005	BUTMIR	36
NUMBER OF HOUSEHOLD MEMBERS 6					

NUMBER OF CHILDREN 2					
HOUSEHOLD NO. 31					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
135	1	SEJDOVI_ (MEHMED) JERKO	1.503e+12	BUTMIR	39
136	2	SULEJMANOVI_ (MEHMED) BAHRIJA	2.112e+12	BUTMIR	35
137	3	SEJDOVI_ (JERKO) DALIBOR	7.080e+11	BUTMIR	20
138	4	SEJDOVI_ (JERKO) DAVOR	300598817 0049	BUTMIR	19
139	5	SEJDOVI_ (JERKO) MILOŠ	080199117 0130	BUTMIR	16
140	6	SEJDOVI_ (JERKO) DAVID	2601995	BUTMIR	12
141	7	SEJDOVI_ (BAHRIJA) ROBERTINA		BUTMIR	
142	8	SEJDOVI_ (BAHRIJA) ELMA	1004997	BUTMIR	10
143	9	SEJDOVI_ (JERKO) ELVEDINA		BUTMIR	
144	10	SEJDOVI_ (JERKO) NIHADA	1303001	BUTMIR	6
NUMBER OF HOUSEHOLD MEMBERS 10 NUMBER OF CHILDREN 4					
HOUSEHOLD NO. 32					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
145	1	RAMOVI_ (ĐEMO) ZURIFA	6.110e+11	BUTMIR	37
146	2	SEJDOVI_ (ZDRAVKO) LJUBICA	2.412e+12	BUTMIR	17
147	3	RAMOVI_ (ZURIFA) JASMINA	2005998	BUTMIR	9
148	4	RAMOVI_ (ZURIFA) EMIRA	2807993	BUTMIR	14
149	5	RAMOVI_ (ZURIFA) AMELA	1807993	BUTMIR	14
150	6	RAMOVI_ (ZURIFA) D_EMILA	28110001	BUTMIR	6
151	7	RAMOVI_ (ZURIFA) ZLATA	141200217 6092	BUTMIR	4
NUMBER OF HOUSEHOLD MEMBERS 7 NUMBER OF CHILDREN 6					

HOUSEHOLD NO. 33					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
152	1	SEJDOVI_ (ŠE_O) ISMET	1.049e+11	BUTMIR	65
153	2	SEFEROVI_ (LATIF) FATIMA	6.059e+11	BUTMIR	65
NUMBER OF HOUSEHOLD MEMBERS 2 NUMBER OF CHILDREN 0					
HOUSEHOLD NO. 34					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
154	1	SULEJMANOVI_ (MEHMED) VEHBİJA	2.803e+12	BUTMIR	29
155	2	SULEJMANOVI_ (HAJRUDIN) TANJA	020198117 6508	BUTMIR	26
156	3	SULEJMANOVI_ (VEHBİJA) SEJDO	2.120e+11	BUTMIR	6
157	4	SULEJMANOVI_ (VEHBİJA) MUNIBA	1.911e+12	BUTMIR	4
158	5	SULEJMANOVI_ (VEHBİJA) FADIL		BUTMIR	
159	6	SULEJMANOVI_ (VEHBİJA) AHMED		BUTMIR	
NUMBER OF HOUSEHOLD MEMBERS 6 NUMBER OF CHILDREN 2					
HOUSEHOLD NO. 35					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
160	1	SULEJMANOVI_ (HAJRUDIN) NEBOJŠA	6.060e+11	BUTMIR	24
161	2	SULEJMANOVI_ (ZAIM) LJILJANA	1.603e+12	BUTMIR	20
162	3	SULEJMANOVI_ (NEBOJŠA) AIDA	060300517 5018	BUTMIR	2
NUMBER OF HOUSEHOLD MEMBERS 3 NUMBER OF CHILDREN 1					
HOUSEHOLD NO. 36					
163	1	SULEJMANOVI_ (MEHM) SABAHETA	1.009e+12	BUTMIR	38

164	2	SULEJMANOVI_ (ZAIM) SENADA	2.807e+12	BUTMIR	18
165	3	SULEJMANOVI_ (ZAIM) SAMIRA		BUTMIR	
166	4	SULEJMANOVI_ (ZAIM) BEHKA		BUTMIR	
167	5	SULEJMANOVI_ (ZAIM) BIBICA		BUTMIR	
168	6	SULEJMANOVI_ (ZAIM) NEZMIRA		BUTMIR	

NUMBER OF HOUSEHOLD MEMBERS 6
NUMBER OF CHILDREN 0

HOUSEHOLD NO. 37

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
169	1	RAMOVI_ (ŠEVKO) AVDIJA	1.306e+12	BUTMIR	59
170	2	RAMOVI_ (AVDIJA) ALMASA	3.111e+12	BUTMIR	18
171	3	RAMOVI_ (AVDIJA) ANDRIJANA	2.408e+12	BUTMIR	20
172	4	RAMOVI_ (AVDIJA) DALIBOR	312984	BUTMIR	22

NUMBER OF HOUSEHOLD MEMBERS 4
NUMBER OF CHILDREN 0

HOUSEHOLD NO. 38

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
173	1	RAMOVI_ (AVDIJA) LJUBO	2707981	BUTMIR	26
174	2	KOVI_ (DRAGAN) DRAGANA	608986	BUTMIR	21

NUMBER OF HOUSEHOLD MEMBERS 2
NUMBER OF CHILDREN 0

HOUSEHOLD NO. 39

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
175	1	RAMOVI_ (AVDIJA) GRINGO	1.008e+12	BUTMIR	33
176	2	OSMANOVI_ (MIRSO) MIRSADA	1.409e+12	BUTMIR	34

177	3	RAMOVI_ (GRINGO) MIRSO	200400017 0057	BUTMIR	7
178	4	RAMOVI_ (GRINGO) SENA	1.060e+11	BUTMIR	10
179	5	RAMOVI_ (GRINGO)_AMIL	170199417 1501	BUTMIR	13
180	6	RAMOVI_ (GRINGO) AMIRA	180700317 6112	BUTMIR	4
181	7	RAMOVI_ (GRINGO) AIDA	010900517 5005	BUTMIR	2
NUMBER OF HOUSEHOLD MEMBERS 7 NUMBER OF CHILDREN 5					
HOUSEHOLD NO. 40					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
182	1	RAMOVI_ (AVDIJA) SALTAN	100597517 1529	BUTMIR	32
183	2	RAMOVI_ (NAZIF) BEHIJA	2.110e+12	BUTMIR	32
184	3	RAMOVI_ (SALTAN) KRUNO	1.050e+11	BUTMIR	2
185	4	RAMOVI_ (SALTAN) SAMANTO	2.905e+12	BUTMIR	7
186	5	RAMOVI_ (SALTAN) SANJI	2.506e+12	BUTMIR	9
187	6	RAMOVI_ (SALTAN) SERĐO	250999617 1512	BUTMIR	11
188	7	RAMOVI_ (SALTAN) HARIS	030100217 0019	BUTMIR	5
189	8	RAMOVI_ (SALTAN) BRUNO	1.110e+12	BUTMIR	4
NUMBER OF HOUSEHOLD MEMBERS 8 NUMBER OF CHILDREN 6					
HOUSEHOLD NO. 41					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
190	1	ULEJMANOVI_ (ARIF) SANDRO	1.205e+12	BUTMIR	18
191	2	SULEJMANOVI_ (ARIF) ZORICA	3.040e+11	BUTMIR	22
192	3	SULEJMANOVI_ (ARIF) NURIJA	109995	BUTMIR	12
193	4	SULEJMANOVI_ (ARIF)	2201992	BUTMIR	15

		SANDRA			
194	5	SULEJMANOVI_ (GALIB) SANDRO	1.009e+12	BUTMIR	4
195	6	SULEJMANOVI_ (GALIB) ELVIRA	230800417 5001	BUTMIR	3
NUMBER OF HOUSEHOLD MEMBERS 6 NUMBER OF CHILDREN 4					
HOUSEHOLD NO. 42					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
196	1	SEJDOVI_ (MEHMED) DRENKO		BUTMIR	
197	2	SEJDOVI_ (ZUHDIJA) HATIĐA		BUTMIR	
198	3	SEJDOVI_ (DRENKO) JASMIN		BUTMIR	
199	4	SEJDOVI_ (DRENKO) ADELISA		BUTMIR	
200	5	SEJDOVI_ (DRENKO) GOCA		BUTMIR	
201	6	SEJDOVI_ (DRENKO) DANIJEL		BUTMIR	

NUMBER OF HOUSEHOLD MEMBERS 6 NUMBER OF CHILDREN 0					
HOUSEHOLD NO. 43					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
202	1	SEJDOVI_ (ALIJA) MUHAREM	010198017 2040	BUTMIR	27
203	2	SEJDOVI_ (MEHMED) HALIDA	2311975	BUTMIR	31
204	3	SEJDOVI_ (MUHAREM) SAMANTA	0101001	BUTMIR	6
205	4	SEJDOVI_ (MUHAREM) SEDINA	0101002	BUTMIR	5
206	5	SEJDOVI_ (MUHAREM) SEDIJA	0101000	BUTMIR	7
207	6	SEJDOVI_ (MUHAREM) SAMIR	101004	BUTMIR	3

208	7	SEJDOVI_ (MUHAREM) SANDALA	0101997	BUTMIR	10
209	8	SULEJMANOVI_ (NAMKA) MIGO	1.108e+12	BUTMIR	19
210	9	HAD_OVI_ (BEBA) MUNIBA	050599417 7170	BUTMIR	13
211	10	SEFEROVI_ (BEKRIJA) SAMIR	281000017 0045	BUTMIR	7
212	11	SEJDOVI_ (JERKO) HARIS	261000417 0008	BUTMIR	3
NUMBER OF HOUSEHOLD MEMBERS 11 NUMBER OF CHILDREN 8					
HOUSEHOLD NO. 44					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
213	1	SEFEROVI_ (MUNIR) DRENKO	2612984	BUTMIR	22
214	2	SEFEROVI_ (VIŠNJA) SABASTIJAN	080200617 0063	BUTMIR	1
215	3	SEFEROVI_ (VIŠNJA) ZUMRA	1.909e+12	BUTMIR	3
216	4	SEFEROVI_ (LJUBO) ERVINA	3.010e+11	BUTMIR	2
217	5	SEFEROVI_ (LJUBO) JASMIN	4.090e+11	BUTMIR	8
218	6	SEJDOVI_ (ISMET) VASVIJA	010598317 6506	BUTMIR	24
219	7	SULEJMANOVI_ (MEHMED) ARIF	021196617 1546	BUTMIR	41
220	8	SULEJMANOVI_ (ZUHDIJA) OLGA	3.011e+12	BUTMIR	40
221	9	SULEJMANOVI_ (ARIF) SERĐO	1.040e+11	BUTMIR	21
222	10	SULEJMANOVI_ (ARIF) ZIJAD	1.040e+11	BUTMIR	3
223	11	SULEJMANOVI_ (ARIF) RASIM	1.011e+12	BUTMIR	9
224	12	SEJDOVI_ (ŠERIF) PATRICIJA	060499717 6505	BUTMIR	10
225	13	SEJDOVI_ (ŠERIF) GIULIJANA	240599917 6507	BUTMIR	8

226	14	SULEJMANOVI_ (SANDALA) HAVA	1.310e+12	BUTMIR	18
227	15	SULEJMANOVI_ (SANDALA) LJILJANA	1.402e+12	BUTMIR	21
228	16	SULEJMANOVI_ (SAFET) KEMAL	2.411e+12	BUTMIR	0
229	17	SULEJMANOVI_ (ZAIM) SENADA	2.807e+12	BUTMIR	18
230	18	SEJDOVI_ (SAKIB)_AD	240800617 5003	BUTMIR	1
231	19	SULEJMANOVI_ (TANJA) D_EVADA	2611995	BUTMIR	11
232	20	SEFEROVI_ () KEMAL	1.505e+12	BUTMIR	1
233	21	RAMOVI_ (LJUBO) GORAN	2606006	BUTMIR	1
234	22	SULEJMANOVI_ (GALIB) DAVID	070200717 0003	BUTMIR	0
235	23	SEJDOVI_ (JERKO) ADIS	260900217 0029	BUTMIR	5
236	24	SEJDOVI_ (JERKO) KENTI	060600717 0001	BUTMIR	0
NUMBER OF HOUSEHOLD MEMBERS 24 NUMBER OF CHILDREN 16					
HOUSEHOLD NO. 45					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
237	1	SULEJMANOVI_ (ZUHDIJA) AVDIJA	240296013 1531	SOKOLO VI_I	47
238	2	SULEJMANOVI_ (AVDIJA) BRENDA	101996	SOKOLO VI_I	11
NUMBER OF HOUSEHOLD MEMBERS 2 NUMBER OF CHILDREN 1					
HOUSEHOLD NO. 46					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
239	1	SULEJMANOVI_ (AVDIJA) IBRAHIM	060498617 0114	SOKOLO VI_I	21
240	2	SULEJMANOVI_ (BAJRO) SANJA	1.311e+12	SOKOLO VI_I	18
NUMBER OF HOUSEHOLD MEMBERS 2 NUMBER OF CHILDREN 0					

HOUSEHOLD NO. 47					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
241	1	SULEJMANOVI_ (KADRIJA) ZAHIDA	101955	SOKOLO VI_I	52
242	2	SULEJMANOVI_ (AVDIJA) TARZAN	101990	SOKOLO VI_I	17
243	3	SULEJMANOVI_ (AVDIJA) RAMBO	101993	SOKOLO VI_I	14
NUMBER OF HOUSEHOLD MEMBERS 3 NUMBER OF CHILDREN 2					
HOUSEHOLD NO. 48					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
244	1	SULEJMANOVI_ (AVDIJA) RENATO	101980	SOKOLO VI_I	27
245	2	HAD_OVI_ (MUHAMED) RUMINA	0101976	SOKOLO VI_I	31
246	3	SULEJMANOVI_ (RENATO) D_EVAD	101200	SOKOLO VI_I	7
247	4	SULEJMANOVI_ (RENATO) RIBANA	0101201	SOKOLO VI_I	6
248	5	SULEJMANOVI_ (RENATO) DAVID	101203	SOKOLO VI_I	4
249	6	SULEJMANOVI_ (RENATO) BRUSLI	0101205	SOKOLO VI_I	2
NUMBER OF HOUSEHOLD MEMBERS 6 NUMBER OF CHILDREN 4					
HOUSEHOLD NO. 49					
NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
250	1	SULEJMANOVI_ (AVDIJA) DALIBOR	101983	SOKOLO VI_I	24
251	2	SULEJMANOVI_ (AVDIJE) AIŠA	0101980	SOKOLO VI_I	27
252	3	SULEJMANOVI_ (DALIBOR) ROBERTO	0101001	SOKOLO VI_I	6
NUMBER OF HOUSEHOLD MEMBERS 3 NUMBER OF CHILDREN 1					
HOUSEHOLD NO. 50					

NO.	MEMBER NO.	FAMILY NAME AND NAME	ID NUMBER	LOCAL COMM.	AGE
253	1	JAŠAREVI_ (SMAIL) HARUN	0101976	SOKOLO VI_I	31
254	2	SULEJMANOVI_ (AVDIJA) ESMA	0101979	SOKOLO VI_I	28
255	3	SULEJMANOVI_ (MUHAMED) KOBRA	101998	SOKOLO VI_I	9
256	4	SULEJMANOVI_ (EMRAH) TARZAN	101000	SOKOLO VI_I	7
257	5	JAŠAREVI_ (HARUN) ISMAIL	101004	SOKOLO VI_I	3
258	6	JAŠAREVI_ (HARUN) ŠEMSA	0101006	SOKOLO VI_I	1
NUMBER OF HOUSEHOLD MEMBERS 6 NUMBER OF CHILDREN 4					
TOTAL MEMBERS: 258 (BUTMIR 236, SOKOLOVIC-KOLONIJA 22)					
TOTAL FAMILIES: 50 (BUTMIR 44, SOKOLOVIC- KOLONIJA 6)					
TOTAL CHILDREN AGED 0 TO 17: 124 (BUTMIR 112, SOKOLOVIC-KOLONIJA 12)					

REMARK:

- All members designated as MEMBER NO. 1 are heads of households.
- There are no data neither on ID number nor on year of birth for 18 members (table below).

NO.	HOUSEHOLD NO.	FAMILY NAME AND NAME	ID NUMBER	LC	AGE
50	11	SULEJMANOVI_ (MEHMED) KASANDRA		BUTMIR	
51	11	SULEJMANOVI_ (MEHMED) HALIMA		BUTMIR	
101	21	SEFEROVI_ (BEKRIJA) TAIBA		BUTMIR	
116	25	SEJDOVI_ (NAZIF) MUHAREMA		BUTMIR	
141	31	SEJDOVI_ (BAHRIJA) ROBERTINA		BUTMIR	
143	31	SEJDOVI_ (JERKO) ELVEDINA		BUTMIR	
158	34	SULEJMANOVI_ (VEHBIJA) FADIL		BUTMIR	
159	34	SULEJMANOVI_ (VEHBIJA) AHMED		BUTMIR	
165	36	SULEJMANOVI_ (ZAIM) SAMIRA		BUTMIR	
166	36	SULEJMANOVI_ (ZAIM) BEHKA		BUTMIR	

NO.	HOUSEHOLD NO.	FAMILY NAME AND NAME	ID NUMBER	LC	AGE
167	36	SULEJMANOVI_ (ZAIM) BIBICA		BUTMIR	
168	36	SULEJMANOVI_ (ZAIM) NEZMIRA		BUTMIR	
196	42	SEJDOVI_ (MEHMED) DRENKO		BUTMIR	
197	42	SEJDOVI_ (ZUHDIJA) HATIĐA		BUTMIR	
198	42	SEJDOVI_ (DRENKO) JASMIN		BUTMIR	
199	42	SEJDOVI_ (DRENKO) ADELISA		BUTMIR	
200	42	SEJDOVI_ (DRENKO) GOCA		BUTMIR	
201	42	SEJDOVI_ (DRENKO) DANIJEL		BUTMIR	

A LIST OF ROMA CHILDREN INCLUDED INTO PRIMARY EDUCATION

I PRIMARY SCHOOL

No.	GRADE	FAMILY NAME AND NAME	ID NUMBER
1	III	MUJI_ MUFIDIN	1701999170031
2	III	HRUSTI_ FERIDA	2306998175029
3	III	HRUSTI_ SENAD	2508996110045
4	IV	BERIŠA SABEDINO	1505998172177
5	IV	ALIOSKI DEJVIT	2404998171637
6	VI	ALIOSKI EMRAN	0402995171636

A TOTAL NUMBER OF ROMA PUPILS 6

VIII PRIMARY SCHOOL

No.	GRADE	FAMILY NAME AND NAME	ID NUMBER
1	VI	MUSI_ ENVER	2808995
2	II	OSMANOVI_ MEVLUDIN	2212997
3	I	OSMANOVI_ SAMANTA	3003001175041
4	I	OSMANOVI_ ADELISA	812999175001

A TOTAL NUMBER OF ROMA PUPILS 4

A TOTAL NUMBER OF ROMA PUPILS INCLUDED INTO PRIMARY EDUCATION 1

CCPR, CCPR/C/BIH/CO/1/Add.2 (2008)

Further information received from Bosnia and Herzegovina on the implementation of the concluding observations of the Human Rights Committee (CCPR/C/BIH/CO/1)

[10 December 2008]

Introduction

1. The Human Rights Committee, following its consideration of the initial report of Bosnia and Herzegovina at its thirty-fifth session held on 18 and 19 October 2006, set 1 November 2010 as the date for the submission of the second periodic report. In accordance with rule 71, paragraph 5 of the Committee's rules of procedure, Bosnia and Herzegovina was requested to submit, within one year, information on activities undertaken in the field of human rights pursuant to the recommendations contained in paragraphs 8,14,19 and 23. Bosnia and Herzegovina fulfilled this obligation within the deadline. The Committee discussed the received information in July 2008. Moreover, Nigel Rodley, the Special Rapporteur on follow-up to the concluding observations of the Committee requested a meeting with a representative of Bosnia and Herzegovina during the period 13-31 October 2008, when the session of the Committee was scheduled, in order to provide certain clarifications as regards the additional information contained in the above-mentioned paragraphs. It was agreed that the Ministry for Human Rights and Refugees would prepare responses to additional questions by the Special Rapporteur and that a representative of the Permanent Mission of Bosnia and Herzegovina to the United Nations Office at Geneva would attend the meeting and familiarize the Special Rapporteur with the contents of this information.

2. Enclosed are responses to the questions raised by Nigel Rodley, the Special Rapporteur of the Human Rights Committee under paragraphs 8, 14, 19 and 23 of the concluding observations and recommendations on the initial report.

Concerning paragraph. 8: Information on the (draft) Law on Amendments to the Election Law, in particular on the exclusion of "Others" from being elected to the House of Peoples and to the tripartite Presidency of the State Union.

3. The Parliamentary Assembly of Bosnia and Herzegovina, in accordance with article IV 4(a) of the Constitution of Bosnia and Herzegovina, at the ninth Joint Session of the House of Representatives and House of Peoples, held on 7 May 2008, adopted the Law on Amendments to the Election Law . Amendments to the Election Law relate first of all to local level elections. Article 61 of Chapter 13.A of the said Law determines the participation of members of national minorities (labelled as "Others" in the Constitution of Bosnia and Herzegovina) in the elections of authorities at the level of municipalities and towns in Bosnia and Herzegovina. For the first time, the Law guarantees that the representation of members of national minorities in Bosnia and Herzegovina in municipal and city councils and assemblies, will reflect their proportion of the total population, according to the last census in Bosnia and Herzegovina, carried out in 1991. This means that national minorities (Others) constituting at least three per cent of the total

population of the constituency are ensured the allocation of least one representative. Essentially, the said Electoral Law guarantees members of national minorities in Bosnia and Herzegovina the right to be represented in municipal legislative power bodies not on the grounds of political affiliation but rather on their affiliation with certain national minorities. Thus in this year's local elections, held on 5 October 2008, besides 3,186 regular mandates for municipal councils/municipal assemblies, 37 mandates for representatives of national minorities were being elected. According to data on participation of national minorities at local elections 2008, 103 candidates participated in 31 municipalities in all separate lists. Results of local elections held on 5 October 2008 will be final upon confirmation by the Central Election Commission, i.e. upon expiration of time for objections and appeals.

4. The said amendments do not contain amendments regarding the inclusion of "Others" into the election of representatives in the House of Representatives and the tripartite Presidency of Bosnia and Herzegovina. Most probably this issue will be addressed in the context of forthcoming constitutional changes.

Concerning paragraph. 14: Information on immediate and effective steps taken by the State party to investigate all unresolved cases of missing persons

5. The missing persons issue is one of the priority issues for the authorities of Bosnia and Herzegovina, since, according to official estimates, over 13,000 persons are unaccounted for. The legal basis has been created to enable the State to address this issue in the most responsible manner. The Law on Missing Persons has been enacted; the Guide for Families of Missing Persons has been prepared; the State-level Missing Persons Institute has been set up and the Fund for Support of Families of Missing Persons has been established.

6. The Missing Persons Institute became operational in full capacity on 1 January 2008. Management bodies of the Institute have been elected: the Steering Board, the Board of Directors and the Supervisory Board. Extensive and responsible tasks have been set out for the Institute, such as: to collect, process and systematize the information on missing persons; to establish a central and unique database on missing persons, individual and mass graves; to keep records and to notify families of missing persons, including issuing certificates on disappearance and identity of victims; to find locations of mass and individual graves; to participate in excavations and exhumations of mass and individual graves; to participate in the collection of visible surface remains; to participate in autopsies and to participate in anthropological and similar examinations.

7. The realization of many of these tasks is underway, and many issues are expected to be solved by the Institute by the end of the current year and by mid 2009, and that the fate of a large number of missing persons in Bosnia and Herzegovina will be resolved. As a result, the suffering of families of missing persons will be reduced, at least from the aspect of the dignified burial of their loved ones.

8. This is confirmed by the fact, that at the beginning of June 2008, representatives of the International Committee of the Red Cross and the Missing Persons Institute of Bosnia and Herzegovina signed the Agreement on Transfer of Ante-Mortem Data, according to which the

International Committee of the Red Cross will transfer the Ante-Mortem Database for more than 16,000 missing persons from Bosnia and Herzegovina. This is the first database which international institutions supporting the process of tracing missing persons tracing (such as the ICRC) have transferred to the permanent ownership of the Missing Persons Institute. Data from this database are used to assist DNA identification, particularly in cases of families in which many members were reported missing, which can be identified in more detail by DNA analysis, thanks to ante-mortem data. This represents a step towards closer realization of the main purpose of the Institute - expediting the identification and exhumation of missing persons.

9. According to current data, 111 missing persons were exhumed in the first five months of the current year, which is a slightly smaller number as compared to the same period of the previous year. In the same period 26 re-exhumations were carried out, 315 missing persons were identified. DNA reports have been prepared for the identification of over 6,000 persons. In the current year, the ICMP has submitted 2,309 reports of 923 missing persons. A total of 1,373 reassociations were carried out for bodies found in several graves or in several bags containing mortal remains from one (the same) grave. Over this period, samples of DNA analysis were submitted from regional offices of the Institute (2,226 from the Federation of Bosnia and Herzegovina and 30 from Republika Srpska).

10. In a nine-months period, , the Institute has accomplished enviable results , with the assistance of the ICMP, which are reflected in the tracing and exhumation of almost thousand victims of war, identifying more than a thousand new victims.

11. Acting upon Decisions of the Constitutional Court of Bosnia and Herzegovina, the Institute regularly informs appellants, on a timely basis, on all information at its disposal concerning the fate of their missing relatives.

12. More intensive cooperation is needed between the Missing Persons Institute and judicial and police authorities and agencies, i.e. the Prosecutor's Office, police, intelligence bodies, ministries, etc. to achieve better results, Likewise, there is the need for closer cooperation with international institutions (principally the ICMP and the ICRC), as well as with associations of families of missing persons and all entities which could be useful in data provision.

Information on the financing of the Fund for Support of Families of Missing Persons

13. Article 15 of the Law on Missing Persons (Official Gazette of Bosnia and Herzegovina, No. 50/04) stipulates the establishment of the Fund for Support to the Families of Missing Persons of Bosnia and Herzegovina, with the purpose of providing funds and realizing the rights of family members of the missing persons in Bosnia and Herzegovina. The headquarters, method of funding, governance, and other issues related to the work of the Fund shall be regulated by an Agreement to be signed by the Council of Ministers of Bosnia and Herzegovina, the Government of the Federation of Bosnia and Herzegovina, the Government of Republika Srpska and the Government of Brčko District of Bosnia and Herzegovina. In the framework of activities of the Ministry for Human Rights and Refugees of Bosnia and Herzegovina talks were conducted with representatives of the Entity Governments on the transfer of competence and determining the method of funding the work of the Fund for Support to the Families of Missing Persons.

Unfortunately, as per available information, agreement has not been reached yet between the Entity and the Brčko District of Bosnia- and Herzegovina Governments over manner of funding of the Fund.

14. Presently at the initiative of the Council of Ministers, talks aimed at reaching the agreement on the funding of the Fund have been resumed.

15. It is expected that the manner of funding of the Fund for Support to the Families of Missing Persons will soon be agreed by Entity and Brčko District of Bosnia and Herzegovina Governments. This will permit the implementation of articles 16, 17 and 18 of the Law on Missing Persons.

Concerning para. 19: The following information is requested:

- 1. Information on concrete measures taken to improve the material and hygienic conditions in Entity police establishments and prisons;**
- 2. Information on the measures taken to address the lack of space in correctional and detention facilities, in particular at the Entities level;**
- 3. Information on measures taken to increase the number of staff in prisons and detention facilities in both Entities;**
- 4. Information on measures taken to ensure regular exercise and other out-of-cell activities for detainees and prisoners;**
- 5. Information on measures taken to improve the material conditions for "court patients" and to increase the number of staff supervising "court patients" at Sokolac Psychiatric Hospital;**
- 6. Information on measures taken to increase the capacity and to improve the facilities for outdoor activities at Sokolac Psychiatric Hospital;**
- 7. Information on measures taken to remedy the poor material conditions and to train and hire qualified staff attending to the needs of patients at the Zenica Prison Forensic Psychiatric Annex;**
- 8. Information on the new Sokolac Special Hospital for Forensic Psychiatry and on the number of patients transferred to this institution.**

16. Concerning paragraph 19, it is important to emphasize that visible progress has been accomplished in correctional institutions, presented in the text that follows. At the level of correctional institutions in the Federation of Bosnia and Herzegovina, progress has particularly been made in the construction of spatial capacities and procurement of material and technical equipment.

17. In a half-open type Ward in Orašje in the framework of Correctional Institution in Tuzla, final work on a building within the Ward is underway. Its construction will increase spatial capacities for 54 places (standard being 4 sqm per person) with built-in infrastructure. A building was constructed in Kozilovac locality; which will increase capacity for 150 places. Electronic equipment, official vehicles have been procured and a telephone exchange has been installed.

18. In Busovača Ward of a half-open type Correctional Institution Tomislavgrad, a ward has

been rehabilitated for the detention of convicted persons. This has increased capacity for 53 places. Video-surveillance has been installed, and cable TV has been put in for inmates.

19. A building has been constructed in a half-open type Correctional Institution Mostar, providing spatial capacity for additional 25 places; moreover, toilets have been refurbished.

20. Premises for convicted persons have been refurbished in a half-open type of Correctional Institution at Biha_. Facilities were constructed for sport, educational and leisure activities; as well as part of sideway wall with garages, workshops and a cooler.

21. In a close-type Correctional Institution in Zenica, for security reasons, a one-cell-type pavilion was constructed and put into operation for 28 persons with a view to separating inmates. A dispensary with an in-patient clinic was constructed and equipped, and a dentist's office equipped. Two prison blockhouses were rehabilitated; facilities in the outer pavilion for lodging official persons were reconstructed and rehabilitated. Moreover, walking areas were separated, to prevent a large concentration of inmates in the same place.

22. Concerning detention facilities in the Federation of Bosnia and Herzegovina, the premises of the Correctional Institutions Busova_a and Biha_ were rehabilitated, where detention accommodation was extended for new 8 places for detainees. A special room for persons with disabilities was equipped. There is still need for the extension of spatial capacity for detention in the Correctional Institution of Sarajevo, since two floors of the building are used by the Court of Bosnia and Herzegovina, which significantly complicates normal operations of the Institution by reducing spatial capacity.

23. Concerning the number of staff, in correctional institutions in the Federation of Bosnia and Herzegovina, in the course of 2008, 65 persons were employed as Institution police officers and office workers. This has partially relieved the shortage of staff, although the current job plan identifies needs for additional staff, particularly in the Security Department. It should be emphasized that no medical staff applied for posts of physicians in some Institutions. In addition to a general practitioner, a neuropsychiatrist is permanently employed in the Correctional Institution in Zenica, which was less up-to-date, while outside medical specialists from Zenica Cantonal Hospital regularly render medical services to inmates and persons in the said Ward.

24. All prisoners and detainees in the Federation of Bosnia and Herzegovina are permitted to leave their cells for more than two hours daily to engage in various activities, including sports, entertainment, cultural and educational activities. However, problems arise from the overcrowding of detention facilities, particularly when the competent courts have stipulated that certain detainees should not enter into contact, during walks.

25. No significant improvements have been made in response to the recommendations relating to the Forensic Psychiatry Ward in Zenica. The number of patients has been reduced; at the moment there are 25 persons at the Ward. There are plans to relocate the Forensic Psychiatry Ward to a newly constructed in-patient clinic of the Institute, pending the final decision as to the relocation of all patients at Sokolac Psychiatric Hospital, which is currently the subject of intensive discussion.

26. In Republika Srpska, the budget of correctional institutions was significantly increased in 2008, to cover improved material and hygienic conditions in establishments for the execution of criminal sanctions,. The 2008 budget of BAM 17,643,107.00 represents an increase of BAM 2,366,224.00 or 15.48 per cent in relation to budget rebalance in 2007. In 2007, the Ministry of Justice opened a special purposes account, to which funds of the Ministry of Justice of Bosnia and Herzegovina and the Government of Brčko District of Bosnia- and Herzegovina are paid upon invoicing of costs arising from imprisonment sentences and detention measures. In any case, the increase of funds set aside for operation of correctional institutions also serves to create improved living conditions for persons deprived of liberty.

27. As some buildings used for operation of correctional institutions were constructed in 1950s, such as Correctional Institution Foča and Doboj District Prison, it has been necessary to invest significant funds for reconstruction and rehabilitation, in order to improve accommodation conditions. However, there is still the problem with worn out equipment, particularly in kitchens and laundry-rooms.

28. Concerning the lack of space in prison and detention facilities, in the previous period, significant measures and activities were taken to increase the capacity of correctional institutions. Construction is underway of a new building for high-security unit to accommodate 35 persons., within the area of the Correctional Institution at Foča .

29. Moreover, capacities have increased in the Ward for Execution of Imprisonment Sentence, as some buildings of the Institution used previously by the Sarajevo East First Instance Court and the District Court were returned for the use of the Sarajevo East Correctional Institution.

30. The commencement is underway in Doboj District Prison of a planned additional floor on a pavilion for inmates.

31. In the Bijeljina District Court, in the course of the year, reconstruction and rehabilitation of former barracks were carried out for the needs of the prison.

32. The Ministry of Justice of Republika Srpska has earmarked significant funds for all these activities, while a part of smaller costs were born by establishments themselves.

33. Concerning measures taken to recruit more staff in the establishments for execution of criminal sanctions, in 2007 and 2008 the numbers of staff was increased, in accordance with rulebooks on job plans of certain establishments. This increase has been mainly in security services, with a significant increase in reforming services.

34. Concerning activities carried out on the construction of new, and expansion of existing buildings, there are plans for additional increase in staff, which require previous amendments to rulebooks on job plans of some correctional institutions.

35. Concerning measures taken to ensure regular exercise and other out-of-cell activities, correctional institutions conduct regular physical and sport activities, and provide the necessary

facilities. All establishments have fitness clubs, and most have grounds for sport activities. The only exception is the Trebinje District Prison which has no sports grounds due to insufficient space in the prison area; therefore, sport activities are carried out outside the prison area.

36. A breakthrough was achieved in Republika Srpska as regards accommodation of juvenile offenders in a specially constructed building. On 1 October 2008, a prison for accommodation of male juvenile offenders was opened in Sarajevo East, The Ministry of Justice of Republika Srpska has earmarked more than BAM 350,000 for the construction of this building. The Juvenile Prison is located in the area of the Kula Prison in Sarajevo East with a capacity of 40 persons, with 3 dormitories, a living room, classrooms, a sports hall, library, in-patient clinic, visiting room and preparatory ward. This is the first such prison in Bosnia and Herzegovina and Republika Srpska. The workshops are expected to be equipped soon.

37. At the moment, three juveniles who were previously placed in the Foča Correctional Institution, are lodged in the said facility. They are separated from seven adult inmates. These juvenile offenders will enjoy the right to education.

38. Moreover, there are plans for construction of a special facility for placement of female juvenile offenders. It is planned that juvenile inmates will be separated from adult inmates in all correctional institutions in the entire territory of Bosnia and Herzegovina.

Sokolac Psychiatric Hospital

39. Measures taken to increase the capacity and to improve material conditions for patients and to increase qualified personnel at the Sokolac Psychiatric Hospital are mentioned below.

40. Twenty-two patients are placed in the at Acute Forensic Ward. The capacity for the of daily stay of patients has been extended, which approximately fits to proscribed standards.

41. In the first nine months the capacity at the Court Rehabilitation Ward was reduced for five patients.

42. Depending on weather conditions, patients spend two hours in the outer room in front of the Court Ward building. This space is inadequate, as patients cannot either exercise regularly or carry out other activities; hence, more significant attention should be paid to this issue in future.

43. Material conditions for the stay of patients have been improved at Court Ward. Video-surveillance has been installed at Closed Court Ward and Rehabilitation Ward, which includes dormitories, dining-hall, living room and corridors, except toilets. A roof was destroyed by fire on 17 May 2008. Wards were partially whitewashed; everyday repairs were carried out (installing security bars on windows and doors, ceramics refurbishing, partial replacement of carpentry (doors), painting of lockers, etc).

44. Nutrition of patients surpasses proscribed standards in comparison to detainees and prisoners. At the Open Court Ward, 14 persons supervise 58 patients, which means that one employee supervises 5.1 patients.

45. At the moment there are 22 patients at the Closed Court Ward and there are 17 medical workers employed, a ratio of 1.3 employees to 1 patient. There are 9 guards, so the overall number of staff serving the Court Ward is 40, while the number of patients is 80. The number of staff is significantly larger and above medical standards for acute and chronic psychiatry.

46. Patients at the Court Rehabilitation Ward are permitted a daily walk in the hospital area, when they are not involved in other daily activities. During the day, they may work in occupational therapy (drawing, literary works, handicrafts, etc, according to their talents). Each day, patients may use daily press and library, while living rooms are equipped with TV sets and radio-cassette players. One-day trips to Trebevi_ Mountain, 30 km away from the Hospital, are organized for the patients, in cooperation with the Sarajevo East Library.

47. An increase of capacity is not possible in the current situation, since the building was destroyed by fire on 17 April 2006 and is no longer functional.

48. As for buildings in the hospital area, other than the Court Ward building, the hospital itself is not able to set aside funds for reconstruction or rehabilitation, The only large investment to be completed and put into function is the hospital's restaurant, used for meals by patients from all rehabilitation wards.

49. In the previous period, the hospital Management organized work on green areas; trees and flowers which were planted to provide a pleasant setting for the stay of patients.

50. An individual treatment plan was prepared for each patient, in accordance with intellectual capacities and psychopathology. The plan is based on an integrative therapeutic protocol, which includes the application of an adequate pharmacotherapeutic protocol, psychotherapy (group and individual), socio-therapeutic procedures (group sociotherapy, therapeutic group meeting), occupational and sport-recreational treatment.

51. At the Sokolac Psychiatric Hospital, there is a range of socio-therapeutic procedures aimed at preparing persons with mental disorders for return to society. One of such procedures is a socio-therapeutic group with elements of psychotherapy, in which patients and their therapists work towards correcting and adjusting behaviour, in accordance with socially acceptable norms.

52. The new Specialized Forensic Psychiatry Hospital at Sokolac is not yet operational, but its registration is underway. Letters have been addressed to the competent Ministries in Republika Srpska, observing that Entity Governments and other legal entities are competent for implementation of conclusions of the Council of Ministers of Bosnia and Herzegovina.

Concerning paragraph 23:

- Information on the legal remedies available to Roma families to challenge their relocation from the Roma settlement at Butmir;

- Information on the implementation of the existing plans for the construction of temporary and permanent housing solutions for relocated Roma;

- **Assessment of the adequacy of "container villages" as alternative housing solutions for relocated Roma;**
- **Information on compensation provided to relocated Roma.**

53. The authorities of Bosnia and Herzegovina, prompted by the fact that residents of the Roma community at Butmir live in very difficult conditions in improvised buildings without water, electricity and other services essential for normal life and work, have decided to solve this problem through construction of apartments with modern conveniences. This approach to addressing Roma settlement at Butmir will also serve to protect the supply of drinking water to the City of Sarajevo. The relocation of the Roma settlement at Butmir does not reflect any discrimination against the Roma, as is sometimes interpreted by the international institutions, since the settlement was established without a plan and directly endangers the water protection zone of the City of Sarajevo.

54. Based on the Protocol between the Ministry of Housing Policy of Sarajevo Canton and the Roma Association "Our Future", the Project on Relocation and Permanent Housing Solutions of Roma population from Butmir (water protection zone) to a new location was launched in 2007. The Ministry of Housing Policy of Sarajevo Canton as a co-financer, has committed itself to secure funds for this Project within the Sarajevo Canton Budget. Moreover, all nine Sarajevo Canton Municipalities have committed themselves to secure locations for the construction of buildings and to design and execute projects for equipping locations and for obtaining the necessary approvals.

55. The Spanish NGO, Movement for Peace Sarajevo, and OSCE Sarajevo have been actively involved in the realization of the Project. They follow all activities related to the relocation of Roma population, and offer them legal and any other support.

56. Town planning consent have been secured for six Sarajevo Canton Municipalities namely: Ilijaš Municipality - locality Mrakovo; Had_i_i Municipality - locality Osenik u Kazinoj Bravi, Pazari_; Trnovo Municipality - locality Ilovica; Ilid_a Municipality - locality Nadosjek; Novi Grad Municipality - locality Reljevo; Vogoš_a Municipality - locality Semizovac. The humanitarian organization Swiss Caritas, as the executor of funds and activities of the Swedish International Development Cooperation Agency (SIDA), has drawn up the main projects for these locations, and selected contractors for the work. All municipalities which secured locations and town planning consents issued building permits, except Ilid_a Municipality. On 15 October 2008, the Swiss Caritas signed a contract with selected contractors for the execution of works on 6 housing units with 25 apartments, under which work would commence on 20 October 2008 and be carried out within 80 calendar days.

57. The original plan was for the construction of a container settlement at Vlakovo. However, this plan was set aside when the Swedish International Development Cooperation Agency (SIDA) joined the Project and guaranteed funds for the construction of eight permanent buildings with 32 housing units for all nine municipalities.

58. Following several proposals and plans to solve this settlement issue, the construction of

apartment houses commenced at nine localities. As of December 2008, thirty-two Roma families from Butmir will live in them. Contracts on resettlement were signed by all Roma families. It is estimated that construction of these eight buildings at various Sarajevo Canton locations will be sufficient for accommodation of families from Butmir.

59. However, due to the observed grouping of new Roma families in some localities, particularly in the locality Forestry School - the Bosna Well, Ilidža Municipality, most probably alternative construction of “container villages” will be carried out in the near future, as the most expeditious and only possible solution at this time.

60. In order to avoid any possible violation of human rights resulting from in the resettlement of the Roma from Butmir, each Roma family is provided with legal remedy in accordance with legal provisions in force in Bosnia and Herzegovina. Legal remedies may be used either individually or through the Association “Our Future”, as well as through activities of NGOs. It is unlikely that legal remedies will be required in this case, since Roma families living in poor housing conditions are being provided with housing units with modern conveniences. This also means there will be no need for compensation to Roma families once this problem is solved. Possible requests for compensation will be addressed in accordance with current regulations. To date, there have been no requests filed for compensation arising from the resettlement of Roma families from Butmir.

61. On the whole, through accession to the Decade of Roma Inclusion 2005-2015 in September 2008, Bosnia and Herzegovina committed itself to implement three adopted Action Plans, among which the Action Plan for Solving Roma Housing Issues. The resolution of the issue of the Roma settlement at Butmir issue is a good and worthwhile example for solving other housing issues of Roma . Hopefully, the consistent implementation of adopted Action Plans (on employment, health care, education and housing) will enable the most numerous national minority in Bosnia and Herzegovina to improve its overall position and to enjoy all human rights guaranteed by the Constitution and law, on equal footing with all other citizens of Bosnia and Herzegovina, without discrimination on any grounds.

CCPR, CCPR/C/BIH/CO/1/Add.3 (2009) (Spanish)

Complément d'information reçu de la Bosnie-Herzégovine sur l'application des observations finales du Comité des droits de l'homme (CCPR/C/BIH/CO/1)

[4 March 2009]

RÉPONSES AUX QUESTIONS COMPLÉMENTAIRES POSÉES PAR UN RAPPORTEUR SPÉCIAL

I. INTRODUCTION

1. À sa quatre-vingt-huitième session, tenue les 18 et 19 octobre 2006, le Comité des droits de l'homme a, selon la procédure établie, adopté ses observations finales et recommandations après avoir examiné le rapport initial concernant la mise en œuvre du Pacte international relatif aux droits civils et politiques pour la période 1994-2004.
2. Conformément au paragraphe 5 de l'article 71 du Règlement intérieur du Comité, la Bosnie-Herzégovine a été invitée à présenter, dans un délai d'un an, des renseignements sur les activités entreprises en ce qui concerne la situation des droits de l'homme évoquée aux paragraphes 8, 14, 19 et 23 pour donner suite aux recommandations finales du Comité des droits de l'homme. Elle s'est acquittée de cette obligation dans les délais prescrits. Les renseignements considérés ont été examinés à la réunion organisée avec des représentants de la Mission permanente de la Bosnie-Herzégovine qui s'est tenue en octobre 2008. Le Rapporteur spécial chargé du suivi des observations finales du Comité, Sir Nigel Rodley, a demandé à cette occasion des réponses supplémentaires au sujet des paragraphes 8, 14 et 23.
3. Sachant que les réponses supplémentaires doivent être présentées avant le début de la session du Comité qui doit se tenir du 9 au 23 mars 2009, la Bosnie-Herzégovine présente ci-après le complément d'information demandé.

II. RÉPONSES AUX QUESTIONS POSÉES AU SUJET DES PARAGRAPHES 8, 14 ET 23

4. Les réponses aux questions posées par le Rapporteur spécial du Comité des droits de l'homme, Sir Nigel Rodley, au sujet des paragraphes 8, 14 et 23 des observations finales et recommandations touchant le rapport initial de la Bosnie-Herzégovine, sont les suivantes.

Question concernant le paragraphe 8 des observations finales touchant le rapport initial de la Bosnie-Herzégovine

1. **Existe-t-il un organe constitutionnel chargé d'examiner les questions qui touchent aux modifications à apporter à la législation dans la perspective de l'éligibilité des «autres» à la Chambre des peuples et à la Présidence tripartite?**

2. Les questions qui touchent à la réforme de la Constitution font-elles l'objet d'une audition publique et à quel niveau?

Réponse

5. Le rapport initial touchant l'application du Pacte international relatif aux droits civils et politiques et les réponses aux questions supplémentaires du Comité contiennent d'abondants renseignements sur la situation en ce qui concerne l'ensemble de ces droits en Bosnie-Herzégovine. Pourtant, après avoir examiné ce document, ainsi que les renseignements supplémentaires fournis par les représentants de la Mission permanente de la Bosnie-Herzégovine à Genève, le Rapporteur spécial a posé un certain nombre de questions sur la réforme à venir de la Constitution.

6. Pour répondre à la question de savoir si dans le cadre des modifications prochaines de la Constitution il est prévu de créer un organe permanent chargé d'examiner les modifications à apporter à la loi dans la perspective de l'éligibilité des «autres» aux instances supérieures du pays, il convient de préciser qu'il existe une commission de la Constitution au sein de l'Assemblée parlementaire. La Commission est chargée au premier chef de surveiller l'application de la Constitution, d'examiner les questions qui touchent à l'ordre constitutionnel et de proposer des amendements à la Constitution ou des projets de lois et d'informer la Chambre des résultats de l'audition publique. La Commission examine les projets de loi soumis à la Chambre pour adoption et s'assure de leur conformité avec la Constitution et l'ordre juridique, ainsi que de la régularité de la procédure, et présente à la Chambre le rapport contenant les avis et suggestions et les corrections à apporter au texte en cas d'erreurs sur le plan juridique ou technique. Elle examine aussi les questions de la méthodologie législative, ainsi que d'autres questions importantes concernant la forme et le fond du texte. Elle soumet aussi à la Cour constitutionnelle ses avis sur des questions précises pour examen, ou les porte à sa connaissance. Elle examine en outre les questions qui touchent à l'ordre juridique, et au régime électoral, ainsi que d'autres sujets qui ne relèvent pas de la compétence d'autres commissions.

7. Il importe de souligner qu'il existe des commissions de la Constitution au niveau des entités et au niveau des cantons. Ces commissions ont pour fonction première de rédiger des projets d'amendement de la Constitution définissant les compétences des autorités locales.

8. La question des modifications relatives à l'éligibilité des «autres» à la Chambre des peuples et à la Présidence tripartite est étroitement liée à l'engagement du débat sur les modifications de la Constitution. Des pourparlers ont eu lieu récemment entre les représentants des trois principaux partis représentés au Parlement sur les grands objectifs des réformes à entreprendre pour que le pays puisse se porter candidat à l'adhésion à l'Union européenne. Il est vraisemblable que la question ci-dessus sera abordée dans le cadre des accords élaborés par les représentants du Gouvernement qui seront soumis à l'Assemblée des deux chambres. L'éligibilité des membres de la catégorie constitutionnelle des «autres» aux grands organes politiques - catégorie qui comprend 17 minorités nationales - ne manquerait pas d'entraîner des modifications de la loi électorale. La réponse à cette question dépend donc des modifications de la Constitution qui seront envisagées lorsque la question de l'éligibilité aux instances supérieures du pays de la catégorie constitutionnelle des «autres» sera examinée.

9. Les règles qui régissent l'élection des représentants de la Chambre des peuples et de l'Assemblée parlementaire, et des membres de la Présidence, sont énoncées aux articles 4 et 5 de la Constitution.

10. Selon la Constitution, la Présidence, la Chambre des peuples et l'Assemblée parlementaire sont composés de représentants élus des Bosniaques, des Serbes et des Croates en tant que peuples constitutifs.

11. Nous ne sommes pas en mesure de présenter une réponse plus détaillée sur l'ampleur et la portée de l'audition publique sur la réforme de la Constitution puisque cette réforme n'a pas encore été lancée officiellement. Il est plus que probable que toutes les autorités compétentes en vertu de la Constitution et des lois en vigueur, à tous les échelons, y participeront.

12. Le Règlement intérieur de chacune des deux chambres de l'Assemblée parlementaire (art. 133 du Règlement intérieur de la Chambre des représentants, et art. 129 du Règlement intérieur de la Chambre des peuples) prévoit que les projets d'amendement doivent être examinés, et faire l'objet d'une audition publique. Aucun débat de cet ordre n'est en cours à l'Assemblée parlementaire.

13. En revanche, les partis politiques, les médias et la population ont débattu de la nécessité de modifier la Constitution.

Question concernant le paragraphe 14 des observations finales touchant le rapport initial de la Bosnie-Herzégovine

1. Renseignements supplémentaires sur le Fonds d'aide aux familles de personnes disparues, c'est-à-dire modalités de financement.

Réponse

14. Comme on l'a dit, le Fonds d'aide aux familles de personnes disparues a été créé conformément à l'article 15 de la loi sur les personnes disparues (Journal officiel de la Bosnie-Herzégovine n° 50/04). Le Fonds est destiné à fournir des fonds aux membres des familles de personnes disparues et à leur permettre d'exercer leurs droits.

15. Les mesures qui restent à prendre pour la création du Fonds requièrent l'assentiment des entités, qui doivent transférer une partie de leurs compétences à l'État.

16. Les efforts se sont intensifiés en 2008 pour tenter d'arriver à une solution définitive mais il a été impossible de s'entendre sur le texte de l'accord établi sur la base des propositions et des avis des gouvernements des entités et du district de Brcko.

17. Les gouvernements des entités ont présenté diverses propositions sur des questions comme le siège, les modalités de financement et la gestion du Fonds, parmi d'autres.

18. La proposition du Gouvernement de la Fédération est à l'étude et a été examinée par la

Commission de la politique intérieure du Conseil des ministres en octobre 2008. La Commission a suggéré de tout mettre en œuvre pour favoriser la signature de l'accord. Le Ministère des droits de l'homme et des réfugiés a lancé une nouvelle initiative et organisé des échanges de vues sur la création du Fonds d'aide aux familles de personnes disparues. Afin de trouver une solution à cette question importante, le Ministère a proposé dans des rapports précédents au Conseil des ministres dans le cadre de l'application de l'arrêt rendu en 2008 par la Cour constitutionnelle, que les pourparlers entre les premiers ministres des entités et le Président du Conseil des ministres de la Fédération se poursuivent.

19. Il est à noter que les mesures en faveur des familles de personnes disparues en Bosnie-Herzégovine sont actuellement régies par les lois et règlements des entités du district de Brcko qui s'appliquent aux victimes civiles de la guerre et que la majorité des familles en bénéficient. Il y a lieu de relever toutefois qu'un certain nombre de ces familles n'ont jamais joui de ce droit ou sont victimes de discrimination du fait que les lois des entités ne sont pas respectées.

20. On pense que les autorités compétentes s'entendront prochainement et signeront l'accord mentionné ci-dessus ce qui permettra de garantir le fonctionnement du Fonds d'aide aux familles de personnes disparues et de mettre en application les articles 16, 17 et 18 de la loi sur les personnes disparues.

Question concernant le paragraphe 23 des observations finales touchant le rapport initial de la Bosnie-Herzégovine

1. En quoi consistent les conditions de logement temporaire des Roms de l'établissement de Butmir qui ont été déplacés et quand les Roms déplacés seront-ils réinstallés dans de nouveaux logements?

2. Pourriez-vous donner le titre du règlement qui prévoit une voie de recours (l'appel en temps que voie de recours ordinaire, ou toute voie de recours extraordinaire contre une décision de justice) pour les familles roms de l'établissement de Butmir qui ont été déplacés pour être réinstallés dans de nouveaux logements?

Réponse

21. Alors que le nombre de familles résidant dans l'établissement de Butmir indiqué dans le rapport antérieur au Comité des droits civils et politiques était de 44, il n'était plus que de 33 selon les dernières estimations.

22. D'après les informations du Ministère du logement du canton de Sarajevo, les autres familles ont choisi d'autres solutions, comme par exemple réaménager des bâtiments en ruine qui leur appartenaient, acheter des maisons ou aller s'installer dans d'autres lieux ou municipalités, ou quitter le pays.

23. Des contrats ont été signés avec 33 familles roms qui vont être installées dans huit logements permanents en dur.

24. Le Ministère du logement du canton de Sarajevo travaille en concertation avec le Ministère de la planification du territoire et de l'environnement de ce même canton et il a été convenu que lorsque les familles roms de l'établissement de Butmir auront été déplacées, le Ministère de la planification du territoire et de l'environnement réalisera une étude concernant la réhabilitation du terrain situé dans la première zone de protection.

25. Dans l'établissement de la liste des familles roms auxquelles les logements qui vont être construits sont destinés il a été dûment tenu compte de tous les éléments pertinents, parmi lesquels le nombre de membres de chaque famille, l'emplacement, l'équipement des installations annexes, etc.

26. Selon les données dont nous disposons, six accords de collaboration ont été conclus entre l'entreprise chargée des travaux et les municipalités en vue de l'exécution du projet de déplacement et de relogement permanent dans un lieu différent des membres de la population rom de Butmir-Sokolovici. Les accords ont été signés le 28 août 2008 par les municipalités d'Hadzici, d'Ilidza, d'Ilijas, de Vogosca et de Novi Grad.

27. L'accord définit les droits et obligations mutuels de la municipalité et de l'entreprise chargée des travaux d'exécution du projet de déplacement des membres de la population rom de l'établissement de Butmir-Sokolovici et de leur relogement permanent dans un lieu différent moyennant la construction de logements sur le territoire de la municipalité. Le projet a pour objectif la construction d'un complexe d'habitation de quatre unités de logements, de l'octroi d'une aide juridique aux bénéficiaires pour leur permettre d'exercer tous leurs droits, en coopération avec les services compétents de la municipalité, et l'intégration et l'insertion des intéressés dans la communauté locale.

28. Il a été convenu que les bâtiments construits seraient la propriété des municipalités. L'accord susmentionné énonce donc les obligations de ces dernières: assurance, constitution des dossiers, conception et projet final d'équipement du complexe de logements, prise en charge des coûts de raccordement aux réseaux de distribution d'eau, d'assainissement et d'électricité, d'aménagement et de construction de la voie d'accès, du certificat d'urbanisme et du permis de construire, et l'inscription au registre foncier et les frais d'entretien.

29. Des contrats d'occupation d'appartements ont été signés avec les municipalités, comme suit: Hadzici, 8 contrats; Ilidza, 9; Ilijas, 8; Novi Grad, 4; et Vogosca, 4, ce qui porte à 33 le nombre de contrats conclus depuis décembre 2008.

30. Le contrat contient le nom des parties, à savoir la municipalité (propriétaire du logement) et l'occupant de l'appartement. Il est conclu sur la base de l'accord signé préalablement entre la municipalité et l'investisseur. Il précise le nom de l'occupant et des membres de sa famille, l'emplacement de l'appartement, sa superficie totale en mètres carrés, ainsi que les droits et obligations des deux parties.

31. Les occupants des appartements et les membres de leur famille ont le droit d'occuper l'appartement et d'utiliser les parties communes de manière permanente et en toute quiétude,

conformément aux dispositions contenues dans le contrat et d'autres règlements pertinents. L'occupant est tenu de prendre en charge le loyer et les tarifs des services publics (électricité, eau, assainissement, entretien des parties communes du bâtiment), ainsi que les impôts locaux, etc.

32. Le contrat d'occupation prend fin sur consentement mutuel, sur annulation de l'une des parties, ou au décès de l'occupant si celui-ci en a seul la jouissance. Il peut être mis fin au contrat si l'occupant use de l'appartement ou se comporte d'une manière contraire aux dispositions du contrat conclu avec le propriétaire ou s'il a cessé de l'occuper en personne pendant six mois consécutivement, alors qu'il se trouvait soit dans le pays soit à l'étranger, sauf pour raisons médicales ou en cas de détention suite à une condamnation, etc. L'annulation du contrat doit être signifiée par écrit à l'occupant. L'annulation par l'occupant doit aussi être notifiée par écrit.

33. L'Agence suédoise de coopération internationale au développement a fourni des fonds pour la construction et l'équipement de huit immeubles entièrement neufs comprenant 33 unités de logement dans lesquelles les familles roms de Butmir vont être installés. Le Ministère du logement du canton de Sarajevo a financé l'achat des sites et l'équipement d'infrastructures. Le projet est en cours d'exécution à Ilijas, Novi Grad, Vogosca, Hadzici et Ilidza. Le 15 octobre 2008, la partie chargée de l'exécution du projet a conclu des contrats avec l'entrepreneur pour la construction du complexe de logements composé de 8 immeubles comportant 33 unités de logement, à raison de 2 immeubles de 8 appartements à Ilijas, 1 de 4 appartements à Novi Grad, 1 de 4 appartements à Vogosca, 2 de 8 appartements à Hadzici et 2 de 9 appartements à Ilidza. Les municipalités d'Ilijas, de Novi Grad, de Vogosca, d'Hadzici et d'Ilidza ont délivré les permis de construction de logements permanents en dur. La réalisation du projet a pris du retard du fait que certains engagements concernant les travaux d'infrastructure (distribution d'eau, d'électricité, voie d'accès) n'ont pas pu être tenus.

34. D'après les derniers chiffres dont nous disposons, l'état d'achèvement des huit immeubles comprenant 33 logements, en construction dans cinq municipalités du canton de Sarajevo, se présente comme suit:

35. Deux immeubles sont en construction à Hadzici. L'un en est au dernier stade des travaux, avec un degré d'achèvement de 95 %; il reste à poser les carreaux et les sols et à installer les sanitaires. L'autre en est au stade de la pose de briques pour le plancher; le degré d'achèvement est de 35 %. En ce qui concerne l'infrastructure, les canalisations d'eau sont en place, mais le raccordement n'est pas fait.

36. À Ilijas, deux immeubles sont en construction. Le degré d'achèvement des travaux est de 98 % pour l'un et la pose des planchers est en cours. Les travaux de construction du second n'ont pas encore commencé car le permis de construction n'a pas encore été délivré, et le degré d'avancement est de 0 %.

37. À Ilidza deux immeubles sont en construction. Le degré d'achèvement est de 80 % pour les deux. La pose du plancher et des carreaux et l'installation des sanitaires sont en cours. La fosse septique n'a pas encore été construite, et certains autres raccordements ne sont pas faits (électricité, eau), mais ils devraient l'être dans les mois à venir.

38. Un immeuble est en construction à Novi Grad. Le degré d'achèvement est de 45 %. La pose du toit est en cours. Le contrat de construction de la fosse septique a été signé mais les travaux n'ont pas commencé, l'emplacement de la fosse n'ayant pas encore été défini.

39. Un immeuble est en construction à Vogosca. Le degré d'achèvement des travaux est de 60 %. Le bâtiment est sous toit, les murs intérieurs et les façades sont terminés. Les derniers travaux de finition et d'installation sont en cours.

40. Les textes prévoyant une voie de recours (l'appel en tant que voie de recours ordinaire ou les voies de recours extraordinaire en cas de poursuites) pour les familles roms de l'établissement de Butmir déplacés qui pourraient se trouver lésés par suite de leur réinstallation dans de nouveaux logements sont les suivants: la loi relative à la procédure administrative, le Code de procédure pénale, la loi portant réforme du Code des obligations (Journal officiel de la République de Bosnie-Herzégovine, n^{os} 2/92, 13/93 et 13/94), la loi portant réforme de la loi sur les relations en matière de logement (Journal officiel de la Fédération de Bosnie-Herzégovine, n^{os} 11/08 et 19/99). La Constitution de la Bosnie-Herzégovine et la législation de la Fédération de Bosnie-Herzégovine et du canton de Sarajevo contiennent des dispositions qui consacrent le droit à un recours utile. Outre les instruments nationaux ci-dessus, les plaignants peuvent invoquer la Convention européenne des droits de l'homme (Journal officiel de la Bosnie-Herzégovine, n^o 6/99) qui fait partie intégrante de la Constitution et qui prime la législation nationale.

CCPR, CCPR/C/BIH/CO/1/Add.4 (2010)

Further information received from Bosnia and Herzegovina on the implementation of the concluding observations of the Human Rights Committee (CCPR/C/BIH/CO/1)

[26 January 2010]

I. INTRODUCTION

1. After reviewing the initial report of Bosnia and Herzegovina on the implementation of the International Covenant on Civil and Political Rights for the period 1994-2004, the Committee for Civil and Political Rights adopted concluding observations/recommendations at its 35th session, held in Geneva, 18 and 19 October 2006, in accordance with established procedure. The above recommendations stipulate that Bosnia and Herzegovina should submit to the Committee its periodic report by 1 November 2010. In accordance with article 71, paragraph 5, of the Rules of Procedure of the Committee it was requested that Bosnia and Herzegovina submit within one year information on the activities undertaken in connection with the state of human rights as per paragraphs 8, 14, 19 and 23. Information relating to the above paragraphs was submitted in December 2007. The Committee indicated that the answers in the submitted information were incomplete.

2. In January 2008 the Special Rapporteur requested additional information on progress related to the given topics to date. During the 94th session of the Committee, held in Geneva in October 2008, the Special Rapporteur met with representatives of the Permanent Mission of Bosnia and Herzegovina to the United Nations in Geneva to discuss and clarify a number of disagreements related to the aforementioned paragraphs.

3. On 1 November 2008 and 4 March 2009 additional information on the paragraphs that are the subject of information and answers to the Committee were submitted. On the 95th session held in March 2009 in New York, the Committee stressed that the submitted information was still incomplete.

4. In connection with the above mentioned, please find herein answers to the questions made by the special rapporteur of Committee for Civil and Political Rights, regarding paragraphs 8, 14, 19 and 23 referring to final considerations/recommendations on the initial report of Bosnia and Herzegovina.

II. Answers to questions from paragraph 8 of the concluding observations of the Committee for Civil and Political Rights:

5. In terms of paragraph 8 of the concluding observations of the Committee on Civil and Political Rights on the initial report of Bosnia and Herzegovina the following questions were made:

(a) The constitutional changes with a view to amend provisions that exclude the “other” (people who do not belong to any national party as members of the “constituent peoples”) to be elected to the House of Peoples or the tripartite presidency, given the changes to the Election Law of the State parties are not associated with these bodies (paragraph 8).

6. The issue of inclusion of “others” when choosing a representative in the House of Peoples and the tripartite presidency of Bosnia and Herzegovina is closely related to constitutional changes that have been launched in Bosnia and Herzegovina.

7. In fact, on several occasions, the so-called “Butmir negotiations” have been carried out about the constitutional amendments in Bosnia and Herzegovina, in which the representatives of the ruling and opposition political parties in Bosnia and Herzegovina participated. The Butmir negotiations have been also attended by the representatives of the international community. The outcome of negotiations between the authorities in Bosnia and Herzegovina, including the constitutional category of “others” in the election process to the position of the House of Peoples and a three-member Presidency of Bosnia and Herzegovina, shall determine our actual response because the category “others” which consists of 17 national minorities is a current constitutional solution and it must be respected until the constitutional changes have been carried out in that field as well.

8. The previous reply concerning paragraph 8 included the progress that relates to adoption of the Law on Amendments to the Bosnia and Herzegovina Election Law. These amendments are based upon the decision of the Constitutional Court of Bosnia and Herzegovina and they amend the Election Law of Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina*, No. 37/08) at the level of municipalities and cities in Bosnia and Herzegovina with regard to the right of ethnic minorities to be represented in legislative bodies. These minorities are designated as “others” by the Constitution of Bosnia and Herzegovina.

9. The representatives of Bosniaks, Serbs and Croats as constituent peoples shall be elected until it comes to constitutional amendments to the election of delegates to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina and the Bosnia and Herzegovina Presidency members (members of the IV and V Constitution of Bosnia and Herzegovina), the Bosnia and Herzegovina Presidency and the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina. The way of inclusion of “others” in the above-mentioned institutions can be realized only on the basis of constitutional changes.

10. In these answers we shall not be able either to give a fuller response on the level and scope of negotiations related to the constitutional amendments and possible inclusion of “others” in election process for the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina and the Bosnia and Herzegovina Presidency, not until the amendments to the Constitution have been adopted (articles IV and V).

III. Answers to questions from paragraph 14 of the Concluding observations of the UN Committee on Civil and Political Rights:

11. The following questions were set forth in terms of the paragraph 14 of the concluding

observations of the Committee on Civil and Political Rights on the initial report of Bosnia and Herzegovina,:

(a) The current functioning of the Missing Persons Institute of Bosnia and Herzegovina

(b) Establishment of the unique database of missing persons and

(c) Resources to assist families of missing persons (paragraph 14)

12. We give the following answers to these questions:

(a) The issue of missing persons in Bosnia and Herzegovina is one of the priority issues for the Bosnia and Herzegovina authorities, since according to official data there is still search going on for approximately 11,500 missing persons in Bosnia and Herzegovina.

The Institute for Missing Persons of Bosnia and Herzegovina as earlier noted, was established on the basis of the Law on Missing Persons of Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina*, No. 50/04), and it operates in full capacity.

13. The Institute of Missing Persons of Bosnia and Herzegovina has an obligation: to find missing persons without discrimination and establish the central database of missing persons and thus restores the dignity of the victims; to give responses to their families; to contribute to spreading awareness about the human dimension of the tragedy of missing persons, their families and achieving reconciliation process in Bosnia and Herzegovina.

14. The Institute is responsible for collecting information and studying locations of individual and mass graves, participating in the exhumations of bodies of victims, conducting identification of the exhumed bodies and establishing true and verified records of missing persons.

15. The Institute receives information about the existence of graves from the very families seeking their missing relatives, associations of missing persons' families, other witnesses, prosecutors, the police, SIPA, OSCE, but mostly based on personal research of investigators at the Institute. It turned out so far that only a third of information supplied was credible. Large resources, efforts and large field capacities are required to check information on the existence of graves.

16. The field data verification is officially forwarded to the Prosecutor's Office of Bosnia and Herzegovina, which forwards the case to the Court of Bosnia and Herzegovina where individual judges issue a warrant for exhumations and identification of exhumed bodies. The Court of Bosnia and Herzegovina delegates the district or cantonal prosecutor's offices, appoints the forensic experts, the authorized representatives of the Ministry of Interior, utility, anthropologist, the place to keep the body for autopsy, taking of bone samples for DNA, determines who conducts identification, determines the place of storage of personal items of the exhumed and other material evidence.

17. The central database is a verified list of all missing persons in Bosnia and Herzegovina. By

use of methodology and through formation of these records complete authenticity of the data on missing persons is achieved, and thereby it prevents any kind of politicization and abuse of the fate of the missing.

18. The Institute for Missing Persons has established the Advisory Committee in which the families of missing persons institutionalized their presence in the process of searching for missing persons.

19. The Institute is an opportunity for truth and reconciliation in Bosnia and Herzegovina and by its approach, methodology and mode of action is a unique institution in Bosnia and Herzegovina, contributing to research and overcoming the painful past of the peoples in Bosnia and Herzegovina and it provides the institutional meeting of justice and law.

20. The Institute regulations on internal organization and systematization provide for 55 employees but currently there are 50 employees at the Institute for Missing Persons, including three members of the Board of Directors.

21. In seven months of 2009, with regard to exhumation and identification, the Missing Persons Institute performed the following activities:

- It made 320 field outings, pre-visits;
- It exhumed 265 bodies / cases;
- It re-exhumed/took bone samples for DNA analysis from 143 bodies;
- It identified 883 persons of which 434 from the area of Srebrenica;
- This number is currently perhaps greater because excavations are in progress in Koricanske rocks and around Srebrenica, as well as in the Radaca pit near Mostar, in eastern Bosnia and Posavina.
- It also plans to organize the excavation in the area of Jajce, etc..
- The Board of Directors will adopt the design of INO web page.

(b) Establishment of a unique database on missing persons

- **On 8 September 2009 the official handover of the Expert Group for exhumations and identification of a database on missing persons in Bosnia and Herzegovina was made by ICMP to the Missing Persons Institute of Bosnia and Herzegovina;**
- The Council of Ministers gave its approval to the Regulation on the establishment of the Central Registry of Missing Persons of Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina*, No. 80/09);
- From 10 to 12 August ICMP organized in Sarajevo and Tuzla the training of staff of the Institute for Missing Persons of Bosnia and Herzegovina and the Central Database related to data entry in the database;
- The Rules of Procedure of the Verification Commission were made, in a way to simplify and speed up the verification procedures in the central database on the one hand, and to

achieve true and accurate verification, on the other hand;

- After the training of staff of the Institute for Missing Persons and members of the central database for data entry, the Board of Directors will adopt at its first next session the Rules of Procedure of the Verification Commission/Instructions, Guidelines for verification or for the work of the Verification Commission;
- It is planned to provide by the end of the year, information in the central database of around 8,000-10,000 missing persons who have been verified, and the whole process of establishing the central database will be completed by the end of 2010;
- The tender to provide facilities for members of the Central Database, as well as for the Missing Persons Institute of Bosnia and Herzegovina is underway;
- The tender has been published for video surveillance, alarm, entrance in the Institute of missing by a card, etc., the total value of which will amount to about 10,000 KM.

(c) Resources to assist families of missing persons

22. Article 15 of the Law on Missing Persons of Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina*, No. 50/04) envisages the establishment of the Fund to assist missing persons, which has been partially realized by making the Decision on the establishment of the Fund to assist families of missing persons in Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina*, No. 96/06), but the Decision has not provided for **full operation of the Fund** so that the above law sets forth that the Council of Ministers, Federation of Bosnia and Herzegovina, the Republic of Srpska and Brcko District shall regulate, by a special agreement, issues related to the seat, the method of financing, management as well as other issues related to the work of the Fund.

23. The above-mentioned law established the right to financial assistance for family members of missing persons in Bosnia and Herzegovina, as well as possibilities for the realization of the rights of other family members of missing persons (health care, education, marking the burial site and excavation of missing persons, assistance to associations).

24. Decisions of the Constitutional Court's determined obligations of **the Council of Ministers, Federation of Bosnia and Herzegovina, the Republic of Srpska and Brcko District** in regard of ensuring the functioning of the institutions established under the Law on Missing Persons of Bosnia and Herzegovina, i.e. (*Missing Persons Institute of Bosnia and Herzegovina, the Fund for assistance to families of the missing and the central database of missing persons in Bosnia and Herzegovina, which is established within the Institute*), or as set forth in the decisions "the Bosnia and Herzegovina Constitutional Court ordered to the Council of Ministers, the Government of the Federation of Bosnia and Herzegovina, the Republika Srpska and Brcko District of Bosnia and Herzegovina to ensure without delay the operational functioning of the Fund for assistance to families of the missing persons in Bosnia and Herzegovina and the Central Registry of Missing Persons in Bosnia and Herzegovina, which are established in accordance with the Law on Missing Persons of Bosnia and Herzegovina."

25. The Missing Persons Institute of Bosnia and Herzegovina and the Bosnia and Herzegovina Prosecutor's Office were requested to supply information on activities relating to implementation of decision of the Constitutional Court of Bosnia and Herzegovina, the part concerning the establishment of the central database of the missing persons.

26. The Law on Missing Persons of Bosnia and Herzegovina that came into force on **18 November 2004** (*Official Gazette Bosnia and Herzegovina*, No. 50/04) created the assumptions to approach the process of searching for missing persons in the equal manner and without discrimination and to eliminate the political obstacles to this process, and in particular to determine the official records of the missing persons in Bosnia and Herzegovina.

27. The Institute for Missing Persons has practically established the basic conditions and began incorporating data into the Central database on missing persons of Bosnia and Herzegovina.

28. After implementation of these activities, the last obstacles to the exercise of the rights of family members of missing persons from the Law on Missing Persons of Bosnia and Herzegovina were effectively removed.

29. The remaining activities in connection to obligation of establishment of the Fund for Assistance to Missing Persons of Bosnia and Herzegovina are governed by the Amendments to the Law on Missing Persons of Bosnia and Herzegovina, which is already in parliamentary procedure in the Parliament of Bosnia and Herzegovina. It provides legal solutions that will make the fund operational and actually establish the Fund for assistance to families of missing persons in Bosnia and Herzegovina.

30. Upon completion of these activities the decision **AP-228/04 of 27 May 2006** shall be fully implemented as well as similar decisions that are also identical and related to the earlier decisions of the Constitutional Court of Bosnia and Herzegovina.

31. In order to **achieve equal rights** of family members of missing persons, it was necessary to establish a new body (the Fund) to implement the award procedure for financial assistance and activities related to exercise of rights to other forms of assistance to families of missing persons, **within a single administrative procedure** as established by this law and by the above-mentioned decision of the Council of Ministers of Bosnia and Herzegovina.

32. **The current text of the law provides for ensuring equal financial support for all family members of missing persons, regardless of where they live.** This law establishes the unique basis for the height of the compensation since the basis for the calculation of the monthly cash assistance benefit **is the amount of 25% of paid average salary in Bosnia and Herzegovina** for the previous quarter, which is calculated separately for each user. In practice, this means that if the average salary paid in Bosnia and Herzegovina in the second quarter of 2009 amounts to approximately 790 KM, the basis for support to families of missing persons amounts to 197.50 KM.

33. The law provides that families choose the exercise of this right, which means that the

family may be entitled to realize this right in accordance with state or entity regulation, **the choice of a more favourable right**, i.e. if you already realize this right by another law in one of the entities (as a civilian war victim or as the family of a missing person in the veteran fund) you can decide to receive only one aspect of social cash benefits because both entities and Brcko District have the same source of funding for this right.

34. The Fund is planned as a restrictive Fund (generally entitles persons who would otherwise be supported by the missing person if alive), because it does not ensure this right to users on the basis for pension insurance **for people who receive more than the minimum pension** since this concerns an additional social right.

35. **The Fund is established as an independent administrative organization that makes decisions on establishing rights for all family members of missing persons in Bosnia and Herzegovina.**

36. For purpose of the Fund establishment, it is necessary to provide the necessary funding for the establishment of the Technical Service of the Fund for assistance to families of missing persons at the level of Bosnia and Herzegovina, in which, besides the director of the Fund, there exists economically organized Technical service of the Fund which may employ up to 10 employees, including the Director of the Fund, who will mainly carry out administrative and legal assistance affairs, as well as cooperation with associations of missing persons.

37. Also, it is necessary to emphasize that the adoption of the Amendments to the Law on Missing Persons of Bosnia and Herzegovina would resolve existing problems with fulfilling the equivalent obligations established by several decisions of the Constitutional Court of Bosnia and Herzegovina.

38. Given that the said law is in the parliamentary procedure in the Bosnia and Herzegovina Parliament, which was done upon the initiative of associations of families of missing persons, the Ministry for Human Rights and Refugees and the Joint Committee on Human Rights, Rights of the Child, Youth, Immigration, Refugees, Asylum and Ethics of the Parliamentary Assembly of Bosnia and Herzegovina, we expect its final adoption and the provision of a unique solution.

39. This fund for assistance to missing persons does not diminish the authority of the entity institutions because the Fund has the role of administrative institution in respect of the application of uniform legal framework on the basis of the Law on Missing Persons of Bosnia and Herzegovina. This law establishes the equal way of exercise of the right to financial support for families of missing persons in Bosnia and Herzegovina and prevents current discrimination in respect of the equal exercise of cash benefit for families of missing persons in Bosnia and Herzegovina, regardless of where they live.

IV - Answers to questions from paragraph 19 of the concluding observations of the Committee on Civil and Political Rights:

40. The following questions were made in terms of the paragraph 19 of the concluding observations of the Committee on Civil and Political Rights on the initial report of Bosnia and

Herzegovina:

- (a) **Results of improved measures in the entity police forces and prisons,**
- (b) **Progress made in relation to construction of new facilities,**
- (c) **Whether the State party intends to improve conditions in the Psychiatric Clinic in Sokolac and Psychiatric Department in Zenica prison and**
- (d) **Training and employment of qualified workers (paragraph 19).**

41. Answers to these questions:

(a) The amendments were made at the state level to the Bosnia and Herzegovina Law on Execution of Criminal Sanctions, Detention and Other Measures (*Official Gazette of Bosnia and Herzegovina*, No. 37/09), which entered into force in May 2009. The above law implements the European Prison Rules from Recommendation No. (2006)-2. of the Committee of Ministers to member states of the Council of Europe and other international standards in the area of the prison system such as the Declaration of Malta - World Association of doctors in relation to the ethical treatment of doctors with the persons deprived of their liberty who hunger strike from 2006, and the recommendations: R 98.7 in connection with the ethical and organizational aspects of health care in prisons, Recommendation (2003)-22. of the Committee of Ministers to member states of the Council of Europe on conditional release, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the jurisprudence of the European Court of Human Rights in Strasbourg in the area of the prison system.

42. These amendments to the Bosnia and Herzegovina law specifically govern the conditions for admission of institution officers - clerks to the service, new powers of inspectors and their new role in cooperation, coordination with inspectors in entities and Brcko District of Bosnia and Herzegovina, especially in regard to enjoyment of human rights from the Constitution of Bosnia and Herzegovina, the formation of the Independent Commission which will be appointed by the Parliamentary Assembly of Bosnia and Herzegovina and which will follow up the conditions of stay in institutions as well as treatment and enjoyment of human rights by persons serving a prison sentence or other measures. They also provide under what circumstances the mentioned Commission will have powers of inspector, which is also implementation of **the paragraph 93 of the European prison rules**. They also regulate the voting rights for persons deprived of their liberty, pay special attention to women needs, actions of the institution in the case of rejection of food by the detainees or prisoners (hunger strike), implementation of the Declaration of Malta-the world associations of doctors regarding the ethical treatment of doctors with detainees who hunger strike from 2006, the testing of infectious disease or psychoactive media-implementation of Recommendation no. R (98) 7, in connection with the ethical and organizational aspects of health care in prisons, risk assessment of the risk of prisoners fugitives, control measures, prohibitions and limitations for prisoners while using the facilities, restrictions on granting benefits, the mandatory parole by the manager, resolving conflicts of jurisdiction in respect of applications for parole of prisoners sentenced by the entity court who serve sentence in the institution of the other entity, report of the institution about the need for assistance after serving a prison sentence or conditional discharge as well as accommodation of a minor in the

institution of other entity on the basis of decisions of the Minister of Justice of Bosnia and Herzegovina.

43. In the previous period the significant advances have been achieved regarding increasing the prison and detention accommodation capacities which are within the competence of the entities. It is important to note that the Entity Ministries of Justice undertake certain activities with regard to increasing the prison and detention accommodation capacities, and so certain activities have been undertaken to upgrade the capacity of the existing correctional institutions in the Republika Srpska.

44. Activities on the construction of the Department with maximum security and intensive treatment programs in penitentiary institution (hereinafter 'prison') in Foca, of capacity of 38 people, took place throughout 2008, which resulted in completion of the second phase of construction, while the third phase of activities concerning furnishing and installing devices and equipment is carried over into this year and it is expected that the facility will be completed by the end of the year depending on the provided funds. In the Prison in Foca, the works on furnishing the Department with intensified surveillance of capacity of 10 seats were completed, rooms were adapted for another prison group and the works on reconstruction and building of the Institution reception desk and fence wall were finalized as well. All this greatly improved security in the institution.

45. At the same time in the Doboj District Prison, the conditions for serving the sentence and detention measures were significantly improved. Renovation, painting and equipping of the premises were completed thus creating much better conditions for life and work of convicted and detained persons. The preparations for the upgrade of the existing floor space are in progress and the start of the works which will last several months is planned for autumn 2009. In this way the District Prison in Doboj will significantly increase its prison accommodation.

46. The Ministry of Justice of the Republika Srpska intends to provide during 2009 a non-economical military facility in the municipality of Bijeljina, in order to build a new prison facility with capacity up to 150 people, and so the District prison in Bijeljina is in the course of activities to arrange the space in the former barracks "Patkovaca" to expand existing accommodation facilities and create conditions for the new use of current facilities and space as jail premises.

47. During 2008, the Trebinje District Prison made procurement and installation of a PVC opening on the facility storey, the general overhaul of the heating station was carried out and it is planned to reconstruct the entire floor depending on the provision of financial resources.

48. Eviction of a number of institutions that were located in rented premises in East Sarajevo Prison, opened the possibility of extending the accommodation capacity for convicted and detained persons. Work on the adaptation of these facilities have already been partially completed and significantly increased the capacity of the Institute.

49. The juvenile correctional home was opened in Banja Luka, of capacity of about 40 persons (2007) and the Department for execution of the sentence of juvenile prison was opened in East

Sarajevo Prison of capacity of about 40 people.

50. In 2009, in other correctional institutions throughout the Republika Srpska activities continued to expand the prison accommodation and to improve the conditions for life and work of convicted and detained persons, so that 8 new cells in Prison in Banja Luka intended to accommodate high-risk and dangerous prisoners are under construction.

51. Measures taken in the Federation of Bosnia and Herzegovina in order to increase the prison and detention accommodation can be represented through the following activities:

- In Busovaca Prison a new facility was built of capacity up to 60 people;
- In semi-open prison in Tuzla, Department in Orasje, the works on the construction of the facility of increased spatial capacity for 54 places were completed (4 m²/person) and are awaiting receipt of the prison staff;
- The semi-open prison in Tuzla put in operation an office building on Kozlovac, with increased capacity of 150 places. Also, on 7 May 2009, the semi-open prison in Tuzla formed the Department for enforcement of measures of sending to correctional home of male and female juvenile persons;
- In semi-open prison in Mostar, activities are being currently conducted to expand capacity by an additional 18 places, having already put into operation the accommodation capacity of 25 places;
- In the closed prison in Zenica, a modern built pavilion was put into operation for the separation of convicts for safety reasons for 28 people, and the doctor's room was built and equipped with patient clinic and the dental office was equipped. The works on the construction of the pavilion IV are underway. Its construction will expand capacity for over 50 places and it will isolate prisoners with high risk in terms of criminal needs.

52. Significant progress has been made in approving additional funds amounting to KM 15,000,000.00 for prisons in the Federation and the Government of the Federation of Bosnia and Herzegovina gave approval to hire 160 new prison officers, as a necessary means to maintain the basic existential condition of the convicted and detained persons. In this regard, the Federal Ministry of Justice launched the activities for introduction of electronic monitoring as an alternative way of serving sentence, as well as the activities of insuring conditions for the imposition of alternative measures, especially measures of "work for the common good in freedom", in cooperation with the cantonal governments. Besides above, the possibility is considered to use abandoned military barracks in Delijas for the construction of the Sarajevo Prison Department with accommodation for 200 convicts.

53. It should be also noted that the Federal Ministry of Justice passed the Rules on amendments to the Rules on criteria for sending convicts to serve their sentences (*Official Gazette of Bosnia and Herzegovina*, No. 37 / 09) in order to overcome difficulties related to making a legally convicted persons to serve a prison sentence. Article 4 of the Rules provides that if the court finds that in the Prison, to which the convicted person was sent to serve a legal sentence, there is no free accommodation, it will ask from the Federal Ministry of Justice the data on the available appropriate type of prison which has free accommodation capacities. After obtaining the data on

prisons with free accommodation capacities, the court shall refer the convicted person to the prison which is required to comply with a written act of the Federal Ministry of Justice and to accept convicted persons according to the court writ.

54. In the period from 2006 until 2009, the Ministries of Justice of the Federation and the Republika Srpska have undertaken the above mentioned measures to increase the prison accommodation. So, by the end of 2009, the accommodation capacities in the Federation of Bosnia and Herzegovina increased by around 317 places, especially having in mind the expansion of Prison Busovaca, Orasje, Zenica, Mostar and Kozlovac within the prison in Tuzla.

55. In the Republika Srpska the capacities increased by 56 seats to serve sentences (Prison-Foca-48 places and Prison - Banja Luka-8 places), followed by 40 places to serve sentences in juvenile prisons in the Prison in East Sarajevo, as well as 40 places in the correctional home for minors in Banja Luka, which means that in the observed period the Republika Srpska increased institutional capacity by 136 places in total.

56. Thus, in the period from 2006 until 2009, in the Federation of Bosnia and Herzegovina and the Republika Srpska the total of the expanded prison capacity amounts to 453 places with the real possibility of extending the Zenica Prison by 50 new places and Mostar Prison by 18 new places, which means that the prison capacity in the coming period will be increased, due to the activities of these ministries, by 521 places.

57. On 6 October 2009, the Ministry of Justice made the final information on the situation in connection with the untimely sending of legally convicted persons to serve their prison sentences due to insufficient capacity of institutions for prison sentences and security measures, which was addressed to the Parliamentary Assembly of Bosnia and Herzegovina for consideration. The information contains possible suggestions for further treatment in order to secure new accommodation capacities in the entity institutions for a total of 1,091 persons according to proposals given in the CARDS - Project and programme of technical support to Bosnia and Herzegovina by the European Commission managed by a professional team of the Federal Ministry of Justice of the Republic of Austria. The Project showed that one of its main goals was a current review of prison capacities in Bosnia and Herzegovina, assessment of the building and technical state of the institutions along with financial assessment for future investment needs and reconstruction of existing prison facilities in Bosnia and Herzegovina, in order to retain in the future all the necessary internal conditions for a stay of detainees and prisoners in accordance with European standards in the area of the prison system.

58. The above report demonstrated that the entity institutions can accommodate 2,658 people and the common room area per one person is 2.80 m², which is below the minimum of European standards of 4 m² per one person for every room. If the European standards were applied then the prison capacity in the entity institutions could receive about 2,000 convicted and detained persons.

(b) Progress made in relation to construction of new buildings

59. In terms of building the state prison, we note that the activities to ensure financial resources

are in progress, as a condition for taking further actions and the start of construction of state prisons and in this regard we inform you about all the activities undertaken so far to build a state prison, the final estimate of the total cost of building of the state prison, time possibilities for undertaking activities for the tender procedure and the construction itself, as follows:

60. The state prison construction project within the Ministry of Justice of Bosnia and Herzegovina is managed by a special organizational unit “**Detention Unit and Institute in construction at the state level**”, which undertakes all the activities related to the implementation of the above project, so we inform you about the latest activities that the said unit supplied as follows:

61. In 2008 and 2009, activities on the implementation of the State Prison Construction Project (hereinafter ‘the Project’) took place in accordance with established work plan for each year. In accordance with the approved budget funds for 2007 and 2008 in the amount of 6,000,000.00 KM in line with the Law on Public Procurement of Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina*, No. 49/04, 19/05, 52/05, 8 / 06, 24/06 and 70/06), the open tender procedure was carried out for selection of the best bidder to perform interior works (levelling) of soil and construction of concrete fence wall on the designated location.

In order to collect funding and close the financial structure for the State prison construction the loan was requested from the Council of Europe Development Bank.

The presented paper pointed out that some existing design solutions were not harmonized with European standards so the Mission found that the existing project was to be reviewed.

62. Starting from this assessment the Mission recommended the suspension of further work which caused a halt in the planned schedule of works.

To continue the work and close the financial construction for the building of the Institute, according to the latest estimates there should be approximately _ 20,000,000.00 needed. In order to ensure donor funds to encompass the total investment, a draft letter was prepared to embassies as potential donors as well as the draft Memorandum of Understanding to provide financial support to building of the Institute for Execution of Criminal Sanctions of Bosnia and Herzegovina, which will be offered to donors for consideration and signature.

The final estimate of the total amount of funds necessary to build a state prison is _ 39.600,000,00. The plan for further activities was made by stages: feasibility studies, preliminary project until November 2009, the main project until June 2010, the tender procedure by October 2010 and the construction of the said Institute by April 2012.

63. The evaluation of investments in entity institutes shows that the entity prison system needed investments in the amount of _ 25.466.000.00, where the donor funds are not indicated, and they are planned for renovation and reconstruction of special facilities for forensic psychiatry in Sokolac in the amount of CHF 2,850,000.00. An additional amount of _ 1,750,000.00 for interior decoration of this institution assessed by the professional team of the Federal Ministry of Justice of the Republic of Austria has been neither included in the above

amount.

64. According to the report of the expert team of the Republic of Austria on multi-year financial plan for investment in the prisons in Bosnia and Herzegovina, i.e. for the period from 2008 to 2011, the required financial funds are indicated as below:

- Zenica prison _ 1,350,000.00,
- Tuzla prison _ 440,000.00,
- Mostar prison _ 1,123,000.00,
- Tomislavgrad prison, Busovaca department _ 310,000.00,
- Dobož district prison _ 500,000.00,
- Trebinje district jail _ 185,000.00,
- Bijeljina district prison _ 1,200,000.00,
- Sarajevo prison _ 725,000.00,
- Tuzla prison, Orasje department _ 450,000.00,
- Bihac district jail _ 370,000.00,
- Foca Prison _ 1,400,000.00,
- Banja Luka prison _ 575,000.00,
- Prison in East Sarajevo _ 265,000.00,
- Psychiatric Clinic "Sokolac" _ 1.750,000,00.

65. Necessary funds for the entity institutes in the period from 2008 to 2011 are estimated in the amount of _ 25,466,000.00, with the possible dynamics of investment in 2008 amounting to _ 6,801,000.00, in 2009 to _ 7,740,000.00, in 2010 to _ 6,955,000.00 and in 2011 to _ 3,970,000.00.

66. The prison system in Bosnia and Herzegovina is confronted with five basic challenges in terms of architectural dimension, namely: adaptation to European standards, overcrowding, optimizing prison utilization, changes in the structure of the prisoners after the 1995 and improvement of cooperation between different levels of government.

67. In this regard the expert team for the said project proposed and gave the priorities of the future adaptation and reconstruction as well as the final phase, which would give the new 1,091 prison places:

- Establishment of specific organizational units in ministries of justice responsible for building and coordination of civil and architectural projects;
- Reduction of prison overcrowding through construction of the state prison while carefully considering construction of new prisons at the entity level, i.e. less construction of new prisons and investment activities of major renovation and increase of capacity in existing prisons since the latter option requires less financial resources. The practice of some countries of the European Union has shown that such a combination with a greater participation in renovation, adaptation and expansion of existing prison gave adequate results;

- Greater cooperation in the utilization of total capacities in different prisons because it was observed that in certain periods there is overcrowding in prisons of one of the entities while there is free capacity in the prisons of another entity, or the possibility of accommodating prisoners from entities in the future state prison, and

- Equipping prisons with modern technical, safety equipment.

68. The priority assessment of reconstruction, adaptation and construction of additional or new facilities is shown in three stages as a possible plan for solving the overcrowding of prison facilities in Bosnia and Herzegovina, as follows:

69. If the listed priorities would be accepted and implemented there would be increase in prison capacity by 1,091 places, which would be sufficient for future prison system in Bosnia and Herzegovina and is in line with European standards to increase prison capacities. After final realization of priorities it would look as follows: Bosnia and Herzegovina prison, with a capacity of 350 places; Mostar Prison with a capacity of 30 places and the Detention Unit as an additional capacity with 16 places; Prison in Sarajevo with 50 places; Foca Prison with 88 places; Banja Luka Prison with a capacity of 18 places; East Sarajevo with capacity of 14 places; Zenica Prison with 100 places; Prison in Tuzla with 75 places; Bijeljina with 80 places; Bihac with 30 places, which represent the priorities of 1a and 1b. Prison Orasje with building of a new facility with capacity of 60 places, semi-open Mostar prison, Sarajevo with 60 places and Sarajevo with 40 places, which is a priority number 3.

The total amount of capacity is 1,091 places.

70. For the above reasons, we deliver you the answers to additional questions, with longer explanation that would provide better understanding of the current situation of the prison system in Bosnia and Herzegovina.

(c) Conditions in the Psychiatric Clinic in Sokolac and Psychiatric Department in Zenica prison

71. According to the conclusions of the Council of Ministers adopted at the 52nd session, held in June 2008, the Ministry of Justice was responsible for making the final version of the text of the Draft Agreement on accommodation and compensation costs for the enforcement of security measures imposed in criminal proceedings and other proceedings in which the measure of treatment is ordered. The proposal of the Agreement was adopted by Contracting Parties, i.e. the Council of Ministers, the Clinical Centre of Eastern Sarajevo, the Government of the Republika Srpska, the Government of Brcko District and the Government of the Federation of Bosnia and Herzegovina with the additional approval of the Ministry of Health and Social Welfare of the Republika Srpska of 04 September 2009 which is considered the date that the Agreement was finally approved and adopted. By adoption of the said Agreement the funds donated by Swiss Confederation in the amount of CHF 2,800,000.00 for renovation and reconstruction of the Special Hospital for forensic psychiatry - Sokolac have become operational and the main coordinator of the Project Implementation Unit of the Council of Ministers was enabled to accede to further adaptation and reconstruction activities of the building, i.e. to take actions to

call an international public tender and other activities for the purpose of adaptation and reconstruction of the said medical facility. Thus, Bosnia and Herzegovina would have in use a modern forensic institution with European standards, which would provide services to all courts and other competent authorities from Bosnia and Herzegovina and it would resolve the important question of the future adequate accommodation of forensic patients in Bosnia and Herzegovina.

72. The Agreement was signed on accommodation and compensation costs for the enforcement of security measures imposed in criminal proceedings and in other proceedings ordering treatment and the signing of the said Agreement means the establishment of the Special hospital for forensic psychiatry in Sokolac, which will provide services to all courts or other authorities in Bosnia and Herzegovina. It will represent a unique institution for the reception of forensic persons for entire Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska and Brcko District. There are currently activities going on for adaptation and reconstruction of this special hospital, as well as the publication of the concluded Agreement in the Official Gazettes of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska and Brcko District.

(d) Training and employment of qualified workers

73. In terms of continuing professional training of staff in institutions for the execution of criminal sanctions we inform you that the Ministry of Justice prepared the Regulation on the conditions, method and programme of taking the professional examination of the prison staff in institutions for the execution of criminal sanctions (*Official Gazette of Bosnia and Herzegovina*, No: 56 / 05) and made a special program of professional examination of the prison officials (*Official Gazette of Bosnia and Herzegovina*, No. 56/05), which also represents the legal support for continuous professional education and training for prison staff since besides special psychophysical and health conditions to do their job they are also required to pass a professional examination which includes additional subjects to those that are laid for a professional administrative exam, including additional knowledge of the system of execution of criminal sanctions, the basic of criminal law, criminal procedure, the basic of penology and andragogy as well as personality psychology with the basics of psychopathology. Each year there is also, at the level of the ministries, a training program for the prison staff. Internal systematization of jobs provides a position, “**the expert adviser for training of the prison officers**” whose work will require special support in the future. In addition, the training program during the period from 2005 to 2009 was under constant guidance of the expert team of the Council of Europe and some individual projects by the European Commission. Currently there is a joint programme of the European Commission and the Council of Europe implemented called “**Effective management of the institutes in Bosnia and Herzegovina**”, which contains twenty-two (22) most actual thematic topics of the prison system including vocational training for prison staff for the period 2009-2011. All this indicates that the Ministry of Justice is aware of the importance of education of the prison staff and that in the coming period it will make preparations for undertaking major activities and obligations in the above areas and for gradual transfer of the said training from the Office of the Council of Europe onto domestic legal and penology experts, where the special role and importance shall be borne by the Expert advisor for training of the prison officers.

74. When receiving prison staff at the state level, the care is taken of the article 7 of the Law on

Administration of Bosnia and Herzegovina, which indicates that the administrative bodies of Bosnia and Herzegovina, provide adequate representation of national civil servants and prisoners against national structure of the population. The care is also taken about the quality of selected personnel, with a remark that in line with the Council of Europe recommendations concerning the prison system and getting the expert staff, the Ministry of Justice according to new amendments to Bosnia and Herzegovina Law on Execution of Criminal Sanctions, Detention and Other Measures (*Official Gazette Bosnia and Herzegovina*, No. 37/09) has envisaged six (6) new articles of the law which regulate the possibility of engaging “**prison officers-trainees**” under special recruiting conditions (physical and mental, health and the upper age limit), engagement against the public notice, practical training, courses, seminars and other forms of education. The special training in legal and penology issues is envisaged after the practical training. Accordingly, the cumulative requirement for trainees to stay in permanent employment relationship is the fact that they successfully passed the practical training and professional examination required for the acquisition of the title of prison official. In this view, there is a plan for 2010 to amend the Rules on the official titles and marks of the official positions which will enable promotion in service and one of the main conditions to be fulfilled along with the formal conditions required for professional title (technical knowledge, education), will be also the work of such officials in the practice of the Institute.

75. In addition to the above questions of the Special Rapporteur, we want to inform you about the activities undertaken by Bosnia and Herzegovina in terms of introducing new alternative criminal sanctions and what further regulations were adopted that enable their implementation and development.

76. At the level of Bosnia and Herzegovina, the Criminal Code of Bosnia and Herzegovina was passed (*Official Gazette of BiH*, No. 3/03), which envisages in the system of criminal sanctions a new alternative criminal sanction “**work for the public good in freedom**”, which is regulated by Article 43 of the above law. Specifically, in case the court measures and pronounces a prison sentence of up to six months it can at the same time decide that the pronounced penalty can be replaced with the work for the public good in freedom, with the consent of the accused. The system of enforcement of criminal sanctions, which is embedded in the Criminal Code of Bosnia and Herzegovina during drafting of the Bosnia and Herzegovina Law on Execution of Criminal Sanctions, Detention and Other Measures (*Official Gazette of Bosnia and Herzegovina*, No. 13/05) contains the articles 184 and 185 that provide for the execution of work for the public good in freedom. It also contains general provisions and indicates that the required by-laws on work assignment, type and conditions of work, and secondary legislation will be enacted by the Ministry of Justice of Bosnia and Herzegovina. In order to enable the execution of criminal sanction “work for the public good in freedom”, this Ministry has drafted four (4) by-laws which entirely regulate, from the aspect of normative-legal authority, the area of enforcement of these sanctions, i.e. the type and conditions for the execution of this criminal sanction, the criteria for determining the compensation for commissioners within enforcement of the sanction, the rules on selection, training and records of commissioners as well as instruction on register book and personal log of the convict serving the specified criminal sanction.

77. The Ministry of Justice of the Republika Srpska made amendments to the Law on Execution of Criminal and police sanctions (*Official Gazette of RS*, No. 68/07), where the new

paragraphs 4, 5, 6 and 7 were added to the Article 209, setting forth the possibility of execution of criminal sanction “**work for the public good in freedom**”, so there are no normative obstacles to execute this alternative criminal sanction in the Republika Srpska. **However, at the level of the Federation of Bosnia and Herzegovina, the Law on Execution of Criminal Sanctions of the Federation of BiH, has had no amendments that would provide for execution of this alternative criminal sanction, so it is necessary to further harmonize the law of the Federation of BiH with the Law of Bosnia and Herzegovina.** That is why in the Federation of BiH there are no normative prerequisites to apply this sanction and there is a need for active involvement of the Ministries of Justice of the Cantons in the Federation of BiH.

Accordingly, all normative actions at the level of Bosnia and Herzegovina have been carried out for execution of this criminal sanction and there is possibility of legal comparison for the entities in the legal regulation of this sanction, whose implementation is realistic to expect at the municipal and cantonal and district courts, due to their real jurisdiction, i.e. the actual type and severity of crimes that are under the jurisdiction of the courts of the entity.

78. Secondary regulations in terms of treatment of persons deprived of their liberty hunger striking have been made and they fully implement the principles of the World Association of doctors from 2006 in relation to the ethical treatment of doctors with the persons deprived of their liberty hunger striking. In connection with this, the Instruction at the level of Bosnia and Herzegovina has been made on principles regarding the ethical treatment of doctors with the persons deprived of their liberty hunger striking (*Official Gazette of Bosnia and Herzegovina*, No. 28/08)

79. In terms of improving supervision of the prison institutions, except inspectors as officials with special powers to supervise, this Ministry envisaged by new amendments to the law of 2009 the establishment of the **Independent Commission of the Parliament of Bosnia and Herzegovina**, which would monitor the conditions of stay, treatment and human rights of persons being charged with criminal sanction or other measures in order to ensure the higher level of human rights in prisons, professional conduct of prison officers, application of new professional knowledge and methods in the process of resocialization, which is the additional independent mechanism that will allow the future achievement of the highest level and standards of human rights in prisons in Bosnia and Herzegovina.

80. Regardless of the existence and jurisdiction of the Human Rights Ombudsman of Bosnia and Herzegovina, the Ministry of Justice of Bosnia and Herzegovina has accepted the recommendation from the European Prison Rules adopted 11 January 2006, namely the paragraphs 93.1. and 93.2. recommending to member states of the Council of Europe to integrate into their prison rules, “**independent monitoring**” by an independent body in terms of conditions of imprisonment and treatment of prisoners regarding respect for their human rights. This institute is built through the Article 41.-a of the Law on Amendments to the Bosnia and Herzegovina Law on Execution of Criminal Sanctions, Detention and other measures, which was adopted in April 2009 by both Houses of Parliament (*Official Gazette of Bosnia and Herzegovina*, No. 37/09), and which entered into force on 20 May 2009. The Parliamentary Assembly of Bosnia and Herzegovina has undertaken activities and initiated the procedure for the establishment of the Independent Commission.

81. **The recommendation (2006) 2 of the Committee of Ministers to member states in connection with the prison rules adopted at its session held on 11 January 2006 suggests the Council of Europe member states to integrate into their legislation and regulations "Independent monitoring" from provisions of the articles 93.1. and 93.2. of the recommendation which is embedded in the Bosnia and Herzegovina Law on Execution of Criminal Sanctions.** The aim of this recommendation is to form and appoint the Independent committee to monitor the development of these standards in addition to inspections carried out in the institutes by the competent authority of the Ministry or a person with special powers in order to achieve the higher standards in terms of human rights, treatment of persons and the conditions of their stay in institutions.

82. The above committee has the authority to perform independently the external monitoring of the Institute or together with the inspectors of the Ministry of Justice of Bosnia and Herzegovina or other supervisory authorities and it has in this capacity the authority belonging to authorized persons, inspectors from Article 40 and 42 of this law. For the above reasons, the Committee is authorized to make its report and submit it to the competent Ministries of Justice and prison administrator. Moreover, the said article proscribes the manner of appointment and dissolution as well as the number of Committee members , their mandate, professional qualifications and adoption of the Rules of procedure for their work and the annual report, which will be very important to raise the standards of respect for the prisoners and detainees' rights, high level of treatment by prison officials, their continuous training, education and acquiring new prison skills that represent the latest European practice in the field of prison rules.

83. In addition, the specific conditions of residence, state of prison, especially the adequacy of appropriate room, standards of accommodation with all the supporting facilities in the institutes will indicate the need for harmonization of these conditions in accordance with minimum European standards and regulations.

84. The work of the Independent Committee will allow a faster and more efficient way to provide necessary funds for the rehabilitation, reparation, extension or construction of new facilities within the prison system reform, which should follow the reform of the judiciary and the prosecution, and its content is compatible with the new criminal sanctions, standards and new methods of execution of criminal sanctions.

85. In cases of possible unrest, riots or strikes in the prisons, supervision of the Independent Committee will contribute to more objective informing of the public and the competent authorities on such occurrences, their causes and ways of solving them, which will prevent unfounded pressures of the prison population in search of their rights that are contrary to law or indirect political interference in the work of the prison system.

86. Conclusion on establishment of interim Joint Committee of both Houses of the Bosnia and Herzegovina Parliamentary Assembly to carry out obligations under Article 41-a. of the Law on Amendments to the Bosnia and Herzegovina Law on Execution of Criminal Sanctions, Detention and Other Measures ("Official Gazette of Bosnia and Herzegovina", No. 37/09), which refers to the selection and appointment of the Independent Committee

authorized by law to monitor the conditions of stay in institutions and treatment of human rights of persons under criminal sanctions and other measures pronounced in criminal proceedings by the court, foreign courts for offences prescribed by the Criminal Code of Bosnia and Herzegovina or international treaties signed by Bosnia and Herzegovina, or other court in accordance with the law of Bosnia and Herzegovina. **The conclusion was passed on 59th session of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, in September 2009 and at the 35th session of the House of Peoples ("Official Gazette of Bosnia and Herzegovina", no. 75/09).** This conclusion was adopted as part of undertaking additional activities in the implementation of Article 41-a and implementation of the Law on Amendments to the Bosnia and Herzegovina Law on Execution of Criminal Sanctions, Detention and Other Measures ("Official Gazette of Bosnia and Herzegovina ", No. 37/09).

Juveniles sentenced to prison

87. Regarding measures taken to allow **juveniles sentenced** to juvenile prison sentence in a juvenile prison, regardless of the current state of institutions in the entities that have jurisdiction over the treatment of juvenile perpetrators of criminal acts, it is as follows:

88. Execution of criminal sanctions against minors is the responsibility of the entities because the juvenile prison sentence is executed in a separate institution in the entity in which the minor resides or stays, to thereby achieve a higher standard in the process of resocialization of this population allowing them to have closer contact with their families and other relatives, or attending education and other penology treatment applied to this specific population.

89. The current situation in Bosnia and Herzegovina is the fact that the Federation does not have a special institute in which minors could serve a prison sentence. The particular department that was placed in Prison in Zenica was burdened with adult convicted persons due to lack of prison capacity and so the juveniles had no adequate conditions to serve their prison sentence and could not be separated from adults or other convicted persons, and prevented to contact with persons convicted of serious crimes. **Due to negative impact caused by this legal situation, the Ministry of Justice of Bosnia and Herzegovina has built a special legal standard which enabled the Minister of Justice of Bosnia and Herzegovina to make a decision in such situation upon which the minor could be sent to serve the sentence in the appropriate institution or a special department for the juvenile in the institution of another entity (*Official Gazette of Bosnia and Herzegovina, No. 37/09*).** This fully contributed to the rule of law and this legal standard made it impossible in practice to have a legal situation of failure to send a minor to serve a prison sentence due to lack of prison capacity in a given entity. That is why we show this standard and the reasons and objectives for its enactment, which are separately given in the reasoning of the said legal standard.

90. Positive legal regulations in Bosnia and Herzegovina determine that a minor serves juvenile prison sentence in a special juvenile prison or in a separate department for the juvenile in the institution in the entity in which the imprisoned person has residence or temporary residence. In addition, the law specifically states that persons serving a juvenile prison sentence must have separate rooms for stay from other prisoners if they are in a special department, as well as the possibility of applying modern methods of treatment in terms of re-education,

education, school or professional training, all in order to have successful return and integration into the living conditions of freedom and fulfil the duties of citizens in accordance with the law.

91. **Currently the Federation of Bosnia and Herzegovina has no special institutes for execution of the sentence of a juvenile prison, but there is a special department in Zenica Prison of closed type, which also accommodates adults serving prison sentence due to overcrowded existing capacity.** This situation violates the basic penology principle of separate accommodation for minors from adults, and that is why it is considered that the organization of treatment can not be successfully carried out as well as all other professional and regular activities in the process of resocialization and re-education of minors as the basic goal of penalties that may be pronounced against above mentioned people.

92. **In the Republika Srpska, on the location of semi-open Prison in East Sarajevo the special building was built for accommodation of minors to serve juvenile prison sentence.** Currently three (3) minors are serving a sentence and facility was built for admission to 40 (forty) minors and meets all penology conditions regarding treatment required by the law.

93. **Due to these reasons, difficulties may arise in practice about sending to serve the sentence from the area of the Federation of BiH, and the possible long stay of such persons in liberty because of summoning to serve the sentence. This would be contrary to the principles of justice related to punishment with regard to general and special prevention and especially satisfying justice to the families of victims.**

94. That is why the public opened this issue and suggestions were given that the Ministry of Justice of BiH should act on the basis of its authority in these legal situations, so that in the event that a suitable accommodation of a minor is not possible in one entity or Brcko District of BiH there is possibility to accommodate such persons in particular Institute of another entity.

95. Based on the proposed legal standard, the Ministry of Justice of BiH would have the authority in such legal situations to make decision that such a minor serves a sentence in the appropriate institution of the other entity. Application under paragraph (1) of this Article is submitted by the court in the place of residence or temporary residence, through the Ministries of Justice of entities or Judicial Commission of Brcko District of BiH, which had previously given written consent for the requested accommodation in another entity, with respect to the procedures of jurisdiction of bodies of entities and Brcko District.

96. Based on the decision of the Ministry of Justice of BiH, the Court in the place of residence or temporary residence sends the minor to serve a prison sentence in the institution of another entity.

97. The costs are borne by the Ministry of Justice or the Judicial Commission of Brcko District, according to the seat of the court which has jurisdiction to send such minors to serve the sentence of a juvenile prison.

98. **The proposed legal standard prevents to have in the practice the problem of failure of accommodation and service of the sentence of convicted minors, thus compromising the**

principles of justice, the implementation of resocialization and purpose of punishment, the relationship to the victim and society as organized community capable of influencing and taking measures not to commit criminal acts and it influences upon the consciousness of citizens about the just punishment for perpetrators of crimes.

V - Answer to questions from paragraph 23 of the concluding observations of the Committee on Civil and Political Rights:

99. In terms of paragraph 23 of the concluding observations of the Committee on Civil and Political Rights on the initial report of Bosnia and Herzegovina the following questions were made:

(a) Access of the Roma community members to regular and extraordinary legal remedies (including the provision of legal aid and advice)

(b) Movement and progress related to alternative housing for Roma families from Butmir village (paragraph 23)

100. Answers to these questions:

(a) Access of the members of the Roma community to regular and extraordinary remedies, including the provision of legal aid and advice, are provided by regular legal remedies through the right to appeal or by any of the extraordinary remedies in case of litigation for all damaged families of the Roma community who were transferred from the water protected zone in Butmir. The previous responses to the same question above listed the laws which establish the rights to ordinary and extraordinary legal remedies. Provisions of the Constitution of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and Sarajevo Canton set forth the right to provide an adequate remedy. In addition to these domestic instruments, the European Convention on Human Rights, which is an integral part of the Constitution of Bosnia and Herzegovina, has priority of application over the domestic law and it also provides for filing a complaint with the Court in Strasbourg after all domestic remedies have been exhausted.

101. Municipalities and centres for social work are competent of providing assistance and advice to Roma families in order to maintain the progress that has been reached in regard to alternative accommodation for all Roma residents transferred from Roma settlement in Butmir to five municipalities, namely: Hadzici (village Osenik - Pazaric), Ilidza (village Nadosjek) Ilijas (Mrakovo village), Novi grad (village Reljevo-Rajlovac) and Vogosca (village Poturovici - Semizovac). This includes giving instructions to members of the Roma families and associations on access to regular and extraordinary legal remedies, including providing legal aid and advice.

(b) With respect to issues related to movement of Roma families from the water-protected zone in Butmir, this process has been completed successfully owing to the Ministry of housing affairs of the Sarajevo Canton and the Municipality of Ilidza. In 2007 the protocol was signed on the co-financing of the project on displacement of Roma settlements from Butmir location whose inhabitants lived in inadequate hygienic-sanitary conditions in the water-protected zone, to new

locations. After that, the Swedish International Development Agency (SIDA) joined the implementation of these activities, with the guarantee to provide funds for the construction of solid objects for the relocation of families from the locality Butmir, in a way to build at least one building with four residential units in each of the municipalities. SIDA has provided funds for the construction of 8 brand new buildings with 33 residential units. The Ministry of Housing Affairs ensured funds for locations and enabled their infrastructure equipping. The municipalities of Ilijas, Novi Grad, Vogosca, Hadzici and Ilidza issued construction licences for buildings with four residential units as follows: The municipality of Ilijas for two buildings with 8 residential units, the municipality of Novi Grad for one building with 4 residential units, the municipality of Vogosca for one building with 4 housing units, the municipality of Hadzici for two buildings with 8 housing units and Ilidza for two buildings with 9 residential units. The listed buildings have been fully built, with the necessary infrastructure. The apartments were equipped with very good furniture and equipment by HO Caritas from Switzerland who gave them as a donation under a contract signed with users of flats.

102. The equipped apartments were handed over to the Roma families to use. Municipalities, which are the owners of buildings for accommodation of the above-mentioned families, signed contracts on use of flats with the users, precisely defining rights and obligations of owners of flats as well as the rights and obligations of flats users.

103. Thus, most of the apartments were overtaken by the users on 03 June 2009.

104. It should be noted that the Ministry of housing policy of the Canton of Sarajevo envisaged the budget in 2009 for co-financing the displacement and taking care of the Roma population, if the Roma representatives appear with the new requirements.

105. On this occasion, we also indicate the phenomenon that some family users of the flats, in some municipalities after taking possession of the flats began to sell furniture and equipment from the apartment. After that, they destroyed the furniture that they could not sell and disabled flats for living and moved to unknown places according to municipality data. For example, according to data of the Municipality of Ilijas, the mentioned actions of flat users were carried out in two residential buildings with four apartments in the settlement Mrakovo.

106. According to initial findings about the above actions the municipal authorities have repeatedly intervened on the spot and informed the competent police authorities.

107. Although the users of apartments have signed contracts to use them and were familiar with the provisions of articles 12-14 of the Agreement on the use of flat by notification (warning) which was shown on the doors of the apartments and the community bulletin board. Each family was familiar with the contractual obligations of use, taking care and maintenance of apartments and the consequences if users behave contrary to those provisions. All families also know that if you do not want to use the allocated flats, it should be reported to the local municipal office in order to sign the agreement on termination of the contract. No family responded to the invitation and none of them returned to use the apartments.

108. After the above-mentioned events the municipal authorities of the Canton of Sarajevo

Attorney's Office requested an opinion on the denunciation of the use of housing for persons who were located in the municipality of Ilijas. After obtaining the opinion of Attorney's Office, the municipal authorities shall act in accordance with the received opinion. If there is a termination of the agreement to use the flats they will be rehabilitated and assigned to other families of the Roma population.