

Fact Finding mission to Bosnia and Herzegovina, 1996

16-21 May 1996

10 August 1996

FACT-FINDING MISSION TO BOSNIA AND HERZEGOVINA

ON THE SITUATION OF THE ROMA/GYPSIES

(16-21 May 1996)

CONCLUSIONS OF THE MISSION AND RECOMMENDATIONS

prepared by the members of the mission

1. In accordance with the decision taken by the Committee of Ministers of the Council of Europe at its 562nd meeting (1-4 April 1996), a **fact-finding mission on the situation of the Roma/Gypsies in Bosnia and Herzegovina** took place from 15 to 21 May 1996. The team was composed of the Chair of the Specialist Group on Roma/Gypsies (MG-S-ROM), who is also a member of the Parliamentary Assembly of the Council of Europe, the Co-Chair of the latter Group, one representative of an association of Roma/Gypsy refugees from Bosnia and Herzegovina (based in Germany), the Coordinator of the Contact Point on Roma and Sinti Issues of the OSCE/ODIHR and two members of the Secretariat (DASE)¹.

BACKGROUND

2. The number of Roma/Gypsies living in Bosnia-Herzegovina before the war is estimated to be around 50 000-60 000. It is in fact extremely difficult to assess their exact number as they were usually registered in the 1991 census under the category "other nationalities". Moreover one has to bear in mind that Roma/Gypsies very often do not declare themselves as "Roma" as they fear that this could prevent their integration or even endanger their situation. It is equally difficult to find accurate figures concerning the number of Roma/Gypsies still living in the country. The only estimates the mission could gather came from testimonies and evaluations provided by Roma/Gypsy refugees abroad, and in particular from the associations of Bosnian Roma/Gypsy refugees and displaced persons presently living in Germany. A very large part of the Bosnian Roma community is now living in third countries, Germany hosting the highest number.

3. Bosnian Roma/Gypsies were in majority of Muslim religion and quite numerous in areas which are now part of the Republika Srpska. In some places (Bjeljina for instance), the mission could see that, before the conflict, many of them were quite well integrated in the majority population and often economically well off. Indeed 98% of them were sedentary and many of them used to be traders or entrepreneurs. Only some 2% of them (known as Cergari nomads) had a nomadic way of life and used to work metals. The Roma/Gypsies were recognised as a national minority in Bosnia-Herzegovina when it was a member of the former Socialist Federal Republic of Yugoslavia. Nevertheless prejudices and discriminations against Roma/Gypsies as a group already existed before the war. Many Roma/Gypsies expressed the view that before being Muslims (or sometimes Orthodox or Catholics), they are Roma, the religion affiliation to one of the three main groups being a marginal element of their identity. This explains why they cannot fully rely on acceptance or support of the majority religious community to which they belong. **Thus they find themselves in a very vulnerable situation in an ethnically and religiously divided country.**

THE MISSION

4. The team decided, on the basis of information provided by non-governmental organisations and refugees associations, to visit the areas with large Roma/Gypsy communities before the war. It was received by the Minister for Refugees of the Croato-Muslim Federation but the authorities of the Republika Srpska did not give any reply to its requests for meetings. It travelled to Sarajevo, Tuzla, Bjeljina and Banja Luka, in order to meet with Roma/Gypsy people, representatives of governmental and local authorities, international agencies acting in the field (UNHCR, OSCE, UN Human Rights Centre) and other organisations (see programme in Appendix). Due to time constraints, it was not able to visit areas in the Federation, other than Sarajevo and Tuzla. The mission found out that **very few persons or organisations were aware of the situation of the Roma/Gypsies and that the latter were, as a group, left outside of the field of intervention of the international assistance and human rights agencies.**

CONCLUSIONS

5. As a result of its enquiries, the mission is convinced that **it is not yet time to return any refugees, persons under temporary protection and other displaced persons from third countries to Bosnia and Herzegovina.** Moreover the group is of the opinion that no return should be planned in areas where the returnees would not belong to the majority population or could not count on support from the latter. This is especially the case in the Republika Srpska where **no security of the returnees would be ensured**, because of the instability of the political situation and the still dominant atmosphere of ethnic cleansing imposed by those in power. Although it was not able to meet with any representative of the authorities of Srpska, the group expresses this opinion on the basis of its visits in this area and the discussions it held with representatives of the OSCE Regional Centres in Bjeljina and Banja Luka as well as on the testimonies of the few Roma/Gypsies met in the field.

6. **As far as Roma/Gypsies are concerned, being Muslim and Roma, they should certainly not be returned to places of origin located in the Republika Srpska.** Some of their settlements have been totally destroyed and are currently mined; in other places (Bjeljina for instance), their former houses are occupied by Serbian refugees from other parts of the country or Croatia. In any case they would not be tolerated by the authorities or even by the newly arrived displaced persons. The few remaining Roma/Gypsies families met by the group in Bjeljina reported hostility towards them and a climate of extreme nationalism and intolerance towards any non-Serb element². In any case, **the very basic conditions in the field of human rights required to enable the return of displaced persons are not met in the Republika Srpska**, starting with the security of persons.

7. In general, **returns to the Federation** may raise less interethnic problems but, in view of the massive destruction, the very large number of internally displaced persons whose fate is not yet secure and the lack of plans and preparation to make the resettlement of the displaced persons and refugees operational, it would probably not be advisable to start returning displaced persons from third countries either. It could create additional problems in places already overwhelmed with internally displaced persons and could lead to further instability and tensions, in particular in "attractive" places such as Sarajevo and Tuzla where a relatively multicultural atmosphere still prevails. The group was informed that in Sarajevo in particular, those who remained behind during the war feel resentment against those who left the country and they are therefore not ready to accept returnees easily ("Sarajevo syndrome"). Moreover **it appears that neither the local authorities nor the Ministry for Refugees are prepared to face the enormous problems resulting from the inflows of internally displaced persons** in areas such as rehousing, setting up of basic infrastructures, job creation, return of properties and goods, management of community relations and arbitration of the tensions between those who remained during the war where they used to live and the newcomers (internally displaced persons)³.

8. In addition to the problems mentioned above, **the Roma/Gypsies would risk finding themselves in the last position when looking for accommodation, jobs and a decent position in society.** They would certainly not

benefit from the support of a community when resettling, as the Bosnians or the Croats would. In Sarajevo for instance, the Roma community has been partly removed from the town centre to a peripheral district recently vacated by the Serbs, which would create additional problems should the Serbs come back. In any case, neither the governmental authorities nor the local authorities seem prepared to cope with new waves of returnees.

9. The mission also aimed at gathering information on **the position of the Roma/Gypsy communities during the war**. It found out that the Roma/Gypsies, not being identified with any of the parties in the conflict and thus not representing any political stake, were probably not especially targeted by ethnic cleansing. Many of them were killed when serving in the Bosnian army or massacred together with the Muslim population. The group was informed of a few cases where Roma/Gypsy communities have disappeared or were exterminated, without being able to find evidence of it. These cases should be investigated by the agencies concerned, to which the group will transmit its findings.

10. Nevertheless it emerged from many testimonies from Roma/Gypsies that **they fell through the net of humanitarian assistance, responsibility for distributing assistance having very often been left to the three main mono-ethnic humanitarian agencies**, ie Caritas for the Catholic Croats, Merhamet for the Muslim Bosnians and Dobra Volja for the Orthodox Serbs. Moreover the distribution of aid also depended on political affiliation to the ruling parties. The mission was informed that, with a few exceptions, Roma/Gypsies were generally denied any food or medical assistance by these organisations. This fact was confirmed by some representatives of international organisations and of local authorities. According to observers working in the country, **this kind of discrimination could be repeated in the future, in case of early returns of refugees and displaced persons**. The tensions which may arise from the very difficult economic conditions could increase the traditional hostility towards the Roma/Gypsies and thus endanger their security as a group.

11. Finally, when it comes to the future place of the Roma/Gypsies in the country, the group recommends that **they should be recognised -by both entities of the country- as a national minority according to the principles of the Council of Europe Framework Convention on the Protection of National Minorities**. This would provide some guarantees compensating for the lack of protection by any of the three main communities. In addition it would support the recognition of basic rights and foster self-organisation and self-confidence within the Roma community. It could also help them to obtain a share in the reconstruction.

RECOMMENDATIONS

The group makes the following recommendations:

1. **The minimum requirements for peaceful and orderly returns of refugees, persons under temporary protection and other displaced persons, currently living in third countries, are not met**. Moreover no returns should be planned to places where the refugees would not belong to the majority population.

2. Even if the prospects for return are slightly more hopeful for the Croato-Muslim Federation than for the Republika Srpska, **the authorities in charge of refugees and displaced persons in the Federation should be urged to draw up plans in order to prepare for orderly returns**. Nevertheless it seems advisable to give priority to solving the huge problems met by the internally displaced persons before any returns of displaced persons from third countries are planned. Any massive returns to Sarajevo or Tuzla, and possibly to some other relatively quiet places, could create instability and outbursts of violence.

3. In case of future returns, the situation of the Roma/Gypsy refugees and displaced persons should be carefully monitored by the international and non-governmental organisations and plans in this regard should be based on a clear picture of the real situation of this community. In any case, **an integrational approach** should be adopted when planning the returns and resettlement, in order not to create new ethnic enclaves and discrimination among

refugees. Being nevertheless a particularly vulnerable group, **the Roma/Gypsies deserve particular attention from the international community in the process of return, resettlement and further reconstruction of the country.**

4. No refugee or displaced person should be returned to **the Inter-Entity Boundary Zones**, which are far too dangerous to enable any resettlement. A list of all the settlements situated in these zones should be drawn up.

5. Possible war crimes which may have been committed against Roma/Gypsies as a group should be investigated by the agencies concerned.

6. **The authorities of both entities of Bosnia and Herzegovina should be urged to recognise the Roma/Gypsies as a national minority** according to the Council of Europe Framework Convention for the Protection of National Minorities, bearing in mind that such recognition should not be used in a way that could discriminate against or stigmatise them.

7. The Roma/Gypsies should not be left apart in the process of reconstruction of the country. **Donors and leading agencies in reconstruction should pay particular attention to the situation of the Roma/Gypsies** in order not to exclude them and not to create new ghettos.

8. Moreover the international organisations and NGOs in charge of the distribution of **humanitarian assistance** should take care to avoid any risk of excluding certain groups of persons, in practice, from assistance.

9. In the process of reconstruction of civil society, **Roma/Gypsies should be treated as an integral part of society** and be granted equal rights and opportunities **as citizens of the country**. First of all, they should be fully informed of their rights in view of the next elections, including those refugees and persons under temporary protection living in third countries.

10. Finally, the Roma/Gypsies should be informed about the existing possibilities of having their rights acknowledged and their properties and goods returned or compensated through mechanisms such as the institution of the **Ombudspersons of the Federation and the Commission for Real Property Claims of Refugees and Displaced Persons** (Appendix VII Commission in the Dayton Agreement).

APPENDIX

PROGRAMME

FACT-FINDING MISSION TO BOSNIA AND HERZEGOVINA ON THE SITUATION OF ROMA/GYPSIES

16-21 May 1996

Participants:

Mrs Josephine VERSPAGET,
Chairperson of the Specialist Group on Roma/Gypsies (MG-S-ROM)

Mr Andrzej MIRGA,
Co-Chair of MG-S-ROM

Mr Faik HIDANOVIC,

Roma representative of associations of Bosnian Roma refugees in Berlin

Mr Jacek PALISZEWSKI,
OSCE/ODIHR, Coordinator of the Contact Point on Roma and Sinti Issues

Mrs Claudine HODGENS,
Deputy to the Director of Social and Economic Affairs,
Head of the Population and Migration Division

Mrs Françoise KEMPF,
Assistant to the Coordinator of Activities on Roma/Gypsies, Population and Migration Division

Thursday, 16 May 1996

13.45 Arrival in Sarajevo, ICRC flight from Zagreb

16.00 **Ferid Ali_**, Minister for Refugees, Federation of BiH
Alipa_ina 41

17.00 **Stefan Müller**, OSCE Regional Centre Sarajevo-Gora_de,
n.n., European Community Monitoring Mission (ECMM)
Council of Europe office, Sime Milutinovi_a 4

18.00 **Smaragda Klino**, journalist staff member of Merhamet
Council of Europe office, Sime Milutinovi_a 4

Friday, 17 May 1996

09.00 Visit to a Romany family in Sarajevo

11.00 Ombudspersons of the Federation of BiH
(**Branka Raguz**, **Vera Jovanovi_**, **Esad Muhibi_**)
Ombudsmen's office, Pehlivanu_a 3

14.00 **Biong Deng**, staff member, UN High Commissioner for Human Rights
UN Centre for Human Rights,

15.00 **Alija Abazi**, **Bajro Beganovi_**, Roma representative, association Bra_a Romi
Council of Europe office, Sime Milutinovi_a 4

17.00 **Nicola Dahrendorf**, UNHCR Senior Legal Advisor
Cindy Burns, UNHCR Senior Protection Officer,
UNHCR office, UNIS A Tower

18.00 Visit to Roma families in Ilid_a with Mr Abazi

Saturday, 18 May 1996

05.30 Departure for Tuzla

10.00 **Roma representatives** from Tuzla/ **Dinka Ma_i_**, OXFAM/ **Jud Nirenberg** and **Stefan Döttinger**, Helsinki Citizens' Assembly, Prague. Meeting organised and introduced by **Igor Pellicciari**, Delegate of the Council of Europe Embassy for Local Democracy in Tuzla.
Office of the Embassy for Local Democracy in Tuzla

11.30 Visit of Roma houses in the town centre

12.00 **Selim Be_lagi_**, Mayor of Tuzla
Tuzla City Hall

15.00 **General Ciardi**, Head of the OSCE Regional Centre in Tuzla, **Antoine Laham**, Senior Human Rights Officer (and others)
Office of OSCE Regional Centre in Tuzla

17.00 **Salvatore Lombardo**, Head of the UNHCR Regional Centre in Tuzla, **Alvin Gonzaga**, Protection Officer, **Muharemagi_ F. Mustafa**, Protection Assistant
Office of UNHCR Regional Centre in Tuzla

Sunday, 19 May 1996

10.00 Departure for Bjeljina with the General Ciardi, Head of the OSCE Regional Centre in Tuzla and with Igor Pellicciari of the Embassy for Local Democracy of the Council of Europe

12.00 **Slobodan Avlija_**, Assistant to the Minister of Justice of the Republic Sprska

12.15 **Milovan Dodik**, Head of the Independent Social Democratic Party of the Republic Sprska (opposition party)

13.00 Visit to the few Roma families remaining in Bjeljina

15.00 Visit to n.n., formerly working for the City Council of Bjeljina

15.30 **Carol Schlitt**, Human Rights Officer, OSCE Regional Centre in Bjeljina

16.00 Visit to Jasenje, former Romany settlement (20 km from Bjeljina, in the Federation, close from the Inter-Entities Boudary Lines), now destroyed
Return to Tuzla

Monday, 20 May 1996

08.00 Departure for Banja Luka

12.00 **Tim Stanning**, Head of the OSCE Regional Office in Banja Luka, **Larisa Gabriel** Human Rights Officer
Office of OSCE Regional Centre in Banja Luka

Planned meetings with Professor Miodrag _ivanovi_ (prominent figure of the opposition), Brano Ko_i_ (Citizens Forum Banja Luka), Mile Mardeta (representative of Dvar refugees), Mladen Ivani_ (Forum of Serbs intellectuals), Nedim Smajlovi_ (Merhamet). All meetings cancelled because of a sudden change in the political situation.

Return to Sarajevo and departure to Zagreb on Tuesday, 21 May 1996 with ICRC flight (09.45).

Note ¹ Mrs Josephine Verspaget, Mr Andrzej Mirga, Mr Faik Hidanovic, Mr Jacek Paliszewski, Mrs Claudine Hodgens, Mrs Françoise Kempf.

Note ² The Roma/Gypsy community of Bjeljina (8-10 000 persons before the war) was forced, together with the Muslim community, to leave its houses and flee in February-March 1992. Only 15 families were left behind.

Note ³ For instance, Tuzla is currently facing an inflow of some 60 000 internally displaced persons (figure provided by the Mayor of Tuzla). Banja Luka has recently increased its population by 40 to 60 000 persons (estimate of the OSCE Regional Office in Banja Luka).