



International Covenant on Civil and Political Rights

Distr.: General
30 October 2012

Original: English

Human Rights Committee

106th session

Summary record of the 2935th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 23 October 2012, at 10 a.m.

Chairperson: Mr. Salvioli (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant
(*continued*)

Second periodic report of Bosnia and Herzegovina (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

In the absence of Ms. Majodina, Mr. Salvioli, Vice-Chairperson, took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Second periodic report of Bosnia and Herzegovina (continued) (CCPR/C/BIH/2; CCPR/C/BIH/Q/2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Bosnia and Herzegovina took places at the Committee table.*

2. **Mr. Thelin** noted that 2012 marked the twentieth anniversary of the outbreak of conflict in the State party and the seventeenth anniversary of the Dayton Peace Agreement, of which the State party's Constitution was an integral part. In many ways, the State party had achieved a great deal in the interim and the country remained peaceful. However, there was a lack of political will to introduce the many reforms that were needed, including amendments to the Constitution in order to bring it into line with the provisions of the Covenant. The process of European Union accession might provide the motivation to put an end to the political inertia that was currently preventing the State party from realizing its full development potential.

3. He asked whether an independent external monitoring mechanism existed to investigate allegations of unlawful acts committed by law enforcement officials, particularly in pretrial detention and police custody. It was astonishing that there had been no complaints of police torture or ill-treatment between 2005 and 2010. He asked whether that was because the police strictly applied, at all times, the national and international standards referred to in the State party's reply to point 14 of the list of issues. Or were individuals who had legitimate complaints unaware of their right to complain, or were there other reasons? He requested clarification of what action, if any, had been taken to investigate the alleged ill-treatment of a group of recaptured escapees in March 2009 by prison officers at the Sarajevo Remand Prison. The Committee would welcome information on the outcome of the investigations and any disciplinary or criminal proceedings related to that case. He asked whether the number of complaints of torture or ill-treatment in prisons that was provided in the written reply to point 14 referred to the Federation of Bosnia and Herzegovina only, or included Republika Srpska. It would also be useful to receive the same clarification with regard to the replies to point 17.

4. Given the lack of response to many of the issues raised in point 15 of the list of issues, he referred to the report that Human Rights Watch had submitted to the Committee in September 2012. The report indicated that the State Commission for Revision of Decisions on Naturalization of Foreign Nationals had stripped at least 300 people of Bosnia and Herzegovina citizenship in hearings that had been conducted in secret, and had given no reasons for that action. The report also pointed out that legislation had been adopted in 2008 allowing for the indefinite detention of non-citizens on national security grounds. The case of Imad Al-Husin, who had been detained under that law, had been brought before the European Court of Human Rights, which had stayed his deportation back to the Syrian Arab Republic. Despite that ruling, no further action had been taken and he remained in indefinite detention. The Committee would welcome the delegation's comments on both those issues.

5. Turning to the replies to point 17 of the list of issues, he asked when the new juvenile detention facilities in Orašje and Zenica would be completed. Notwithstanding the data on pretrial facilities provided in paragraphs 160 and 166 of the written replies, he requested information on occupancy rates in all places of detention in the Federation and

Republika Srpska, particularly where there was overcrowding. It would be interesting to learn to what extent alternative sentencing was used for juvenile offenders.

6. The Committee would welcome additional information on the obstacles preventing the full implementation of the 2010–2015 action plan to promote the full participation of persons with disabilities in society, to which reference was made in the reply to point 18 of the list of issues.

7. As for point 28, he commended the State party for involving so many governmental and non-governmental stakeholders in the preparation of the periodic report. It would be useful to learn how the Government planned to ensure that the Committee's concluding observations reached the specific parts of society to which they were particularly relevant, such as the judiciary, law faculties and bar associations.

8. **Mr. Bouzid** requested statistical data on the incidence of violence in prisons and information on any trends in that regard. It would be useful to know whether the State party had conducted any research into the apparent spread of violence in prisons. He requested an update on the outcome of the investigation into the death of a prisoner in Bihac Prison in 2011, in the wake of an attack perpetrated by another inmate. Had there been any negligence on the part of prison staff in that case? The Committee would welcome information on any complaint mechanisms available to prisoners and data on complaints they had lodged against prison staff. It would be useful to know whether prisoners had access to the Bureau for Citizens' Complaints and Petitions.

9. Turning to the replies to point 19 of the list of issues, he asked what steps were being taken to increase cooperation between the agencies responsible for combating human trafficking. It would be interesting to have an assessment of the implementation of the 2008–2012 National Action Plan for Combating Trafficking in Human Beings.

10. As for the issues raised in point 20, he requested an update on progress made in resettling the many thousands of internally displaced persons, refugees and other persons who had been affected by the conflict in the 1990s and for whom no satisfactory solution had yet been found.

11. **Mr. O'Flaherty** said that, while he commended the State party for its frank responses to the issues raised in point 21 of the list of issues, it was the responsibility of the Government to ensure that legislation was enforced and that perpetrators of offences were brought to justice. He failed to understand why the State party appeared to be incapable of administering its own legal framework. In 2009, as part of the universal periodic review (UPR), the State party had informed the Human Rights Council that its priority had been to develop an inclusive project to strengthen media freedom (A/HRC/14/16, para. 65). If such a project had been developed, he would welcome details of its implementation. If not, it would be useful to learn how the State party planned to tackle the serious issues it had described in its replies to point 21. He drew the State party's attention to the Committee's general comment No. 34 on article 19, concerning freedom of expression. That should assist in the State party's efforts to strengthen its legal framework and tighten its implementation. The Committee would appreciate information on the outcome of the investigations into the alleged death threats received by Svetlana Djurkovic, the organizer of the First Sarajevo Queer Festival, and the physical attacks on festival participants.

12. Turning to point 22 of the list of issues, he said that the admission in paragraph 262 of the written replies that the constant pressure on the political, financial and institutional independence of the Communications Regulatory Agency was preventing it from doing its work was rather shocking, particularly since that statement came from the Government, which had effective authority over the Agency. He asked what was preventing the State from carrying out its proper function in that regard. He would welcome an explanation of

why there was apparently so little inclination among prosecutors to pursue incidents of hate speech.

13. As for point 23, non-governmental organizations (NGOs) had raised concerns during the 2009 UPR about the burdensome registration procedures for civil society organizations in the State party, the lack of a legal framework to guarantee the rights and personal safety of human rights defenders and the lack of awareness among law enforcement agencies, the media and the public of the rights of human rights defenders. He asked whether the situation had changed in that regard and if so, what improvements had been made.

14. **Ms. Motoc** asked what steps the Government was taking to increase Roma children's school attendance, particularly at primary level. It would be useful to know whether the Council of National Minorities of Bosnia and Herzegovina was taking any action to promote school attendance among the Roma. She requested information on the specific achievements of the 2004 Action Plan on the Educational Needs of Roma and Other National Minorities. The Committee would welcome an account of the situation of the other national minorities in the State party and any measures being taken to ensure the respect of their rights under the Covenant.

15. **Mr. Flinterman** requested details of the results of the 2007–2010 National Strategy for the Fight against Violence against Children and an indication of the new measures that had been implemented in the light of those results. He wished to know what lessons had been learned from that Strategy and incorporated into the 2011–2014 Strategy. He would welcome clarification of whether corporal punishment of children was explicitly prohibited in the legislation of the Federation and the Entities, or whether it was considered to fall within the scope of domestic violence.

16. **Ms. Chanet** asked whether all detainees were systematically informed of their right to legal representation from the outset of custody. She questioned whether the State party had truly implemented the Committee's 2006 recommendation that it should consider removing from its Code of Criminal Procedure the ill-defined concept of public security or security of property as a ground for ordering pretrial detention (CCPR/C/BIH/CO/1, para. 18). Paragraph 168 of the second periodic report indicated that that possibility had been replaced by the requirement that the offence concerned was punishable by imprisonment of 10 years or more and that release posed a realistic threat to public order. The first requirement clearly violated the principle of the presumption of innocence and the second seemed as ill-defined as the concept of public security. She would welcome the delegation's comments in that regard.

17. **Mr. Kälin** said that, particularly as a former Representative of the Secretary-General on the human rights of internally displaced persons, he welcomed the introduction of the Joint Regional Multi-Year Programme on Durable Solutions for Refugees and Internally Displaced Persons (IDPs) and the fact that the State party was now receiving donor support to implement it. The Committee agreed with the State party that it was shocking that so many families continued to live in deplorable conditions in temporary shelters; he trusted that durable solutions would be found by the time the State party submitted its third periodic report to the Committee.

18. He asked how the State party ensured that the authorities and the courts received reliable information about the situation in the countries of origin of asylum applicants. Was all such information always taken into account, including that provided by the Office of the United Nations High Commissioner for Refugees (OHCHR)? It would appear that, while non-refoulement appeals to the Ministry of Security had a suspensive effect, appeals to the courts did not. Since the courts played an independent role in assessing the situation in asylum seekers' countries of origin, he would welcome clarification in that regard. He

asked what steps the State party was taking to ensure that all children born in the State party were registered at birth.

The meeting was suspended at 10.50 a.m. and resumed at 11.10 a.m.

19. **Mr. Powlakić** (Bosnia and Herzegovina), responding to Committee members' criticism of the State party's report, said that the Communications Regulatory Agency had participated, as an independent body, in the drafting of the report which provided a realistic picture of the human rights situation in his country. The Agency was authorized to receive complaints of hate speech in the electronic media from the general public and NGOs. It could also institute ex officio proceedings against media companies. There had been only one conviction for hate speech which had resulted in the imposition of a substantial fine amounting to more than 20 per cent of the licence fee. Since the adoption of the Law on protection against defamation most cases concerning hate speech had been handled by the courts.

20. Community radio stations and television channels broadcasted information on basic rights in minority languages, including Romany.

21. **Ms. Duderija** (Bosnia and Herzegovina) said that, in addition to community radio and television programmes for the Roma, school textbooks had been produced in their language. Three countries were engaged in efforts to standardize Romany in order that it might be used in the education sector. The situation with regard to school textbooks varied from one region to another. If there were a sufficient number of Roma children in an area, the local education authorities could automatically organize classes in their language and culture.

22. **Ms. Taraba** (Bosnia and Herzegovina) said that hate speech and the incitement of racial or religious hatred were criminal offences and prohibited as such.

23. **Ms. Duderija** (Bosnia and Herzegovina) regretted that she was unable to provide precise information on the number of prosecutions or convictions for incitement to racial or religious hatred, since such behaviour normally took place in conjunction with other crimes. The Ministry of Human Rights and Refugees was, however, monitoring information on that offence which appeared to be rare.

24. **Mr. Smajević** (Bosnia and Herzegovina) said that the Ministry of Human Rights and Refugees compiled information on the torture and ill-treatment of prisoners, inter-prisoner violence, juvenile justice and delinquency and prison capacity. According to information from the Ministry of the Interior, no complaints had been filed of torture or ill-treatment in pretrial detention units. In 2011 a number of restraint measures had been taken to maintain order in prisons in Republika Srpska, but none of them had constituted an indictable offence. There had also been some incidents of inter-prisoner violence there. Disciplinary panels had investigated two group complaints regarding the abuse and torture of juvenile prisoners in the juvenile section of the prison in Tuzla and had imposed fines and penalties on the warders involved. The courts had investigated and dismissed allegations of torture and abuse in Zenica prison. Two prison officers from the Sarajevo Remand Prison had been injured and locked in cells by nine escaping prisoners who had subsequently been apprehended and transferred to another prison. Their allegations of torture and abuse during their recapture had been rejected. In 2011, after its fourth visit, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) had issued recommendations in response to complaints of serious physical abuse by police officers and prison warders during interrogation before pretrial detention. The recommendations of the CPT with regard to the torture of detainees had concerned only a small number of cases, all of which had been dismissed by the courts after investigation. The number of complaints had fallen in 2012. Some alleged cases of torture and abuse of prisoners had been prosecuted, others had not. A multidisciplinary seven-

member commission, which had been set up in 2008 by the Council of Ministers to monitor prisons, pretrial detention facilities, juvenile detention centres, police stations and psychiatric hospitals, acted as an independent mechanism to prevent torture and inhuman treatment and punishment by making regular and ad hoc visits to those institutions. It submitted an annual report containing its findings and recommendations to the Council of Ministers. There was also a parliamentary commission for monitoring convicted prisoners' rights in State prisons.

25. Bosnia and Herzegovina had ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in 2008. After two years of debate and consultations, an Ombudsman's office was in the process of being set up as a preventive mechanism.

26. In 2011, acts of inter-prisoner violence had led to disciplinary sanctions against 11 inmates of Tuzla prison. Some inter-prisoner violence triggered by overcrowding had also been reported in the juvenile wing of Tuzla prison. In 2011, in the prison at Bihać, one prisoner had died after being assaulted by another inmate. In the same year in Zenica prison, 183 prisoners had been subject to disciplinary proceedings. Zenica, which was the only high-security prison in the country, had been built to house 750 prisoners but in fact always held more. Inmates there had been found guilty of racketeering, sexual assault and inflicting serious bodily harm. Significant steps had been taken to reduce the large number of cases of inter-prisoner violence in Republika Srpska. A high-security unit had been opened for the most dangerous prisoners.

27. The conditions under which prison sentences were served had been improved by the opening of a new prison to which a number of prisoners from Tuzla had been transferred. Overcrowding had thus been relieved to some extent. The Federal Government had embarked on a joint project with the United Nations Children's Fund (UNICEF) to draw up a prison reform action plan under which detention facilities would be brought into compliance with international standards and adult and juvenile offenders would be separated. There were a total of 330 detention facilities in the Federation and 270 in Republika Srpska. Convicts and non-convicted prisoners were not detained in the same cells.

28. Significant progress towards alternative sentencing for juvenile offenders had been made. A draft law on the protection and treatment of children and juveniles had been enacted in some parts of the country, and it was hoped that it would be adopted throughout the Federation by the end of 2012. The law regulated juvenile justice in a manner that was based on international standards and good practice in neighbouring countries. One of its underlying principles was that the main aim of the response to juvenile delinquency should be social rehabilitation and that measures to reduce youth crime should primarily take the form of a police warning which would help the young person to recognize his or her mistake and take responsibility for his or her acts. Criminal sanctions would be imposed only if that approach failed. Additional statistical information could be provided in writing.

29. **Ms. Duderija** (Bosnia and Herzegovina) drew attention to the fact that conditions in prisons had been brought up to basic international standards within a very short period of time.

30. **Mr. Arapović** (Bosnia and Herzegovina) explained that, while a person could be held in pretrial detention for 72 hours, such lengthy detention could be used only in exceptional circumstances, for example when the detainee was a suspected terrorist. A number of conditions had to be met in order to keep someone in pretrial detention, for example when the release of the detainee would have serious consequences and when a very grave crime had been committed. As a result of better police training there had been no cases of police detention lasting more than 24 hours. After that time limit had elapsed

the detainee was handed over to the prosecuting authorities. The police must inform suspects of their rights, including the right to have a lawyer present during questioning. If the suspect did not have their own lawyer, the public prosecutor's office had to provide one.

31. There was only one situation where a person could be detained on grounds of public order, namely when the offender would be liable to a term of imprisonment of 10 years or more for a war crime, genocide, terrorism or participation in serious organized crime. In a recent case the police had arrested a terrorist suspect, but after all the evidence had been weighed up, it had been decided that not all the conditions for pretrial detention had been met and the suspect had been released within 24 hours.

32. **Mr. Terko** (Bosnia and Herzegovina) said that in 2009 the Ombudsman's office had issued a report on facilities for the institutional placement of persons with mental disorders. It had identified a number of problems and recommended the modernization of facilities in order to improve the chances of patients' social rehabilitation. It had likewise highlighted the need to make premises more congenial, to engage more professional staff and to improve staff training. As a result of those recommendations, psychiatric hospitals had been reorganized to accommodate patients in smaller housing units offering more individual space and a family atmosphere. Staff no longer wore all-white uniforms. Staff training had improved and professional teams comprising a wide variety of specialists had been set up. There was, however, still room for improvement.

33. **Ms. Duderija** (Bosnia and Herzegovina) said that after the Ombudsman's report had been submitted to the Council of Ministers, it had been passed on to the relevant ministries for action.

34. Some 300 persons had had their citizenship revoked either because they had provided false information, or on grounds of national security. That decision was open to appeal before the courts and in some cases the decision had in fact been reversed.

35. The new immigration centre in Bosnia and Herzegovina met European standards. In response to concerns regarding cases of lengthy detention in immigration centres on account of the inefficiency of the judicial system, she explained that the Ministry of Human Rights and Refugees could not influence the work of judicial bodies, although it could issue warnings drawing attention to the need to respect the European Convention for the Protection of Human Rights and Fundamental Freedoms. No alien was ever expelled if it was thought that his or her life or freedom would be threatened in his or her country of origin on grounds of race, political affiliations or political opinion. No one had ever been returned to their country of origin until the appeal procedure had been completed and guarantees of that person's safety had been received. If an alien could not be removed from the country within 180 days, their detention could be extended. The Ombudsman and human rights defenders considered that such lengthy detention was wrong. One proposal which had been put forward to remedy that situation was to provide for detention of 6 to 12 months, or longer, subject to very strict legal requirements. The Ministry of Security could reach a decision on the basis of classified information to which NGOs had no access.

36. Bosnia and Herzegovina had adopted an action plan to combat human trafficking. The police cooperated with other local institutions in monitoring the situation. An attempt was being made to raise additional funds locally for victim support projects, which were very expensive.

37. The first strategy to combat violence against children had produced some good results. All the measures recommended in the strategy had been implemented. A new strategy covering the period 2011–2015 would be adopted by the Council of Ministers in the near future. There had been no action for one year because no budget had been approved. Bosnia and Herzegovina had a unique system of data collection which was designed to secure the protection of children against all types of violence. The Government

and NGOs were in the process of defining a methodology for the preparation of shadow reports on violence against children. Corporal punishment, as well as the neglect or abandonment of children, were prohibited under family law. Anyone accused of the corporal punishment of children was prosecuted in the criminal courts.

38. The registration of Roma children was a long-standing problem in Bosnia and Herzegovina. Following an analysis of the legal framework concerning birth registration conducted by the Ministry of Human Rights and Refugees together with the Office of the United Nations High Commissioner for Refugees (UNHCR), the law on vital records had been amended: new provisions included the waiving of birth registration fees. Hospitals sent birth data to the registry offices so that the births could be automatically registered, and social welfare centres worked with registry offices to encourage parents to register the birth of their children; failure to do so made them liable to a fine. However, it was difficult to apply such measures to the Roma community, as they tended to avoid registering births, in some cases for criminal purposes such as trafficking or sale of children. Although significant progress had been made, the problem had not been eradicated in the Roma community.

39. **Ms. Taraba** (Bosnia and Herzegovina) said that the Law on the Protection of Persons Belonging to National Minorities defined 17 national minorities, and provided that the Council of Europe's Framework Convention for the Protection of National Minorities was directly applicable and part of the legal system of the State and the Entities. The law regulated the right to symbols and insignia, cultural, economic and social rights, and the right to participate in government and international and regional coordination. The State acknowledged and protected the linguistic rights of all national minorities, and they were entitled to use their languages in public life.

40. **Ms. Duderija** (Bosnia and Herzegovina) said that Bosnia and Herzegovina had joined the Decade of Roma Inclusion in 2008 and was committed to improving the situation of the Roma community. In 2005, the State party had adopted a framework strategy for the improvement of the status of national minorities, especially the Roma population. An action plan on housing, employment, health care and education for the Roma had been adopted in 2008 and revised in 2010. In the previous three years, great progress had been achieved in the promotion of the rights of the Roma community. Each year saw a substantial budget allocation to housing, employment and education. As a result, 300 housing units had been built in Roma settlements in the past three years. A project for the registration of Roma needs had also been implemented, involving more than 4,000 Roma families. It was estimated that there were between 30,000 and 35,000 Roma living in Bosnia and Herzegovina, but the forthcoming census would provide more precise figures.

41. As part of the revised action plan, specific activities and measures had been introduced to provide direct support to the Roma population, which lived in 70 municipalities. The process was slow and complex, as it was necessary to consult with the many Roma NGOs on the implementation of programmes.

42. Under the Roma employment programme, funding had been introduced for self-employment so that members of the Roma community could start their own businesses. However, as many Roma did not have adequate qualifications, a training process had also been initiated. Employers were invited to propose programmes for the employment of Roma, for which the Government would provide the necessary resources.

43. During revision of the plan on the educational needs of Roma, attention had been paid to ensuring access for Roma children to preschool and primary education. However, in spite of efforts to increase the enrolment rate among Roma children, the dropout rate remained high. Incentives were therefore being introduced for children to remain in school,

such as the provision of free textbooks and transport to school, which were yielding good results. Programmes were also being introduced on Roma culture and traditions.

44. **Ms. Taraba** (Bosnia and Herzegovina), referring to NGO complaints on freedom of association, said that legislation on associations and foundations regulated the registration procedure at State and Entity level. The European Convention on Human Rights, which guaranteed freedom of association, had a special position in the Constitution, and that freedom was therefore constitutionally guaranteed. The first basic law on freedom of association had been adopted in 2001; it had been amended in 2008, on the recommendation of the International Labour Organization, to shorten deadlines for decisions on applications for registration and reduce registration fees. The delegation was not aware of any organizations being treated less favourably during the registration process, and the law provided that every legal person was entitled to establish an association or foundation.

45. **Ms. Duderija** (Bosnia and Herzegovina) said that associations and foundations could act freely throughout the territory of Bosnia and Herzegovina regardless of their place of registration. Restrictions only applied to the use of the name of Bosnia and Herzegovina, for which specific criteria had to be met, notably that the association was of general public interest and was active in the entire territory.

46. On the question of freedom of movement and threats and attacks on freedom advocates, she said that four cases had been brought before the courts, two of which were still pending. If proceedings were excessively protracted, the parties could lodge written appeals or complaints with a special department. In cases of extreme length, disciplinary prosecutors imposed sanctions or issued a warning to the court in question.

47. With regard to Annex VII of the Dayton Peace Agreement and the return of refugees and displaced persons, steps were being taken to close down all remaining accommodation centres. With the assistance of donors and the use of loans, the State party was planning to complete the process in the next few years. Some of the centres continued to be occupied by vulnerable groups who remained there due to extreme poverty and homelessness. Almost 20 years after the war, some 42,000 families were seeking assistance to return to their places of origin. Families that had decided to stay in their new communities also required assistance in terms of their right to be compensated for property that would not be restored to them.

48. **The Chairperson** invited Committee members to ask any follow-up questions they might have.

49. **Mr. Thelin** requested further clarification on the case of Syrian detainee Imad Al-Husin, in particular whether he was entitled to seek judicial review of the extended periods of detention in his case. If so, it was important for him to be privy to the information available to the State organs, as it would otherwise be pointless for him to try to convince the authorities that he should be released. He (Mr. Thelin) suggested that if, in practice, such an individual was allowed to languish indefinitely in detention, the system was flawed.

50. **Mr. Flinterman** asked whether he was correct in thinking that article 21 of the law on the rights of demobilized soldiers and their families provided that in order to receive pension benefits, the families of missing persons must first obtain a death certificate, which would raise concerns under articles 2, 6 and 7 of the Covenant.

51. He wished to know whether the Law on Missing Persons was already in force, and asked the delegation to comment on the impact on the families concerned of the provision that stipulated that three years after the date of the coming into force of the law, persons registered as missing in the period from 30 April 1991 to 14 February 1996, whose

disappearance had been verified, would be considered dead and entered in the death register.

52. **Mr. O' Flaherty** said that the Committee had received information from NGOs on the situation in Prijedor in the past year in connection with groups that wished to commemorate events that had taken place in the Omarska prison camp during the war. For example, a number of groups had been refused access to the land on which the camp had been based because the private company that now mined in the location had said that, as the land belonged to the city, it should be the city that granted access. He also expressed concern at the actions of the mayor of Prijedor, including the prohibition of public commemorations of the twentieth anniversary of the atrocities in the camp, and the announcement that anyone using the term "genocide" in relation to what had happened in Omarska would be liable to prosecution. He therefore asked what measures the Government was taking to ensure the protection of human rights in Prijedor in the light of those developments.

53. **Sir Nigel Rodley** requested clarification on what had been referred to as "pretrial detention" of 72 hours, and whether it in fact referred to detention before being brought before a judge. He also asked whether the provision concerning a 24-hour limit on police detention before an individual was brought before a prosecuting officer applied in all cases. With regard to the right to have access to a lawyer, he wished to know when exactly that right became exercisable, and whether there were any extraordinary circumstances in which access to a lawyer could be denied. He requested clarification on how long persons perceived to be a threat to national security could be held in detention.

54. **Mr. Sarsembayev** requested further information on the current status of the 300 persons whose citizenship had been revoked.

55. **The Chairperson** reminded the delegation that it could provide written replies within 48 hours.

56. **Ms. Duderija** (Bosnia and Herzegovina) said that, according to the Institute for Missing Persons, a death could be registered automatically in the death register so that the family could obtain a death certificate. Problems had only arisen when families wished to have the death registered in their current place of residence rather than the place of residence at the time of the disappearance, but that issue had now been resolved. Families could lodge complaints or seek assistance from the Ministry of Human Rights and Refugees in that regard. The Ministry had dealt with only one case involving the registration of a death.

57. Regarding national security and the case of the Syrian detainee, she said that the law clearly authorized extended detention, but would have to be amended to define the duration of any extension. Consultations were under way with the European Union to learn more about the practice in other countries.

58. The 300 persons whose citizenship had been revoked were foreigners who had not provided correct information on their identity and some had sought to hide prior criminal records. The courts had upheld the majority of the decisions.

59. The Ministry of Human Rights and Refugees had not received any complaints concerning the mayor of Prijedor, but if it did, a procedure would be initiated. Stories had been reported in the media but had never officially reached the Ministry or the Ombudsman for Human Rights. The law on gatherings was usually applied to commemorations of wartime events, which meant that they had to be announced and approved in advance. However, in the absence of political agreement on how to legislate in that sensitive area, it was essential that interested parties used the legal means at their disposal to increase official awareness of the need for legislative action. The Ministry had dealt with one case in

which an association of victims had sought help in acquiring a piece of land to build a commemorative monument.

60. **Mr. Arapović** (Bosnia and Herzegovina) said that, within the 24-hour detention period that was normally applied, the police had to collect sufficient evidence to be able to bring the person concerned before a prosecutor. Terrorism was the exception to the rule. All suspects had to be informed of their right to legal representation upon their arrest, and they had to have their lawyer present when a decision was taken on detention, which had not been the case under the previous law.

61. **Ms. Duderija** (Bosnia and Herzegovina) said that the constructive dialogue and the suggestions of the Committee would give the State party added motivation to make further progress and address the challenges that lay ahead.

62. **The Chairperson** thanked the delegation for the presentation of its report and replies to the list of issues and for the constructive dialogue with the Committee. The Committee hoped that the State party would continue to fulfil its obligations under the Covenant in good faith.

The meeting rose at 1 p.m.