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SITUATION OF HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA, THE
REPUBLIC OF CROATIA AND THE FEDERAL REPUBLIC OF YUGOSLAVIA
(SERBIA AND MONTENEGRO)

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the periodic report submitted by Mr. Jiri Dienstbier, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina, in accordance with General Assembly resolution 53/163 of 9 December 1998 and Economic and Social Council decision 1999/232 of 27 July 1999. Pursuant to the requests of the Commission on Human Rights and the Council, the report will also be made available to the members of the Security Council and the Organization for Security and Cooperation in Europe.

PERIODIC REPORT ON THE SITUATION OF HUMAN RIGHTS IN THE FEDERAL
REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO), THE REPUBLIC OF
CROATIA AND BOSNIA AND HERZEGOVINA, SUBMITTED BY THE SPECIAL
RAPPORTEUR OF THE COMMISSION ON HUMAN RIGHTS

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I. INTRODUCTION

1. This is the third comprehensive report on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) submitted by the Special Rapporteur of the Commission on Human Rights, Mr. Jiri Dienstbier. The last report of the Special Rapporteur was completed in December 1998 and submitted to the fifty-fifth session of the Commission on Human Rights (E/CN.4/1999/42). The present report considers human rights developments in the countries of the Special Rapporteur's mandate through mid-August 1999. The Special Rapporteur once again notes with regret the United Nations practice of requiring early submission of reports for the purposes of editing and translation, resulting in the official dissemination of outdated reports.

2. The Special Rapporteur would like to extend his appreciation to the Office of the United Nations High Commissioner for Human Rights, and especially to the field officers of the Office of the High Commissioner in the countries of his mandate, for the support which they have provided to him, often under very difficult circumstances.

II. GENERAL OBSERVATIONS

3. The Special Rapporteur believes that it continues to be essential to consider the situations in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) from a regional perspective. The Kosovo crisis which erupted in 1999 is another problem which is best viewed in the overall context of the violent disintegration of the former Yugoslavia. Major issues such as the question of refugees and internally displaced persons are most effectively addressed on the level of all three countries of the Special Rapporteur's mandate, and the same applies to other issues including the development of civil society and democratic structures, good governance, and the problems of trafficking in human beings and other international criminal activities.

4. Indeed, if the international community wishes to succeed it must pursue a comprehensive political, economic and humanitarian strategy for all of south-eastern Europe. The current international presence in Kosovo cannot be merely a "holding operation" but must be linked to a peace strategy for the entire Balkan region. To this end the Special Rapporteur welcomes the newly-created Stability Pact of the European Union for south-eastern Europe, which outlines a comprehensive approach to the region and promises the States of south-eastern Europe international assistance and eventual integration into European political and economic structures in return for ongoing progress towards democracy, respect for human rights, and regional cooperation. He believes that it is important that civil society actors are given an active role in the implementation of the Stability Pact, especially with respect to democratization and human rights. The wide support for including opposition parties and civil society and making women's issues a priority concern is encouraging. However, some deficiencies may already be seen in the Stability Pact's implementation, such as the tendency to isolate Serbia, which is the geographical and economic

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centre of the region. The Special Rapporteur believes that embargoes and similar policies of the international community can only help to strengthen anti-democratic regimes in the region, and are themselves a major violation of human rights.

III. BOSNIA AND HERZEGOVINA

5. The Special Rapporteur visited Bosnia and Herzegovina from 15 to 20 May 1999 and travelled mainly in the Republika Srpska entity, where he stopped in Banja Luka, Brcko, Bijeljina and other towns in order to assess the impact of the Kosovo crisis on human rights. He met with local authorities, civil society representatives and officials of human rights institutions, as well as representatives of international organizations, in order to get a full picture of the human rights situation. He also briefly visited Bosnia and Herzegovina in April 1999 and discussed the impact of the Kosovo crisis with representatives of civil society and international organizations in Sarajevo.

A. Political context

6. The last year has been dominated by events in the Republika Srpska which followed the dismissal of the entity's President, Nikola Poplasen, by the High Representative and the announcement of the Brcko Arbitration Award on 5 March 1999. The response of the Republika Srpska National Assembly to these decisions was to call for the withdrawal of Republika Srpska representatives from joint government institutions. Some violence and demonstrations followed, mainly targeting representatives of the international community. The military operation of the North Atlantic Treaty Organization (NATO) against the Federal Republic of Yugoslavia, which commenced on 24 March, increased tensions in Bosnia and Herzegovina and caused serious damage to the economic and social situations, particularly in the Republika Srpska, as some 75 per cent of Republika Srpska exports had been to the Federal Republic of Yugoslavia. The influx of persons seeking protection in Bosnia and Herzegovina at its peak reached some 100,000 persons including Kosovo Albanians, Muslims from Sandzak and Montenegro, and Serbs and Croatian Serbs from Serbia and Kosovo. Some concerns were expressed that the arrival of refugees would slow down the return process in Bosnia and Herzegovina itself. Owing to security concerns, minority returns, in particular to the Republika Srpska, had already been decreasing in any event. Overall, however, the situation in the country remained relatively calm through this difficult period and has somewhat improved since the end of the NATO operation.

7. In the entity of the Federation of Bosnia and Herzegovina, institutions have functioned only with great difficulty. There is clearly a lack of political will to make these institutions work, and parallel institutions continue to exist and pose problems. On 16 March 1999, a car bomb exploded in the centre of Sarajevo, fatally injuring the (Bosnian Croat) Federation Deputy Minister of the Interior, Jozo Leutar. Bosnian Croats reacted with a boycott of Federation institutions, and the assassination fuelled demands for the formation of a third entity in the country to protect the rights of Bosnian Croats. The perpetrators of the killing have not been found.

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B. Civil and political rights

1. General situation

8. In considering major areas of human rights concerns in Bosnia and Herzegovina, the Special Rapporteur wishes to recall that most, if not all, forms of rights violations continue to have a basis in some form of discrimination based on ethnicity, political affiliation, gender, age, disability, or a combination of these. This is particularly evident in the fields of employment rights, education, property, access to health care and pensions, and provision for the disabled. Insufficient action has been taken to ensure compliance with international human rights standards. The effect of discrimination has been to ensure continued control by the dominant groups in different parts of the country, which militates against progress towards a truly multi-ethnic, democratic State which respects and protects the human rights of all its citizens.

9. The role of the police, as agents of the State, in ensuring the effective protection and promotion of human rights is crucial. While the progress made in some areas is commendable, there are still major problems. Despite the efforts of the International Police Task Force (IPTF) component of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), which is mandated to assist in the creation of professional, multi-ethnic police forces in both entities, the police remain mono-ethnic in most areas and general effectiveness in crime detection remains low, leading to impunity. Police remain reluctant to implement court decisions which do not accord with the politics of the majority group. Police reform in both entities further suffers from a lack of political will and the number of minority police officers and women officers of all ethnic backgrounds is alarmingly low. Training in all areas of police work, particularly in human rights, is still an absolute necessity.

10. The lack of a functioning and independent judiciary remains a major concern. The judiciary is in transition, but the legacies of the former communist system, the war and the effects of the ethnic divisions in the country are hard to overcome. Interference from political power structures in the judicial system is still strong.

11. Minority returns have continued across the country, but the numbers remain insignificant when compared with the number of people displaced as a result of the conflict. Due to improved freedom of movement, however, the number of people visiting their former homes has continued to increase. Another trend has been the return of Serbs to some locations in the Federation, as a result of the deteriorating living conditions in the Republika Srpska.

12. For returnees, security, employment opportunities, housing, pensions, health care, education, water and electricity are of paramount importance. Even the most basic services for returnees often are not provided. Discriminatory practices in education and the lack of even primary health care impact in particular on households headed by women. In rural areas in particular, most returnees are elderly people. The authorities at all levels have failed to create conditions conducive to sustainable returns. Property legislation is now

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in place in both entities, but implementation remains poor and is still subject to political pressures.

13. The way in which the constitutional order created following the Dayton Agreement now operates prevents the State from exercising executive authority so as to harmonize structures and ensure adherence to human rights standards. The State of Bosnia and Herzegovina remains weak. While joint institutions exist at the State level, they still do not work effectively. The entities, which according to the Constitution have most of the jurisdiction relevant to the protection of human rights, e.g. law enforcement and the judiciary, are also divided either ethnically or politically and thus do not function effectively. The devolution of power to the entities, and in the entity of the Federation to the cantons, in specific areas of law and administration results in different legal systems and procedures being controlled at the local level. This has the effect of giving considerable power to the nationalist ruling parties which control specific regions, which in turn leads to discrimination. The international community, under the leadership of the Office of the High Representative, has increasingly assumed the role of the State. Most progress has been achieved by decisions imposed by the High Representative, but implementation of the decisions remains poor and will require continued monitoring.

2. Rule of law and the administration of justice

Police restructuring

14. The political will to create a multi-ethnic police continues to be lacking. Progress in police restructuring, which is the main task of the IPTF, has been slow in both entities. In the Federation, there has been a failure in all 10 cantons to achieve the goals set by the Bonn-St. Petersburg Agreement of 1996, which calls for an ethnic balance based on the 1991 census. While some limited progress in hiring Croat police officers in Bosniak-dominated cantons and Bosniaks in Croat-dominated cantons has been achieved, the hiring of Serbs and others falls significantly under the target of 1,500 officers. In the Republika Srpska, there has been very little progress in hiring minority (non-Serb) police officers. In total there are only 147 sworn non-Serb officers out of a total force of 8,500.

15. The Federation Police Academy was inaugurated in April and the official inauguration of the Republika Srpska Police Academy took place in July 1999. Even though a good proportion of the students in both academies come from minority ethnic groups, neither academy has the capacity to train the number of police needed to make the police forces truly multi-ethnic.

16. The number of women in the police forces of both entities is alarmingly low: only some 200 female police officers out of more than 11,000 in the Federation and approximately 30 out of 8,500 in the Republika Srpska. This has serious implications for the proper investigation of gender-based violence, such as domestic violence and rape. The problem is compounded by the fact that the police are in general not trained to respond adequately and in a gender-sensitive manner to gender-specific crimes.

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Security of returnees

17. A professional and multi-ethnic police force is vital for creating secure conditions for returnees. A lack of adequate police response to violence targeting minority returnees has continued throughout the year and remains an obstacle to returns in many areas of the country. In Stolac (Bosnian Croat-administered), more than 70 incidents of returnee-related violence reported in 1998 led UNMIBH to carry out an extensive review of the Stolac police in December 1998. Each member of the local police administration was placed on three months' probation from February 1999 and was closely monitored. The conclusion of UNMIBH was that there is no functional police force in Stolac and despite some positive steps taken during the probation period, major problems persist. The police in Stolac and elsewhere in canton 7 remain far from professional and effective. Attacks on minority returnees have taken place throughout the country in 1999, often resulting from "spontaneous" protests organized by local, majority populations, many of whom are themselves displaced persons.

18. In May 1999, a serious obstruction to minority return took place in Kotor Varos (Republika Srpska), when some 30 Bosniak families were blocked from returning to the village of Vecici. On 20 May, the Kotor Varos Municipal Assembly had unanimously passed a resolution opposing the return of Bosniaks to the municipality. The following day, an organized group of Serbs blocked the road and prohibited the displaced persons from returning. The response of the local police was inadequate.

19. Returns also continue to be problematic in the municipality of Drvar (Federation, Bosnian Croat-administered), where some 4,000 persons, mainly Serbs, have returned. In July, allegations that a Serb man had sexually assaulted a Croat woman led to "spontaneous" protests by the Croat population and demands for an end to returns to the area. A series of attacks against Serb returnees followed. Responding to the danger of a potentially deteriorating security environment, the international Stabilization Force (SFOR) increased its presence in the area. The local police have continuously failed to take any action to protect returnees in Drvar.

Right to physical integrity

20. Allegations of police brutality and abuse continue to be reported to IPTF. A particularly egregious case of police brutality was reported by UNMIBH in January 1999, in connection with the investigation into the murder in August 1998 of Srdan Knezevic, when it was revealed that Republika Srpska police officers had held 14 suspects and witnesses in illegal detention and subjected them to torture and ill-treatment for periods of up to 10 days. Several suspects were coerced into making confessions and incriminating statements which were then used as evidence to support indictments. The trial of the individuals charged with the murder ended with not-guilty verdicts for all six defendants. As requested by UNMIBH, Republika Srpska authorities conducted an investigation into the allegations of torture and other improprieties by Republika Srpska police officers in this case. Several police officers involved in the case were removed from their positions and decertified by IPTF.

Policing in the context of forced prostitution and trafficking

21. There were a number of raids during summer 1999 by local police in both entities targeting cafe bars and nightclubs suspected of being sites of prostitution activities. As a result, many women, the majority of them non-Bosnian nationals, were detained and prosecuted. For example, in Central Bosnia canton (Federation), two separate raids were conducted in July 1999 in which more than 30 women (including one minor) were detained, some of whom were prosecuted and sentenced to imprisonment. Some were subsequently deported from the canton. Running a brothel is illegal under Bosnian law and the police are thus entitled to inspect and investigate suspected premises.

22. Major human rights concerns with regard to the response of the police and the judiciary to these cases include the fact that the main focus of local police would appear to be on the ostensible offences committed by the women and not on other criminal offences, including those committed against the women; women have been arrested on scant or no evidence of any illegal activity, and there have been a number of serious procedural errors (including lack of interpreters) which have resulted in women being fined or imprisoned without a fair hearing. Additionally, deportation from the territory of cantons, which under cantonal legislation is mandatory, raises serious concerns for the safety of the women deported, as well as with respect to the legality of the decisions. The women, some of whom have been trafficked to Bosnia and Herzegovina, have in many cases been the victims of crimes, such as illegal detention in slavery-like conditions, forced prostitution and assault, including sexual assault and rape.

The judiciary and the right to a fair trial

23. A major issue in Bosnia and Herzegovina is the need for some type of "quality control" of judicial officials. Judges and prosecutors, unlike police, were never subjected to a recertification process after the war. Many qualified professionals left the country during the war, and the appointment procedures for new judicial officials have often been motivated by political considerations. Substantial numbers of judicial personnel are either incompetent or inadequately trained, and corruption and political influence taint the judicial system. Additionally, there is a lack of judges and other personnel, partly because of low salaries or non-payment and delays in paying salaries. The infrastructure of the judicial system remains inadequate.

24. Concerns about the judiciary were highlighted in a recent decision of the Human Rights Chamber on judicial appointment procedures, access to the courts and discrimination against minorities. The decision, DM v. Federation of BiH, involved a Bosniak applicant who in 1993 was evicted from her property in Croat-administered Livno by a Croat police officer. Since her return to Livno in 1997 she had unsuccessfully tried to obtain a court decision awarding her repossession of her property. The Chamber found that the judicial appointment process in canton 10, where only members or supporters of the ruling Croat nationalist party have been appointed, prevented minorities from filing claims with the courts. The Chamber ordered the Federation to take immediate steps to reinstate the applicant into her house, and to pay damages. The decision also addressed fair trial issues. The Chamber confirmed a pattern of discrimination

against Bosniaks and found that the applicant's rights to a fair hearing and an effective remedy before the courts had been violated.

25. Another violation of the right to fair trial has been the ongoing proceedings against the so-called Zvornik 7 in the Republika Srpska. On 12 December 1998, the Bijeljina (Republika Srpska) District Court sentenced three Bosniaks to lengthy prison terms for the murders of four Serb woodcutters in the beginning of May 1996. Following an appeal, the Republika Srpska Supreme Court abolished the verdict and ordered a retrial, based on irregularities in the reasoning of the first instance court. International observers expressed disappointment with the Court's reasoning, as evidence of the use of coerced confessions and the denial of the right to effective assistance of counsel, among other violations of due process, were not mentioned in the decision.

War crimes trials

26. The main problem in war crimes prosecutions remains that virtually all proceedings are conducted against accused persons who have a different ethnic background from that of the prosecuting authorities. On the positive side, there has largely been compliance with certain procedural guarantees and international observers have been satisfied with the fairness of most proceedings.

27. In the Federation several war crimes proceedings were under way in 1999. In January, Milomir Tepes was convicted and sentenced to 13 years' imprisonment by the Sarajevo Cantonal Court for war crimes against the civilian population. Tepes' file had been sent to the International Tribunal for the Former Yugoslavia (ICTY) in accordance with the so-called rules of the road agreement brokered in 1996 by countries of the Contact Group, and the ICTY had found there was sufficient evidence for his detention. No major procedural violations were noted by trial monitors. War crime suspect Miodrag Andric was acquitted by the Sarajevo Cantonal Court on 17 March due to insufficient evidence, in a case which was viewed by international observers as a promising instance of inter-entity judicial cooperation. Though the retrial took place in the Sarajevo Cantonal Court (Federation), the Court agreed to carry out some proceedings in the Republika Srpska.

Human Rights Chamber

28. There was an increase in applications to the Human Rights Chamber in 1999, which was indicative of the failure of other courts in the country to provide effective remedies. A number of important decisions were taken during the year by the Chamber, but even though the decisions of the Chamber are final and binding, the responsible authorities usually fail to comply. The Republika Srpska in particular has not met its obligations in this regard. The Federation has been slowly moving towards compliance with some decisions of the Chamber, albeit in many cases under great pressure from the international community.

C. Economic, social and cultural rights

1. Right to property

29. Property laws in both entities have been amended, in most cases by decisions taken by the High Representative, and a legal framework for the protection of property rights is in place. A major barrier to the implementation of the laws is the non-execution of eviction orders against temporary occupants of property belonging to someone else. There have also been widespread reports of the misuse of municipal powers to issue decisions on use of socially owned land. Municipalities in both entities have used their powers to inhibit minority returns by depriving returning minorities of agricultural land required for subsistence farming, or by appropriating key cultural or religious sites. To address this obstacle to return, in May 1999 the High Representative issued a decision to suspend the powers of municipal authorities in both entities to reallocate or dispose of socially owned property.

2. Employment rights

30. Reports of discrimination on different grounds have been increasing and are of serious concern. The Federation Ombudsmen, in their report on the human rights situation in the Federation of Bosnia and Herzegovina for 1998 (issued in May 1999), based on their work in monitoring progress on the rights enumerated in the International Covenant on Economic, Social and Cultural Rights, concluded that the Federation Government at different levels had taken no steps to adopt necessary laws on labour and social rights or on social security. The international community generally has increasingly paid attention to this issue. In June 1999 the mission in Bosnia and Herzegovina of the Organization for Security and Cooperation in Europe (OSCE) issued a report on discrimination in employment which noted different types of discrimination, including cases arising during the war of dismissal of workers from "the other side", as well as more recent cases related to national background, political affiliation, gender, and trade union or labour rights activity.

31. The country's legal framework is complicated and not conducive to the elimination of such discrimination. At the State level, there is no labour law. In the Federation, in July, after more than two years of heated debate the House of Peoples finally approved the Federation Labour Law, containing a comprehensive anti-discrimination provision which provides that "a person seeking employment, as well as an employed person, shall not be discriminated against on the basis of race, colour, sex, language, religion, political or other opinion, national or social affiliation, financial situation, birth or any other circumstances, membership or non-membership in a trade union, or physical or mental disability". Before entering into force, the law must still be passed by the Federation House of Representatives. In the Republika Srpska, a labour law has been in place since 1993 and has been amended four times, but does not directly address discrimination in employment.

32. In July 1999, the Human Rights Chamber set a precedent by issuing its first decision regarding discrimination in employment, Zahirovic v. BiH and F BiH. The Chamber stressed that "the prohibition of discrimination is a central objective"

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of the peace agreement, and ruled that maintaining the applicant on a waiting list after the end of the war, while hiring new employees, showed differential treatment inflicted on the applicant as compared to employees of other ethnic origins. It was also noted that the Chamber "cannot accept as a valid ground for differential treatment that the composition of the workforce should reflect the ratio of the different ethnic groups within the population" of the community in question.

3. Pension rights

33. Pensioners experience major difficulties receiving and surviving on their pensions. According to an OSCE report issued in March 1999, there is no single aspect of the present pension system that is free of problems, from the level of discriminatory treatment of minorities in branch offices, to the inadequate legislation governing the system's development. Access to documents remains problematic, particularly across entity lines. Poor relations between the Federation and Republika Srpska fund administrators have resulted in decisions negatively affecting returnees, as it is feared that individuals will take advantage of this poor relationship to register illegally for two pensions.

4. Rights of the disabled

34. There has been considerable concern at the continued failure of authorities to adequately address the rights of those suffering from disabilities. The Coalition for Equal Opportunities for Disabled Persons, comprising 20 local associations and various international agencies, was formed in August 1999. Its aim is, inter alia, to raise awareness and to campaign for better accessibility to public areas, employment and training. While these issues affect all disabled persons, there is particular concern regarding the Law on Basic Protection of Civilian Victims of War and Their Families and the Protection of Children (Federation). The law provides mechanisms for the calculation of benefits for those disabled as a result of war, but there is concern that the calculations will reduce the budget so that persons otherwise disabled will suffer a significant reduction in support.

5. Freedom of religion

35. On 11 June, the Human Rights Chamber delivered its decision in the case of the Islamic Community in BiH v. Republika Srpska. At the heart of the case was a series of requests to Republika Srpska authorities to rebuild 7 of the 15 mosques destroyed in the war. To date, those requests have either been ignored or denied. In addition, Republika Srpska authorities had removed all traces of the Islamic community's property and in some cases paved over the relevant sites. The Chamber ruled that the Republika Srpska authorities had either actively engaged in or passively tolerated discrimination against the free exercise of religion by Muslims. The Chamber also found the refusal to allow reconstruction of the mosques to be a violation of property rights. The Chamber ordered the Republika Srpska to refrain from the construction of buildings or objects on the sites of the destroyed mosques and to grant the necessary permits

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for reconstruction of 7 of the 15 mosques. At the time of writing, however, Republika Srpska authorities had failed to comply with the Chamber's orders.

6. Right to education

36. The education system reveals a number of problems, including lack of material resources, lack of access for disabled students and a shortage of women in senior education posts. The most serious and pervasive issue, however, concerns the effective division of the education system along ethnic lines. To address these problems, international representatives are supporting a number of initiatives, such as the removal from textbooks of materials offensive to one or more of the ethnic groups, coupled with efforts to ensure (a) that all textbooks meet European standards, within a modernized curriculum; (b) human rights education for teachers, through which, to date, over 1,500 teachers and teacher trainers have been trained; and (c) that materials are developed for integrated use in the classroom. However, authorities on all sides have obstructed this process.

7. Gender

37. While the economic situation for most citizens is grave, women face particular obstacles to realizing their economic rights, particularly in regard to employment and access to credit and in the face of discrimination and practices of privatization. This has severe consequences in many directions, but is also a primary cause of "trafficking". Stereotyped attitudes about women and their subordinate status, particularly in respect of economic opportunities, lead to a greater risk for women of being moved and forced into exploitative labour, including prostitution.

D. Conclusions and recommendations

38. The Special Rapporteur has to conclude that little has changed in Bosnia and Herzegovina since the submission of his last report to the General Assembly one year ago. Minimal progress has been achieved with regard to respect for fundamental human rights and freedoms and the development of a tolerant, multi-ethnic society. Indeed, the crisis in Kosovo and the NATO operations against the Federal Republic of Yugoslavia have resulted in a slowing of progress in many areas vital for the protection of human rights.

39. While improvement is needed in many areas, the Special Rapporteur would like to emphasize the need to continue reform of the police and the judicial system, as they are vital in ensuring effective protection of human rights. The authorities have to demonstrate a real political will to cooperate with international organizations in these tasks, and international organizations must recommit themselves to their work. It is particularly important that in addition to the ethnic balance required, gender balance is also achieved, especially in law enforcement agencies. Training in all areas of police work, particularly human rights training, is still an absolute necessity.

40. Discriminatory practices in the areas of economic and social rights, which impact severely on minority returns, must be stopped. Implementation of the decisions and recommendations of the Federation Ombudsmen and the Commission on Human Rights (the Ombudsperson and the Human Rights Chamber) dealing with discrimination must take place without further delay. A legal framework which forbids discrimination in employment must be put in place in both entities as well as at the State level. The Special Rapporteur would like to emphasize both to the authorities of Bosnia and Herzegovina as well as to the international community that economic and social rights should be given the same weight as civil and political rights.

41. The international community will continue to be decisive in Bosnia and Herzegovina as the State and the entities continue to function poorly. However, all efforts must be made to ensure State responsibility for the protection of human rights. The State has to fulfil its responsibility, and the Special Rapporteur strongly recommends that Bosnia and Herzegovina start complying with its reporting obligations to United Nations human rights treaty bodies.

42. International representatives present in the country must be better coordinated, as there is still too much overlap between the various organizations. The same applies for national and quasi-national human rights mechanisms. The system remains too complex and should be simplified and made more effective.

IV. REPUBLIC OF CROATIA

43. The Special Rapporteur conducted his third mission to the Republic of Croatia from 25 July to 4 August 1999. He began in Opatija, where he gave a lecture on the situation of human rights in the territory of the former Yugoslavia to law students at a summer school organized by the Office of the High Commissioner for Human Rights. The Special Rapporteur also visited Istria and Rijeka in western Croatia, Knin and Split in central and southern Croatia, and Zagreb. During his visit, he met with government officials, journalists, international representatives and members of NGOs.

A. Security of person

44. The question of security, including the conditions to which people are returning, remains a key concern of the Special Rapporteur. In Berak, in the Danube region (Eastern Slavonia), there has recently been a series of ethnically motivated incidents of violence, with increasingly serious cases of intimidation, threat and arson against minority ethnic Serbs. In early August 1999, an ethnic Serb was beaten to death in what some villagers described as a lynching. The police arrested one suspect but witnesses claim that the murder was committed by a mob. Berak and its adjoining villages have been at the centre of several politically motivated incidents since November 1998 which have undermined the process of reconciliation and trust in the Danube region. In May, the situation deteriorated when demonstrations by Croat returnees over the issue of missing persons led to assaults against local Serb residents. International monitors accuse the local Croat mayor of organizing a campaign of

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