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*** UNHCR ELECTRONIC CABLE / TELEX TRANSMITTAL FORM ***

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TYPED BY: NL

DATE: 18-03-99

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HCR/HSC/0141

Please find attached UNHCR Situation Report on
the Former Yugoslavia Operation (Bosnia and Herzegovina, Croatia,
Federal Republic of Yugoslavia and The former Yugoslav Republic of
Macedonia).

Best regards.

(UNHCR GRNRVA)

UDDRAG S. 11-14.

FF. VEITADAN

NDRA 2-11-41

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implementation will be the most formidable challenge. In the meantime, individuals who have been approaching the competent authorities already in January were unable to lodge their claims owing to the reported lack of preparedness by the competent administrative bodies and the lack of information among local housing officials that new property legislation had indeed been passed.

In the Federation, implementation of the laws concerning private and socially-owned property did not show any sign of improvement. Problems continued to range from inconsistent practice by some local authorities to open obstructionism by others. An extra-legal directive issued by the Ministry of Interior disabled local police officers from assisting in forced evictions of illegal occupants without the prior approval of the Cantonal authorities.

Kosovo Asylum-seekers in Bosnia and Herzegovina

During January 1999, 240 new Kosovo refugees were registered by UNHCR Sarajevo. As of end January 1999, the estimated total of Kosovo refugees in Bosnia and Herzegovina stood at 10,000, out of whom 1,500 were accommodated in seven collective centers and 8,500 were living in private accommodation, mainly in Sarajevo Canton. Local authorities continued registering the refugees and issuing temporary admission cards.

CROATIA

Return Movements

In December, UNHCR assisted five voluntary repatriation movements from Federal Republic of Yugoslavia (FRY), bringing back a total of 40 individuals. January saw five repatriation movements with 26 individuals returning. Implementation of the Return Program since June 1998 has led to the voluntary repatriation of over 3,000 individuals from FRY to Croatia. All these are individuals who are returning to Croatia for purposes of family reunion or to repossess their own empty and inhabitable homes. No progress was recorded with regard to refugees wishing to return to damaged/destroyed houses nor to their own houses when they are occupied.

Implementation of the Government Program on Return

On 3 December 1998, well beyond the deadline set in anticipation of the Conference on Reconstruction and Development, the Government of Croatia adopted mandatory instructions for implementation of the Reconstruction Program. These instructions provide non-discriminatory procedures for granting reconstruction assistance and accommodation to all persons covered by the Return Program, including those who had not previously submitted requests for reconstruction assistance or could not exercise their rights pursuant to restrictive provisions of the Law on Reconstruction. Reconstruction assistance should cover all housing destroyed or damaged by 15 January 1998 and situated in areas of return. The Mandatory Instructions and the Program on Reconstruction were published in the Croatian Official Gazette and entered into force on 14 December 1998. For those who have already returned, the deadline for submitting applications for reconstruction is 15 March 1999 or three months from the date of return for those still abroad. As was the case for other commitments

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undertaken by the Croatian Government under strong pressure by the international community, actual implementation of these instructions shall be closely followed up.

A Conference on Reconstruction and Development was held in Zagreb on 4 and 5 December 1998. The Conference was intended to garner international support for the reconstruction of war-affected areas in Croatia and serve as an opportunity for potential donors to familiarize themselves with needs and existing projects. In the course of the Conference the international community sent an unambiguous message that further assistance and cooperation would be conditional upon the Government's compliance with its international undertakings, including full implementation of the Return Program. The days following the Conference showed a gap between the expectations expressed by the Croatian Government and the actual results: the GOC five-year Reconstruction Plan worth of US\$ 2.5 billion received US\$ 2.5 million in pledges from the donors. Immediately after the Conference, international criticism was voiced, especially by EU representatives, about implementation of the Return Program. The principle of conditionality was reiterated, leaving little doubt about the actual reasons for the Conference's inability to raise more financial aid.

At the end of January, contrary to its October commitments, the Government of Croatia announced that the Binding Legal Interpretations to the Law on Status of Dps and Refugees, the Law on Reconstruction and the Law on Areas of Special State Concern, aiming at harmonizing these laws with the Return Program, could not be issued. The explanation given was that such instructions can not be issued without the approval of the Parliament. The Head of the Office for Displaced Persons and Refugees (ODPR) committed the Government of Croatia to provide the necessary legal framework to implementation of the Return Program, this time by amending the above-mentioned laws.

Cross-border Return between Croatia and Bosnia and Herzegovina (Republika Srpska)

In December there were four repatriation movements of Croatian Serb refugees to Croatia from RS, for a total of 23 returnees. No return movements took place from RS in January.

On 27 January 1999, members of the Article 11 Commission and UNHCR met with representatives of various Bosnian Croat associations in Zagreb. The meeting was followed by a meeting in Slavonski Brod on 28 January, aiming at catalyzing the international community's efforts to promote cross-border voluntary repatriation between Croatia and the Bosnian Serb entity. The meeting was attended by representatives of the Croatian Government (ODPR and Ministry of Foreign Affairs), the RS Minister for Refugees, the Mayor of Slavonski Brod, representatives of refugee associations in Bosnia and Herzegovina and Croatia and international organizations from both countries. UNHCR focused on the need to promote and encourage two-way cross-border visits by refugees, to better enable them to make a free and informed choice regarding repatriation. Procedures carry out such visits and obtain documentation for Croatian Serbs should be simplified so as not to deter potential returnees from repatriating voluntarily.

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UNHCR Return-related Initiatives

To enable refugees to make an informed choice regarding their decision to return, as well as to prepare for the next wave of returns to Croatia which are foreseen for spring and summer 1999, a two-week repatriation-related information campaign was carried out in and around Belgrade jointly by UNHCR Croatia and UNHCR FRY from 7 to 18 December 1998.

Croatian Danube Region

On 23 January three ethnic Serbs were arrested in Dalj and 20 more were indicted by the Osijek District Court on charges of war crimes committed against civilians between July 1991 and April 1992 in Dalj including an attack on the Dalj police station. This move appeared to be at variance with the Agreement which was concluded between UN Temporary Administrator J. Klein and President Tudjman in 1996 and further commitments expressed by the Government of Croatia to respect that agreement and closely coordinate any new indictment for war crimes with ICTY. The process of national reconciliation is expected to be seriously affected by these indictments with negative consequences for the process of confidence-building and return of minorities as well. The Joint Council of Municipalities of the Danube Region and the ethnic Serb party SDSS loudly protested the action.

OSCE Police Monitors have noted that ethnically motivated incidents ranging from anonymous telephone calls to the throwing of hand-grenades at Serb houses, had continued, mostly in the Vukovar area. The most brutal incident was a suspected ethnically motivated rape of a 73 year old ethnic Serb woman by a 35 year-old Croat.

The outflow of ethnic Serbs from the Danube Region continued, although at a slower pace. Only 4,000 ethnic Serb DPs, mainly elderly and destitute, remained in the region. Total of some 40,300 Croatian Serbs from the Danube Region were reported by the Vojvodina authorities to have registered as refugees. It was noted that, in the period July-November 1998, an average of five (5) Serb families per day had left Croatia while an average of six and a half (6.5) families have returned to Croatia under the Return Program. The conclusion was that, taking into account and without underestimating spontaneous return movements, the trend of repatriation from FRY to Croatia has been substantially offset by this continuous outflow from the Danube Region.

On 17 December 1998, FRY opened a Consulate in Vukovar.

OSCE Mission in Croatia

On 26 January 1999, OSCE released its Progress Report on Croatia. The overall assessment of the organization was negative and emphasized the loss of momentum by the Government of Croatia in key areas, including return, since the last report of September 1998.

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Extension of UNMOP Mandate

On 15 January 1998, UN Security Council adopted Resolution no.1222 extending mandate of the United Nations Military Observers on Prevlaka (UNMOP) for another six months, i.e. until 15 July 1999.

FEDERAL REPUBLIC OF YUGOSLAVIA

Security Situation and Population Displacement

The security situation, which had started to deteriorate in the month of November, further worsened in December with a mounting spiral of provocation and retaliatory actions, which led to a gradual build up of Serbian security forces in the province. Clashes between the Kosovo Liberation Army (KLA) and Government troops intensified, while a pattern of urban violence emerged in late December and persisted throughout January, with murders and acts of terrorism in towns, with many so-called "loyal" ethnic Albanians being killed by the KLA. The deteriorating security situation eventually culminated in open conflict, when military operations began on Christmas Eve and continued for the following four days, in the Podujevo area. These incidents, although circumscribed to specific areas, marked a return to military confrontation which had characterized the period preceding the Holbrooke-Milosevic accord of 13 October. Military activities escalated throughout the month of January with several areas being affected by new conflict on different occasions, namely Podujevo, Šuva Reka, Stimlje, Kosovska Mitrovica and Sipolje. On 27 January, security forces moved against the KLA in the Podujevo region north of Pristina in the biggest offensive since the October cease-fire began to unravel at the end of December 1998. Thousands of people left their homes as troops swept westwards from positions along a 15-kilometer stretch of the main Pristina-Belgrade road.

Serious incidents of deliberate attacks against civilians took place in January, the most serious of which occurred when 45 ethnic Albanians, the great majority of whom were civilians, including women and children, were summarily executed and some of them badly mutilated, in the village of Racak in Stimlje municipality on 15 January 1999. A full report on the incident by a Finnish forensic team was still being awaited as at end January. In mid-January the Head of OSCE KVM Ambassador William Walker, denounced the 15 January killing in Racak. This led Serbian President Milutinovic to launch an extraordinary personal attack against Ambassador Walker, followed by a declaration that Walker was *persona non grata*. The UN Security Council, the OSCE Permanent Council and the European Parliament were among those who demanded action to reverse the expulsion order. Finally, the order was officially "frozen" during a two-day emergency visit by OSCE Chairman in Office Knut Vollebeck on 21 - 22 January, but not before KVM withdrawal appeared imminent.

Some 1,500 Kosovo Albanians were reportedly being kept under detention because of their actual or alleged KLA activities, while some 150 abductees, mainly ethnic Serbs, were reportedly still held by KLA.

At the end of January, UNHCR estimated that some 45,000 additional people had been displaced by the new violence during the months of December and January, of whom some