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Situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia

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 Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, in accordance with General Assembly resolution 52/147 of 12 December 1997 and Economic and Social Council decision 1998/272. Pursuant to the requests of the Commission of 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.

* A/53/150.

Annex

Report on the situation of human rights in Bosnia and Herzegovina prepared by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, in accordance with General Assembly resolution 52/147 of 12 December 1997 and Economic and Social Council decision 1998/272 of 30 July 1998

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I. Introduction

1. This is the first comprehensive report on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia submitted by the Special Rapporteur of the Commission on Human Rights, Mr. Jiri Dienstbier. The report considers human rights developments in the three countries of the Special Rapporteur's mandate until mid-August 1998. Because United Nations practice requires early submission of reports for editing and translation purposes, information contained in the present report may be superseded by more recent events that have taken place prior to its presentation to the General Assembly in November 1998. The Special Rapporteur will endeavour to provide updates on the human rights situation in the coming months.

2. Mr. Dienstbier was appointed on 13 March 1998 by the Chairman of the Commission on Human Rights, and fully assumed his duties in early July 1998. By August 1998, he had visited all of the countries of his mandate. In April 1998, at the request of the Chairman of the Commission on Human Rights, he travelled on a brief mission to the Federal Republic of Yugoslavia, especially for the purpose of reviewing the situation in Kosovo. He submitted a report on his mission with a letter to the Chairman dated 8 April 1998 (E/CN.4/1998/164). The Special Rapporteur visited Bosnia and Herzegovina from 4 to 9 July 1998, and Croatia from 9 to 15 July 1998. He was planning return missions to the Federal Republic of Yugoslavia in September 1998, and to post-election Bosnia and Herzegovina and to Croatia in October 1998.

3. The Special Rapporteur would like to pay tribute to his predecessors, Mr. Tadeusz Mazowiecki and Mrs. Elisabeth Rehn, for their commitment and their open-minded presentation of the situation of human rights in the region of the former Yugoslavia. Mr. Dienstbier hopes similarly to spend considerable time in the territory and to seek out a variety of viewpoints to ensure the accuracy and value of his reports. The Special Rapporteur would also like to express his gratitude to the Geneva office of the United Nations Office of the High Commissioner for Human Rights (OHCHR), especially to the field officers, who work and live under difficult circumstances. All of the Special Rapporteur's missions are organized by OHCHR field offices, which also gather information and otherwise support his mandate.

II. General observations

4. By definition, it is the role of the Special Rapporteur to be critical. Human rights are never fully respected anywhere. Their observance requires the permanent attention of national and international governmental institutions, media, non-governmental organizations and the people themselves. This is especially so in the global neighbourhood, where no problem is local anymore. Criticisms, however, should not be taken by Governments as an inconvenience but rather as a source of support on the road to democracy. Having come himself from a formerly communist State, the Special Rapporteur is aware of the difficulties in transition to democracy and an open society. Many of the problems faced by countries in these circumstances are similar, even if there are also important differences due to the legacy of past conflicts, recent wars and other factors.

5. Serious human rights violations can still be observed in all three countries of the Special Rapporteur's mandate. Many of these continuing problems are linked to a failure to respect the human rights most closely associated with democratic principles. The challenge for political leaders at all levels in the countries of the Special Rapporteur's mandate will be to instill in their States and their communities a new appreciation of the meaning of democracy, by encouraging free expression, respect for the law, especially in law enforcement and in the courts, and above all the understanding that government's main purpose is not to control society but to serve the freely expressed will of the people.

~~III. Bosnia and Herzegovina~~

~~A. General observations~~

for the RS authorities to adopt a law on the establishment of an ombudsman institution in the RS.

40. On the question of education, rather than a single curriculum espousing only one set of views, it is necessary instead to have curricula that present different opinions so as to plant in children's minds democratic ways of thinking and tolerant habits.

41. Although there has been some improvement in creating conditions for free and democratic elections, serious problems remain to be solved. Full freedom of movement has still not been secured despite positive developments, such as the introduction of uniform license plates for the entire country. The main media still are controlled by nationalist parties, which has a negative effect on the political process. The promotion of democratic values and a true human rights culture should be pursued at all levels of society. For this reason, the continued support of the international community for local non-governmental organizations will be vital.

42. There is a necessity to build on existing frameworks within the United Nations system in order to develop a concerted effort to address gender issues. Several trends demand attention and appropriate responses, including organized prostitution, trafficking and domestic violence.

43. The families of missing persons should be given stronger support. Their social, economic and psychological needs must all be addressed.

46. Membership in the Council of Europe and the goal of joining the European Union has had a positive influence on the Croatian Government and on the attitudes of many opinion leaders in the country. However, real understanding of the nature of democratic society still appears to be quite low. Due to the lack of democratic traditions, the legacy of communism, the recent conflict and animosity towards Serbs (both long-standing and as a result of the conflict), the development of respect for human rights will be a long process. What has been achieved to date is largely the result of support for democratic forces within Croatia by the international community and its institutions. Many in Croatia have the ambition that it will become a truly democratic country and part of the European mainstream. Given the circumstances, it can make progress in this direction only if the presence of international institutions – for monitoring and for technical, economic and educational assistance – is maintained for the foreseeable future.

44. The return of refugees from abroad should only occur when conditions exist for them to return in safety to their homes of origin.

IV. Republic of Croatia

A. General observations

45. The Special Rapporteur conducted his first mission to Croatia from 9 to 15 July 1998. He began in the Danube region, where he met with international and local representatives, and continued on to Western Slavonia, where he spoke with people who had recently returned from the Danube region to the villages of Dragovic and Kusunje. At Zagreb, the Special Rapporteur had meetings with Government ministers and officials; leaders of opposition parties; United Nations officials; the Head of Mission of the Organization for Security and Cooperation in Europe (OSCE); members of the diplomatic corps; the Archbishop of Zagreb; the Croatian Ombudsman; non-governmental organization representatives; and other leading figures. Information received during this visit has been supplemented by the Zagreb and Vukovar offices of the United Nations High Commissioner for Human Rights.

B. The right to return

47. The question of return, including the conditions to which people are returning, was the main subject of the Special Rapporteur's discussions with Croatian Government ministers and officials. The Government's programme for the return and accommodation of displaced persons, refugees and resettled persons, which was adopted as a resolution by the *Sabor* (Parliament) on 26 June 1998, recognized the inalienable right to return of all Croatian citizens and all categories of persons who can be regarded as refugees in accordance with the definitions of the 1951 Convention Relating to the Status of Refugees, to which the Republic of Croatia is a signatory, and other relevant United Nations documents.

48. However, as the Special Rapporteur pointed out in his meetings, the ultimate success of the programme will depend on the ability of those who wish to return to overcome bureaucratic and other obstacles. In particular, the Special Rapporteur mentioned the difficulties that Croatian Serbs have encountered in applying for documents at the Croatian Embassy at Belgrade. He appealed for the procedures to be simplified. OSCE reported on 27 July 1998 that the Croatian Office for Displaced Persons and Refugees (ODPR), UNHCR and the Serbian Commission for Refugees were cooperating in processing applications for return from people residing in the Federal Republic of Yugoslavia (FRY), with the intention to avoid long queues at the embassy.

49. The first returns under the new programme took place under the auspices of UNHCR and ODPR on 30 July 1998, when 26 Croatian Serbs returned to Croatia from the FRY. The Head of ODPR said that 42,615 Croatian Serbs had previously returned from the FRY, Bosnia and Herzegovina, and the Danube region, of whom 21,125 were originally from the Danube region. Some 9,800 Croatian Serbs still living in the FRY had applied to return to Croatia as of August 1998, of whom 776 had been cleared for return by ODPR; 242 of these had returned "spontaneously", that is, not through official mechanisms. ODPR estimated that 17,000 displaced persons had returned to the Danube region from other parts of Croatia, but this is considered by some international agencies to be in excess of the real number.

50. When speaking to Croatian Government ministers about conditions for return, the Special Rapporteur referred to accounts that he had heard from Serbs in Western Slavonia who had recently returned from the Danube region. Problems they experienced included uncleared mines and the lack of infrastructure, in particular water and electricity, but overwhelmingly, the main concern was unemployment. For this reason, the majority of those who had returned were elderly, while young people were reluctant to return to areas

53. Deliberate killings which are ethnically motivated are now rare, but the continued possession and use of explosive devices, hand grenades or other military weaponry is not uncommon, often resulting in injuries. Some such incidents may constitute attempted murder: others are probably intended only to intimidate, to discourage returns of Serbs to Croatia or to persuade those already there to leave. In June 1998, there were reports of bombing incidents at Okucani, Western Slavonia: two bombs were thrown into the yard of the house of a Croatian Serb returnee. The same person had been verbally and physically assaulted by Bosnian Croat refugees a week earlier. In July 1998, OSCE reported that a

without any prospects for earning a living. A young Serb nurse who had returned to Kusunje told the Special Rapporteur that she was unable to get employment at a local hospital because she was a Serb; she maintained that there were vacant posts. Lack of employment has also been cited as a major impediment to the return of displaced persons, now living in other parts of Croatia, to the Danube region.

51. One problem to be solved before Croatian Serbs can return is that in many cases their houses have been allocated by the Government to Bosnian Croat refugees for whom the Government is committed to finding accommodation. Many Bosnian Croats now have Croatian citizenship and have no intention of returning to Bosnia, but some still wish to return to their homes, if this is possible. An additional problem has been created by the Government's former practice of encouraging domiciled Croats to move into houses from which Serbs had fled during the conflict. OHCHR has spoken to some of these people, who are bitter about the prospect of being evicted from property in which they had been led to believe they could remain.

C. Right to life and personal security

52. On 29 July 1998, in the village of Topolje in Osijek-Baranja county, a married couple were murdered. The husband was a Serb and the wife Hungarian: both were Croatian citizens and domiciled residents. According to police reports, a young male Croat was arrested and admitted to the killings. Previously, the couple had been subjected to a hand-grenade attack, intimidation and criminal damage to their fields, and had reported these incidents to the police.

Croatian Serb living in the village of Vlahovic, Glina municipality, had been seriously beaten by a Bosnian Croat refugee living in the same village. In the Danube region, there are frequent reports of harassment of Serbs, people in mixed families and others who stayed in the region during the war, including accounts of violent attacks, ranging from the placing of bombs and other explosive devices to disputes in public places. Although the general security situation in the region is stable, according to the United Nations Police Support Group (UNPSG), the severity of violent ethnic incidents has increased. There have also been reports of the involvement of local police officers in such incidents and

allegations that appropriate disciplinary measures have not been taken.

54. Unmarked landmines, left behind from the hostilities of 1991 to 1995, continue to cause deaths, particularly in rural areas. Nearly 11 per cent of Croatian territory is strewn with an estimated 1 million mines. By August 1998, over 20 people had been killed during the year by mines: in the last week of July 1998, a boy was killed and his father and brother badly injured in a mine explosion in the Baranja. Mines and unexploded ordnance continue to be a major impediment to a return to normalcy. In Western Slavonia, the Special Rapporteur met people who had returned to reconstructed houses around which a small area of ground had been cleared of mines. However, they were not able to cultivate the land in the vicinity because it had not been cleared.

D. Right to property

55. The Law on Temporary Takeover and Administration of Specified Property and the Law on Lease of Apartments in Liberated Areas, which had long been regarded by the international community as impediments to the return process, were rescinded by Parliament on 10 July 1998. The annulment of the laws was only the first step towards resolving the problems they had created: alternative accommodation still has to be provided for refugees and displaced persons living in houses and apartments belonging to people who have returned and wish to claim back their property. People who have lost tenancy rights to apartments will have even more difficulty in obtaining restitution. A report on the work of the Osijek housing commission, published in July 1998, stated that of 725 requests received since March 1998 for return to the Osijek area, about 350

59. There is still much uncertainty about the application of the 1996 Law on General Amnesty. In March 1998, the Ministry of Justice gave OSCE and the Serb Joint Council of Municipalities a list of 13,575 amnesty decrees granted to people in the Danube region up to 18 March 1998. The Minister of Justice said that the Law on General Amnesty had been applied to 10,712 people who had been sentenced for offences, such as armed rebellion, committed during the war, and that charges relative to the same offences had been dropped against a further 2,862 people. The Minister said that

were for return to apartments for which the applicants no longer had tenancy rights.

E. Administration of justice

56. A wholly independent judiciary is still a distant goal. It may take a long time before the necessity of this fundamental principle is fully understood by both politicians and judges. The principle is strongly promoted by international and local civil rights organizations, but courts are still too often influenced by politicians and government officials at the state and local levels.

57. At the end of May 1998, the President of the Supreme Court, Milan Vukovic, sent instructions to the country's courts that they were not to provide international organizations with information about their work. Although he defended this action as intended to protect judicial independence, international organizations interpreted it as an attempt to curtail legitimate monitoring activities. This view was supported by a former Supreme Court judge, who was quoted in the newspaper *Slobodna Dalmacija* as calling the instructions "unheard of and xenophobic", and stating that there was no basis for them in the Law on Courts.

58. In April 1998, the Constitutional Court sustained Krunoslav Olujic's appeal against his dismissal as President of the Supreme Court, but at the end of July 1998 he still had not been reinstated. Mr. Olujic, noted for his independence, had been dismissed in 1997 in a highly controversial decision of the State Judicial Council. The Council, which should ensure the autonomy and independence of the judiciary, is appointed by Parliament and is widely considered to be under the influence of the Croatian Democratic Union (HDZ), the ruling party.

the list was not final, and emphasized that the amnesty is not applicable to those who committed war crimes. However, although analysis of the information contained in the amnesty decrees had not been completed by the end of July 1998, initial reactions were that they did not provide sufficient information to fulfil their apparent purpose of making the application of the amnesty law more transparent.

60. War crimes trials continue throughout Croatia, and are subject to unreasonable delays, in particular at the appeal

stage. For instance, Milos Horvat was sentenced on 25 June 1997 to five years' imprisonment on charges of genocide at the conclusion of a trial that all international observers present, including OHCHR, found unfair. More than a year later, the Supreme Court of Croatia had not even begun the review of Mr. Horvat's appeal against his conviction. Other prisoners convicted of war crimes have also been awaiting decisions on their appeals for well over a year.

61. Goran Vusurovic, one of 19 Serbs known as the Sodobolci group, who had been convicted *in absentia* of war crimes, was arrested in August 1996. He was retried and sentenced to eight years' imprisonment in November 1996. In May 1997, the Supreme Court accepted his appeal against this sentence and ordered another retrial at the County Court level. His lawyer asked for the amnesty law to be applied and for the cessation of criminal proceedings: this was rejected by the County Court in July 1997 and by the Supreme Court in September 1997. Goran Vusurovic's new trial began in December 1997, but was then adjourned until June 1998. There were two further hearings in July 1998 and then the trial was adjourned until September 1998. International observers monitoring the trial have reported that the evidence produced so far to substantiate a war crimes charge has been weak. Meanwhile, other members of the Sodobolci group had asked for retrials but wished to remain at liberty while the trials took place. They received assurances from government officials that this would be possible, but the judge, in accordance with Croatian law, has insisted that retrials will only take place if the defendants are in custody, and has ordered their arrest. The interference of the legislative authorities in the judicial proceedings in this case, as in others, has led to confusion and accusations of bad faith from the Serb community.

62. In a report published on 4 August 1998, entitled "Croatia: impunity for killings after Storm", Amnesty International referred to the violations of human rights during and after the 1995 Croatian military operation known as "Storm", documented by former Special Rapporteur Mrs.

64. Certain independent newspapers have been overwhelmed with civil and criminal lawsuits by members of the Government and those close to them. *Globus*, *Feral Tribune* and *Nacional*, three independent weeklies, have been especially heavily targeted. *Globus*, for example, has about 100 civil cases and between 15 to 20 criminal cases pending against it; *Nacional* has about 50 civil and 10 to 15 criminal suits; *Feral Tribune* has about 60 libel cases, amounting to nearly \$3 million. Cases have also been filed against *Novi List* at Rijeka and *Vecernji List*. The law's provisions include the criminal prosecution of journalists or others who insult the

Elisabeth Rehn in her report to the General Assembly of 7 November 1995 (see A/50/727). These violations have never been adequately addressed by the Croatian authorities. The Special Rapporteur referred again to these violations in her final report to the Commission on Human Rights of 14 January 1998: she cited figures given to her by the Government purporting to reflect criminal proceedings carried out in relation to military operations in the former North and South Sectors. However, Ministry of Justice officials told Amnesty International representatives in May 1998 that these statistics did not solely relate to criminal acts committed in 1995 but represented criminal cases currently before the courts in the relevant regions. The Ministry of Justice confirmed to Amnesty International that there was no way of discerning from the statistics which acts were committed in 1995 and which in subsequent years.

F. Freedom of expression

63. Although the Croatian Constitution guarantees freedom of thought and expression, including free media outlets, the Government holds a virtual monopoly on broadcast outlets and distribution networks for printed media. Croatian Radio and Television (HRT) operates three national television channels and three national radio stations. Although technically under the supervision of the Parliament, HRT is in fact directly controlled by the ruling party, HDZ. The few private radio and television stations lack sufficient resources to produce their own news programmes and rebroadcast those from HRT. According to a non-governmental organization, the majority of people in the Balkans rely on national television networks, "so whoever holds the TV also holds power".

President, Prime Minister or Supreme Court President, among others. According to the new penal code, journalists who could not be convicted on slander charges because the veracity of their reporting had been proved could nevertheless be sentenced for inflicting "emotional anguish" on those they were deemed to have criticized. This item has been used frequently by President Tudjman, his family and members of the HDZ. Litigation by those in power against newspapers appears to constitute one of the largest threats to freedom of expression in Croatia. Many journalists are now said to

impose self-censorship in their articles for fear of giving offence and bringing about lawsuits against their newspapers.

G. Freedom of assembly

65. In March 1998, a ban on public gatherings in the Danube region was instituted, to remain in force until 1 August 1998. Although the ban was regarded as a response to the activities of the Croatian Party of Rights (HSP), it is questionable whether such a restriction on peaceful gatherings and public protests is in accordance with article 21 of the International Covenant on Civil and Political Rights, to which Croatia is a State Party, even if intended to curb racist activities.

66. In April 1998, the Parliament discussed a bill on peaceful gathering and public protest. The bill's first draft banned gatherings in national parks, near hospitals, kindergartens, primary schools and certain cultural monuments, and on motorways and roads. It enabled the authorities in towns with more than 40,000 residents to decide on locations where gatherings and protests would be prohibited. According to critics of the bill, if it were passed without change, it would result in a virtual prohibition of gatherings: almost all town squares have cultural monuments, so gatherings would not be allowed in these traditional locations. The bill was expected to come before Parliament again in September 1998.

H. Missing persons

67. According to a statement made in July 1998 by Deputy Prime Minister Ivica Kostovic, since 1995 the remains of 2,750 war victims had been exhumed, of whom 2,071 had been identified. From 28 April to 3 July 1998, 938 bodies were exhumed at the Vukovar new cemetery, of which 588 were identified and 138 established to be on the list of missing persons. The State Commission for Detained and Missing Persons, which released these figures in July 1998, stated that 1,866 persons were still missing. According to a report of the European Community Monitoring Mission (ECMM) of 17 July 1998, a representative of the Association

of the Families of Abducted and Missing Persons of Serb Origin said that they had informed the State Commission in a letter that 2,541 Serbs were still missing in Croatia, and had provided names and places. The International Committee of the Red Cross gives a figure of 700 Serbs still missing as a result of the 1995 Croatian military operations "Flash" and "Storm". There have been accusations from the Serb community of ethnic bias in the search for missing persons in the Danube region.

68. During a meeting at Zagreb in July 1998 of the Croatian and FRY Commissions for Missing Persons, the head of the FRY Commission was reported as having confirmed that a certain number of unidentified persons had been buried in Yugoslavia. Colonel Ivan Grujic, the head of the Croatian Commission, had informed the Special Rapporteur at their meeting that 300 missing persons from the Danube region were buried as unidentified in the FRY, although their identities were known at Belgrade. Reportedly, there is agreement between the two Commissions that exhumations of these bodies will take place for purposes of identification.

I. Religion and reconciliation

69. Acts of vandalism against religious buildings and objects have continued to occur. In April 1998, unknown persons took a skull from a tomb under a destroyed Catholic church at Vukovar, placed it on what used to be an altar, and wrote "Death to Franjo Tudjman, Vukovar is a Serb town, all Ustashas will end like this". The incident was widely reported in the media, and provoked a statement from the Deputy Minister of the Interior, which referred to "desecration of a sacral object". In July 1998, at Beli Manastir, also in the Danube region, during celebration of a Croatian football victory an explosion destroyed a large wooden Orthodox cross.

70. The Catholic Church in Croatia could play a positive role in the process of reconciliation. The recently appointed Archbishop of Zagreb, Josip Bozanic, is a firm supporter of reconciliation: he believes that the recent past should not be forgotten but confronted so as to favour the process of healing. In his view, the hatred that is presently felt could be overcome by creating economic prospects so that people concentrate on the future rather than the past. The current

situation is illustrated by the Archbishop's attempt, at the request of the Bishop of Banja Luka, to persuade some Bosnian Croat refugees to return home. They said that they would like to go home but asked the question, characteristic of the attitude in most places in the former Yugoslavia: "Can you guarantee to us that all the atrocities will not be repeated in 20 years?" Nobody can do that; but the international

J. Conclusions and recommendations

71. If the process of building democracy and civil society is to be guaranteed, the presence of international institutions will be necessary to help strengthen democratic forces in the Government and in the public. These forces are present but are still quite weak and in constant danger: nationalistic and authoritarian tendencies are still too strong. There should be close cooperation and coordination between the international institutions in Croatia.

72. The international community should concentrate its efforts on strengthening the legal system, in particular to ensure an independent judiciary; on training the police, to ensure a professional police force; and – perhaps most important for gradually creating understanding of civic and pluralistic society – on supporting the development of free media.

73. International assistance is needed to restore the economy, but to be effective it should be coordinated. It should concentrate on infrastructure and other conditions for the development of private initiative (for example, demining). This is the main task for the Government too. On the other hand, it is necessary to persist in explaining to the people in this post-communist society that the final results will depend on the work and commitment of every individual.

74. The Special Rapporteur welcomes the Government's programme for the return and accommodation of displaced persons, refugees and resettled persons, but urges a simplification of the procedures to be followed by Croatian Serbs residing in the FRY and Bosnia and Herzegovina who wish to return to Croatia. The Government should also ensure that people who have returned do not suffer discrimination in housing, social welfare, the supply of essential services or employment.

75. The Special Rapporteur is particularly concerned by the Government's domination of the electronic media and its attempts to stifle freedom of the press. He believes that a free

community has accepted its responsibility, and should not give it up until progress towards democracy and civil society is irreversible.

media is one of the defining features of a democratic society, and is essential to the maintenance of all other freedoms.

76. The Special Rapporteur welcomes all steps taken by the Government to discover the fate of missing persons. He urges that exhumations should be conducted without regard to the nationality of the victims, and that attempts to locate the whereabouts of all persons still missing in Croatia should not be subject to ethnic bias.

77. The Government should take urgent steps to reduce the backlog of cases in the courts at all levels. It is unacceptable, especially in view of the criticism which international observers have made of proceedings in war crimes cases, that appeals against lower court decisions have been pending in the Supreme Court for over a year. The administration of justice should be transparent: information about the results of prosecutions of those charged with human rights violations in connection with Croatian military operations in 1995 should be made available. Information about court proceedings generally should be freely available, including to international organizations seeking to exercise legitimate monitoring functions.

V. Federal Republic of Yugoslavia

A. Introduction

78. The Special Rapporteur conducted a mission to the Federal Republic of Yugoslavia (FRY) from 5 to 8 April 1998, during which he visited Belgrade and Pristina. He submitted a letter on that visit (E/CN.4/1998/164) to the Chairman of the Commission on Human Rights, whose statement of 24 March 1998, requesting that the Special Rapporteur undertake a mission, had focused on concern over developments in the province of Kosovo. As of August 1998, the Special Rapporteur was preparing for an extended mission

throughout the FRY, to take place in early September 1998. During that mission, he planned to further explore issues raised in the present report, including countrywide issues, such as the administration of justice and freedom of 79. The Special Rapporteur stresses that because the required submission and publication dates for the present report fall, respectively, just before and some weeks after his extended visit to the FRY, he will take extra steps to provide the General Assembly and the Commission on Human Rights with timely analysis and information. Given the pace of developments in the FRY, particularly the crisis in Kosovo, it is likely that elements of the present report will have been superseded by events before the document is published. Therefore, in order to provide current, detailed information, the Special Rapporteur intends to submit a letter to the Commission on Human Rights after his September 1998 mission to the FRY. He takes the opportunity of the present report to submit extended observations and recommendations in which he describes ongoing concerns and matters that require further examination. In so doing, he sends early warning of issues that may threaten the protection of human rights of persons in the FRY. Incorporated into his observations, the Special Rapporteur also notes certain developments in the situation of human rights in the FRY that hold promise for the future.

80. The present report is based on information from a variety of sources. It takes into account materials provided by the Ministry of Foreign Affairs of the FRY, including aides-mémoires and correspondence with the Special Rapporteur and OHCHR. It is based on first-hand observations, as well as on discussions in Serbia and Montenegro with government officials, community leaders, refugees and displaced persons, intergovernmental and non-governmental organizations, legal professionals, and representatives of official and independent media. The Yugoslav and Croatian Governments have provided texts deriving from their bilateral Agreement on Normalization. The Special Rapporteur regrets, however, that he has not been able to consider for the present report crucial materials from the Serbian Ministry of Internal Affairs, since that ministry has neither responded to inquiries nor provided information promised during the Special Rapporteur's discussion with the republican minister on 6 April 1998. The information requested concerns not only the increasing use of the Ministry of Internal Affairs' public grievance procedure, described by the minister himself to the Special Rapporteur, but also reports of torture and ill-treatment of specified individuals in police custody.

expression, and the rights of persons belonging to minority groups, particularly in Vojvodina and the Sandzak.

B. Relations with the Government

81. The Special Rapporteur and OHCHR have enjoyed the cooperation and support of the Government of the FRY in carrying out the visits that form the basis of the present report. Moreover, during the April 1998 visit of the Special Rapporteur, the Yugoslav Government proposed to regulate the status of OHCHR in the FRY. On 2 July 1998, representatives of the Government of the FRY and the United Nations signed a record of discussions, memorializing progress on an agreement, the first of its nature in any of the countries on the territory of former Yugoslavia, which will enable promotion and protection of human rights countrywide. The Special Rapporteur emphasizes the importance of finalizing the agreement at the earliest possible opportunity.

C. Observations and recommendations

1. Kosovo

82. In the four months since the Special Rapporteur's mission to the FRY, violence in the province of Kosovo has accelerated into a crisis with international consequences. Information about the crisis has been characterized by high-tech campaigns, political colouring of facts, and sensational headlines which, it can be argued, have affected events on the ground and attempts to defuse them. The Special Rapporteur is unable to assess the effect of the Kosovo crisis abroad, particularly on the situation of asylum-seekers, diaspora and refugees from Albania and the territory of former Yugoslavia in the countries where they now reside. He suggests that the effect of those communities on the crisis in Kosovo, and the effect of the crisis on them, deserve attention.

83. Many facts about the human rights situation in Kosovo remain elusive. New numbers of persons killed, wounded, abducted, arrested or alleged missing appear every day. The numbers in any category cannot be definitively confirmed,