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SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA

Sixth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993

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family life, freedom of thought, conscience, religion and of movement, to earn one's livelihood, to nationality, and rights as a member of an ethnic or cultural group. The Special Rapporteur also condemns all violations of human rights occurring in territory controlled by the Government of Bosnia and Herzegovina.

Terrorization of Muslims and Bosnian Croats in Bosnian Serb held territory

8. An escalation in the rate of "ethnic cleansing" has been observed in Banja Luka since late November 1993 and there has been a sharp rise in repossessions of apartments, whereby Muslim and Croat tenants are summarily evicted in violation of the terms of the Act on Housing Legislation and without de facto recourse to redressive legal procedures. Indeed it has been reported that a form of housing agency has been established in the municipality, which chooses accommodation for incoming Serb displaced persons, evicts Muslim or Croat residents and reputedly receives payment for its services in the form of possessions left behind by those who have been evicted. Typical of current eviction practices was an incident on 13 December 1993 in Banja Luka when six armed and uniformed men entered by force the home of a non-Serb family, assaulted the occupants and, despite the family's possession of a court order assuring the tenancy, ejected them onto the street.

9. Almost all non Serbs have now lost their jobs in Banja Luka and it is estimated that only 3 per cent of non Serbs continue to hold employment within the territories administered by the Bosnian Serbs. Dismissal is often without a legitimate reason, but frequently because of "draft evasion". Entire families have been dismissed from employment for the "draft evasion" of one member. Even family members of persons who have permanently settled in other countries can suffer in this way, as such emigrants may be deemed to be draft evaders. Dismissal removes the right to accommodation and social security.

10. The Special Rapporteur is aware of many specific recent incidents of attack on and terrorization of non-Serbs in the Banja Luka region in recent times. A typical case is that of an 82-year old Muslim man who, between 5 and 7 November, suffered repeated physical and verbal abuse and theft by assailants, one of whom was in military uniform. On each occasion the police failed to respond promptly to requests for assistance or to conduct proper investigations.

11. Muslim residents of the village of Vrbanija, five kilometres from Banja Luka, have been the victims of frequent shootings, assaults, threats and robberies. A recent incident, at 9 a.m. on 29 December 1993, involved the murder of a married couple and their neighbour and the theft of property. The police were informed of the incident at 9.30 a.m. but did not arrive until 5 p.m. when they spent just 10 minutes at the scene. During the funeral, on 30 December, mourners were detained and assaulted by men in military uniform.

12. During November 1993, continuing allegations were brought to the attention of the Special Rapporteur concerning widespread incidents of rape and sexual abuse by Bosnian Serb troops against Muslim women in the Olovo area.

13. The authorities in Banja Luka have removed physical traces of the presence of a Muslim community with the demolition of all of the municipality's 202 mosques. On 15 December 1993 in the town of Banja Luka, the remains of the 16th century Ferhadpasina mosque and four other mosques/mausoleums were razed. The site has since been adapted as a car-park. Roman Catholic constructions have also suffered. Twenty-one per cent of those in the Banja Luka diocese have been partially destroyed and a further 25 per cent damaged. In addition, Roman Catholic graveyards are increasingly being plundered.

14. The Special Rapporteur has received reports that the Muslims remaining in the Siprage region are subject to ongoing harassment and intimidation.

perpetrated by the HVO. However, given the many testimonies to the contrary, the Special Rapporteur continues to pursue an investigation of this matter.

23. Allegations by Croat authorities that the forces of the Government perpetrated a massacre and other atrocities at Dubravici (also known as Krizancevo Selo) during late December 1993 have not been substantiated. UNPROFOR investigations indicate the probability that the persons whose bodies were found in a mass grave at the site had suffered war injuries and had been killed in recent combat in the area.

24. The Special Rapporteur has received reports of harassment of Croats in Zenica, with an increase in incidents of assault and public humiliation. However, at the time of writing of this report, there are indications of improved inter-community relations.

25. Bosnian Croats in Sarajevo continue to complain of harassment. Thus, for instance, they point out the human rights violations associated with the disbandment of the HVO on 6 November 1993 which involved widespread short-term arrests and interrogation, destruction of uniforms and flags and drafting of HVO members into the army.

26. The forces of the Government took control of Vares in November 1993, at which time large numbers of Croats fled the town. There was a particular fear that the troops would want to avenge incidents such as that at Stupni Do by terrorizing the Croat population. However order was quickly established and the town returned to civilian control. The municipal authorities have since urged Croats to return. International observers are of the view that the invitation is a sincere one. However, though some Croats would like to return, circumstances have not yet permitted this.

27. There are recent reports from the towns of Bihac and Cazin of the harassment and intimidation of relatives of officials in the administration of the so-called "autonomous province of western Bosnia", and of supporters of that regime. The Special Rapporteur is also aware of acts of harassment perpetrated by forces of the so-called "autonomous province" and directed against those loyal to the Government.

#### C. The situation in Tuzla

28. The Special Rapporteur visited Tuzla on 10 and 11 December 1993 and met with local officers of international organizations, representatives of provincial and local authorities, representatives of local and international non-governmental organizations and religious leaders. During the course of his visit he was able to make a first-hand assessment of both the human rights situation and the impact of the crisis concerning delivery of humanitarian aid. International observers with whom he spoke were of the view that there are no problems of co-existence between ethnic and religious groups, but that circumstances might well deteriorate with the worsening of the humanitarian aid crisis.

29. Until recently Bosnian Serb and Croat residents did not appear to be subject to harassment at a level comparable to that suffered by groups elsewhere in Bosnia and Herzegovina. The Special Rapporteur is confident that this situation was largely facilitated by the efforts of the local government in Tuzla to avoid any form of discriminatory treatment against various community groups.

30. Recently there have been signs of a deterioration. The Bosnian Serb community in particular feels that it is subject to especially discriminatory and invidious treatment and many Serbs are anxious to leave. In particular, Bosnian Serbs allege that the general mobilization has concentrated on them and that those who refuse the draft are subject to immediate detention. Recently, they have complained of an increase in general harassment, which they believe is encouraged by the withholding of police protection from Bosnian Serbs. In one incident on 10 October 1993 an elderly couple was attacked by uniformed,

detainees are held in a sports stadium in unsanitary and cramped conditions, without light, access to bedding or physical exercise. Conditions are no better at Jablanica where many civilians are held. Among the detainees are a number suffering from psychiatric illnesses.

38. Authorities of the so-called, "autonomous province of western Bosnia", are responsible for the violation of the rights of various purported opponents of the regime. Many of these are held at a detention centre at Velika Kladusa, and there have been a number of reports of abductions.

39. With respect of the detention of children (see below paras. 224-227)

#### E. Displacement of populations

40. Displacement of populations has been effected by three means: involuntary population exchanges between municipalities under the control of opposing belligerents; private arrangements for emigration to the territory of another of the belligerents; and, least commonly, the forced and immediate expulsion of communities from their places of residence. These forms of displacement are associated with the phenomenon of "ethnic cleansing". Additionally, in recent months, the Special Rapporteur has noted the exchange of sizeable populations who have applied to leave their homes voluntarily, for fear of what might happen to them if, in any future peace settlement, control over the area where they live falls to another ethnic group.

41. The various forms of displacement are often accompanied by extortion and theft. Thus, for instance, displaced persons leaving Serb held territory are routinely subjected to strip searches at the frontier and to the confiscation of all valuables. One recent such incident occurred on 28 November 1993 when Bosnian Serb forces plundered the possessions of Muslims leaving the village of Siprage. On the other hand, reports of displacements from Government held Zenica in early January 1994, indicate that there was no interference with the moveable property of the displaced.

42. Population exchanges occur throughout Bosnia and Herzegovina. Frequently a substantial fee is demanded by the organizers (which may be central or local authorities or private agencies). Sometimes, however, the exchanges also involve detainees. Occasionally, little or no notice is given to those participating in exchanges. Thus, the frequent forced exchanges affecting residents of the Doboj (Serb held) area are often implemented on less than 24 hours' notice.

43. Private arrangements for displacement are entered into frequently and are almost always associated with extortionary practices in every aspect of their operation. They are usually organized with the assistance of "travel agencies" and are permitted after the intending travellers have relinquished to the authorities their rights to property which is left behind. The traveller is not permitted to return. The Special Rapporteur is also aware of practices in the Serb controlled Banja Luka municipality whereby those Muslims and Bosnian Croats who succeed in obtaining permission for temporary travel outside the municipality lose all rights to return after 30 days. No such regulations limit the travel freedom of ethnic Serbs.

44. The Special Rapporteur is aware of many recent instances of the immediate forced evacuation (in the absence of an exchange arrangement) of areas throughout Bosnia and Herzegovina. For a detailed exposition of the manner in which such evacuations occur he refers to his report of 6 September 1993 (E/CN.4/1994/8) concerning the city of Mostar, where thousands of Muslims were forced into the eastern part of the city by the Bosnian Croat forces. A particularly horrific example of the practice occurred on 26 October when Serb locals gave 25 Muslim families in the village of Teslic just 30 minutes to leave. The Muslims were then bussed to the front line and forced to cross a minefield.

G. Race

53. Pursuant to Commission on Human Rights resolution 1993/8 of 23 February 1993, the Special Rapporteur continues to address the problem of rape and abuse of women. He draws attention to his references to the matter in his fifth periodic report to the Commission (E/CN.4/1994/47), and to the conclusions drawn therein, and to the report of the Secretary General on rape and abuse of women in the territory of the former Yugoslavia, dated 30 June 1993 (E/CN.4/1994/5). The Special Rapporteur updates that information as follows.

54. A persistent problem besetting attempts to chart the extent of the incidence of rape and other forms of sexual abuse remains the exceptional difficulty in obtaining reports of or investigating allegations. Hindrances include the continuing war conditions, the distress of victims and their fear of retaliation by or on behalf of the perpetrators, the dispersal of victims among other displaced people and, not least, the refusal of the Bosnian Serb authorities to permit investigations in territories under their control. Also, reports of incidents of rape often only come to the attention of investigators many months after the incident has occurred.

55. Despite such fact-finding problems the Special Rapporteur is of the view that the commission of rape and other forms of sexual abuse remains widespread, if not on a scale comparable to that earlier in the course of the war.

56. Given the problems associated with investigation, the Special Rapporteur welcomes the initiative of the Commission of Experts established pursuant to Security Council resolution 780 (1992) to conduct thorough investigations of sexual assault occurring in connection with the hostilities in the former Yugoslavia.

57. The Special Rapporteur has received reports of sexual abuse perpetrated in areas under the control of each of the principal belligerents. Reference is made in this report to a number of such incidents.

H. Violations of human rights and humanitarian law  
by means of military attacks on civilians

58. Bosnian Serbs continue to be responsible for the military targeting of civilians throughout the areas where they are fighting. However, there is cause for particular concern with respect to the situations in the "safe areas" at Sarajevo, Tuzla and Gorazde.

59. Sarajevo remains subject to indiscriminate attacks and to sniping, directed from territory held by the Bosnian Serbs. By early January 1994 there were on average 1,000 shell or rocket impacts per day. Many civilians have lost their lives, including, on 1 December 1993, nurses on duty at Kosevo Hospital and, on 29 December, local journalists, in the course of their work. The Special Rapporteur acknowledges in particular, the courage of medical workers and journalists who persist in their tasks despite the dangers. He considers it entirely appropriate that the United Nations Human Rights Prize has been awarded to the staff at Kosevo Hospital. With regard to journalists he commends their commitment to the maintenance of a free press in Sarajevo where 10 newspapers/journals and 3 radio stations struggle to survive.

60. The Special Rapporteur notes the inability of UNPROFOR to establish the exact origin of launch for the mortar attack on the marketplace in Sarajevo which killed 68 civilians and wounded 200 on 5 February 1994.

61. Although a number of Bosnian Serb attacks on Sarajevo occur in response to firing by forces of the army of Bosnia and Herzegovina from positions situated close to highly sensitive civilian locations, most attacks would appear to be indiscriminate.

62. Bosnian Serb forces have subjected the residents of Tuzla to a number of attacks with cluster bombs and anti-personnel rockets. Casualties have been

69. The authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) have also been responsible for interference with aid destined for Bosnia and Herzegovina. They have, for instance, insisted that fuel deliveries to Sarajevo and Tuzla only take place provided that the Serb authorities receive equal amounts, regardless of need (UNHCR refused to comply with this request). Also, on 10 December 1993, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) refused to allow across its frontier a convoy with "winterization" equipment to Gorazde across its frontier.

70. The Bosnian Serb authorities also hinder the international humanitarian effort by interfering with the medical work of ICRC and the medical evacuation programme (Medevac). On 17 January 1994, in Banja Luka, an ICRC vehicle was destroyed by explosives, resulting in the suspension of local ICRC activities. Local police have not been willing to investigate the incident properly. During late November 1993 they blocked Medevac evacuations until, following an appeal, their leadership intervened. Subsequently, the authorities imposed the complicating condition that they be given a minimum of 72 hours' notice of each proposed evacuation out of Sarajevo.

71. Bosnian Croat forces have interfered with aid deliveries for or in transit through areas under their control. The result of such practices is demonstrated by, for instance, the situation of the citizens and displaced persons in eastern Mostar, among whom deaths from malnutrition and lack of medical services have been reported. Furthermore, reports from the western part of the town indicate that the authorities have denied aid to both Muslims and Serbs. Elsewhere the Bosnian Croat authorities have compounded the problems of aid deliveries by insisting on quid pro quo delivery of aid to Muslims and Croats regardless of relative needs. They have also interfered with delivery of medical supplies. Thus, on 23 December 1993, they refused to allow materials for a field hospital to be delivered to the eastern part of Mostar. A particular difficulty reported during November 1993 was the refusal of the Bosnian Croat authorities to permit inclusion in convoys of the necessary amount of fuel to enable subsequent local delivery of aid materials. Aid convoys in transit through territory controlled by the Bosnian Croats have been stopped on a number of occasions. Essential supplies to locations such as Zenica and Kakanj have been particularly affected by this practice.

72. Interference with aid and other related practices also occur in territory under the control of the Government of Bosnia and Herzegovina and result in suffering no less grave than that in other parts of the country. Thus, for instance, in early January 1994, evidence of people starving and on the verge of death was noted in locations such as Kakanj where food supplies had been diverted to the army by the local authorities. The latter practice may have been encouraged by the recent announcement by the Prime Minister of rationing priorities which favour the armed forces. Bad conditions, exacerbated by interference with and unfair distribution and/or inadequately suppressed banditry of aid have also been noted in Bugojno, Jablanica, Zenica and Tuzla. Deprivation of access to medical and fuel supplies has had an adverse impact on the functioning ability of hospitals such as those at Banovici, Drin, Nova Bila and Pazaric. During this winter a number of deaths have occurred in Pazaric psychiatric hospital, which may be related to the lack of fuel for heating. In November an aid worker was killed by government troops in Vares and there have been repeated attacks on ICRC vehicles in both western and eastern Mostar.

73. On a number of occasions local authorities in areas under the control, respectively, of the Government of Bosnia and Herzegovina and of the Bosnian Serbs, have exchanged or attempted to exchange prisoners or members of local communities for food. Such arrangements would appear to have been made recently between the authorities in Zenica, Travnik and Banja Luka, and between the authorities in Zepce and Maglaj.

74. In northern Bihac, the forces of the so-called "autonomous province of western Bosnia" are also guilty of interference with attempts to deliver aid. They have repeatedly denied passage to convoys destined for the southern region



considers this report as inadequate in view of the clear evidence of grave breaches of international humanitarian law in the Medak pocket.

B. Legal remedies for human rights violations

84. During his visit to Croatia in December 1993, the Special Rapporteur had meetings with the Chairman of the Parliamentary Committee for Human Rights and National Minorities, which is entrusted with the task of ensuring the compliance of legislation with human rights standards. During 1993 this body received some 4,500 complaints. However, the Committee does not have the mandate to provide legal remedies as such. Most of the complaints related to the refusal on the part of some authorities to execute court orders. Numerous complaints concerning the denial of citizenship have also been received.

85. Another complaint mechanism is the Law on the Ombudsman (Narodne Novine, No. 60, 1 October 1992, pp. 1336-1338) which was implemented recently upon the appointment of an Ombudsman by the President of the Republic. In accordance with the law, this institution is independent and enjoys competence when other remedies have been exhausted. However, the competence of the Ombudsman before the authorities is limited and frequently amounts to a "letter of recommendation" in favour of the complainant. Furthermore, local observers have pointed out that the effects of the Ombudsman's activities are very limited.

86. The Special Rapporteur also notes that the Constitutional Law on Human Rights and Freedoms and Rights of National and Ethnic Communities or Minorities in the Republic of Croatia (Narodne Novine, No. 34/92, 17 June 1992, p. 832; hereafter "Constitutional Law on Human Rights") establishes a provisional court of human rights (art. 60, para. 2) preliminary to a permanent court of human rights (art. 60, para. 1). Nevertheless, even the provisional Court remains to be effectively established.

87. Certain Executive Orders which were declared by the President as emergency measures in 1991 continue to be valid. These Orders allow, inter alia, for the suspension of certain legal remedies in criminal proceedings, and in certain cases, give military courts jurisdiction over civilians. They include: Regulation on the organization, the activity and the territorial competence of municipal and district public prosecution offices in the situation of a state of war or immediate threatening of the independence and unity of the Republic of Croatia of 7 December 1991 (Narodne Novine, No. 67, 12 December 1993, p. 2127); Regulation on the organization, the activity and the scope of the judicial power in the situation of war or immediate threatening of the independence and unity of the Republic of Croatia (Narodne Novine, No. 67, 12 December 1993, p. 2127); Regulation on the implementation of the Law on Criminal Procedure in a state of war or immediate threatening of the independence and unity of the Republic of Croatia of 27 December 1991 (Narodne Novine, No. 73, 31 December 1991, p. 2236); Regulation on the modification and amendment of the Regulation on the implementation of the Law on Criminal Procedure in the situation of a state of war or immediate threatening of the independence and unity of the Republic of Croatia of 22 April 1992 (Narodne Novine, No. 25, 29 April 1992, p. 583); and Regulation on the modification and amendment of the Regulation on the organization, the activity and the scope of the judicial power in the situation of war or immediate threatening of the independence and the unity of the Republic of Croatia of 22 April 1992 (Narodne Novine, No. 25, 29 April 1992, p. 583). During his last mission to Croatia, the Special Rapporteur expressed his concern that the prolonged application of these regulations seriously endangers the protection of human rights. The process of creating a democratic State governed by the rule of law requires the abolition of such regulations.

C. Discrimination against Serbs, Muslims and other groups

88. The Special Rapporteur has received reports concerning the mining and destruction on 25 December 1993 of the seat of the Eparchy of the Serbian Orthodox Church in the town of Karlovac. The Government of Croatia has

appropriate official documents. It is also reported that Croatian citizens born in Bosnia and Herzegovina are being singled out for forced recruitment. According to information received, an unknown number of Croatian citizens, all with their place of birth in Bosnia and Herzegovina, were forcibly gathered up by the military on 15 and 16 December 1993 and informed at the barracks that they would be sent to fight in Bosnia and Herzegovina. There have been reports of intimidation and beatings by the military of those who have refused to comply. It has also been reported that some of those who have refused to comply have had to sign documents under duress indicating that they are "volunteering" to fight in Bosnia and Herzegovina (see also, "Situation of refugees", Sect. 103 below).

#### D. Illegal and forced evictions

95. The Special Rapporteur met with representatives of the Ministry of Defence in August 1993, and expressed his concern about illegal evictions (see E/CN.4/1994/47, paras. 124-130). In view of the continuation of this practice by the military police despite assurances to the contrary, a meeting was held once again with the relevant authorities of the Ministry of Defence during the Special Rapporteur's visit to Croatia in December 1993. He was informed that a moratorium had been adopted as of 10 December whereby all evictions would cease for a 20-day period, during which all individual cases, as well as the legislation itself, would be examined. The Special Rapporteur was also informed that the Ministry of Defence was prepared to undertake concrete measures to compensate those who have been affected by illegal evictions. Furthermore, the Special Rapporteur was informed that a Commission of Control has been established in order to regulate the activities of the Housing Commission established pursuant to the Law on the Provisional Use of Apartments of 4 December 1991 (see E/CN.4/1994/47, para. 126). Nevertheless, contrary to these assurances and measures, the Special Rapporteur has continued to receive verified information from his field-staff concerning illegal and forced evictions both during and subsequent to the period of the moratorium. Furthermore, court orders for the reinstatement of tenants continue to be disregarded and frequently, the evicted tenants also lose their personal belongings in the apartment.

96. The authorities continue to claim that most illegal and forced evictions were being committed by "uncontrollable" private individuals and that in the few cases where members of the Croatian armed forces may have been implicated, disciplinary and judicial measures have been taken. In practically all of the cases which have been investigated, however, the perpetrators have been uniformed soldiers. Furthermore, the authorities have not adopted effective measures for punishment or compensation of such evictions and, therefore, appear to tolerate the practice.

97. The illegal and forced evictions are connected in certain respects with the influx of refugees and displaced persons which has caused a severe shortage of housing, including for members of the Croatian armed forces many of whom have replaced evicted tenants with members of their own family. The Dalmatian area appears to have been particularly affected by evictions, especially in Split where it has been alleged that some 200 tenants - mostly wives, children, and other dependents of former members of the Yugoslav National Army - have been forcefully evicted from their apartment units. According to information provided by the Mayor of Split during a meeting with the Special Rapporteur in December 1993, approximately 80 per cent of the evictions have been from the approximately 8,000 apartment units under the control of the military. In one case, the Attorney-General and the Military Prosecutor had successfully intervened in favour of a tenant whose apartment had been illegally occupied by soldiers. Furthermore, from February to November 1993, there were 364 cases where evicted tenants appealed to the courts and there were 280 rulings, by which all but 60 were reinstated. However, the Special Rapporteur has received indications that the military authorities have refused to execute almost all of the court orders. Furthermore, the Special Rapporteur has received information that the offices of two lawyers who defended evicted tenants were damaged by unknown assailants with the use of explosives.

"Mujahedin" may have committed, there is no excuse for Croats to retaliate with the wilful killing of civilians."/

105. In other cases, however, the press has covered incidents in an irresponsible manner which has contributed to a climate of fear. This is exemplified by coverage of the meeting of the Special Rapporteur with representatives of local non-governmental organizations during his visit to the city of Split. In the 11 December 1993 issue of the regional newspaper Slobodna Dalmacija, these representatives were stigmatized as "enemies of the country".

106. Another issue of particular concern to the Special Rapporteur is the case of Mr. Viktor Ivancic, Editor-in-Chief of the independent newspaper Feral Tribune, who was taken to the Dracevac Barracks on 5 January 1994 for recruitment into the Croatian armed forces. The Feral Tribune has covered in an extensive manner illegal activity by the military, including illegal and forced evictions from apartment units under the control of the military.

G. The situation in the United Nations Protected Areas

107. In contrast to the improved situation in other areas, in the south-western part of UNPA Sector South the shelling of civilian areas continues in the area of Zadar and Sibenik.

108. The Special Rapporteur also continues to receive reports of human rights violations of the remaining non-Serbian population. Because of the prevailing climate of lawlessness and inadequate police protection, many of those people live in a constant fear of death and are frequently subjected to violent acts in the form of physical assault and armed robbery as well as the destruction of private property. The flow of displaced persons from the UNPAs to areas under the control of the Croatian Government remains unabated.

109. The situation is particularly grave for the few remaining Croats, Hungarians and other non-Serbs in Sector East. On 8 November 1993 in the vicinity of Ilok, two Croats and a Hungarian were shot and wounded, one of whom died on 17 November as a result of his injuries. On 11 November 1993, the Croatian spouse of a Serb was arrested at Dalj and has apparently "disappeared". On 17 November 1993 in Ilok, four men broke into the home of an elderly Croat couple, subjected them to beatings, took away their valuable possessions, and then forcefully evicted them from their apartment. On 1 December 1993, a Croat from the village of Knezevi-Vinogradi reportedly received a threatening letter telling her to leave the area within 24 hours. On the same day, a Hungarian had his home pillaged.

110. The Special Rapporteur has received reports that 28 Croats in the village of Podlapaca in Sector South wish to leave because of constant harassment and fear (see E/CN.4/1994/47, para. 147).

111. The Special Rapporteur is also concerned at the arrest by the military police in Glina on 15 December 1993 of 16 United Nations local staff members. They were detained inter alia, on the grounds that they must contribute part of their salary to the war effort by signing a contract obliging them to pay a considerable sum of money over a period of six months. In order to secure their release, the United Nations employees were eventually forced to pay the "war tax" which was arbitrarily imposed upon them by the military authorities.

112. Concerning the arrest (referred to the previous report of the Special Rapporteur (E/CN.4/1994/47, para. 156) on 21 September 1993 of two former high-ranking members of the so-called "Republic of Serbian Krajina" because of their participation in a social reconstruction project co-sponsored by UNCOV/UNDP and a non-governmental organization (the project manager was also arrested) the field-staff have confirmed that all three were released from Glina prison in Sector North on 1 December 1993 upon a decision of the Investigation Judge. Nevertheless, the investigatory proceedings continued and on 3 December a new order for their arrest was issued by the "Interior

restricting the capacity of the field-staff of the Special Rapporteur to verify allegations of human rights violations.

### B. Serbia

#### Security of the person

122. The Special Rapporteur continues to receive reports concerning the use of brutal and excessive force, as well as torture, by the police, particularly in connection with random searches and other encounters with the public. A disproportionate number of such incidents appear to be directed against members of certain ethnic and religious groups, especially Muslims and Albanians. The brutal nature of police abuse is demonstrated by a case which has been brought to the attention of the Special Rapporteur concerning two Muslims in Belgrade who, on 7 June 1993, were allegedly beaten by Serbian police with truncheons and pistols and had hand bombs placed in their mouths in order to extract confessions from them.

123. It is also reported that threats and reprisals are frequently carried out against members of the political opposition and especially against trade union activists. The Special Rapporteur is particularly concerned at the case of Mr. Zeljko Dzakula (see 112 above) who, having fled from the so-called "Republic of Serbian Krajina" because of political persecution, was abducted by the Serbian Security Police in Belgrade on 4 February 1994. According to eyewitness testimony, brutal and excessive force was used in his arrest. In a letter dated 8 February 1994 addressed to the Minister of Foreign Affairs of the Federal Republic of Yugoslavia, the Special Rapporteur expressed his concern at the arbitrary nature of the arrest, and the fact that Mr. Dzakula is being detained incommunicado.

#### Public incitement to discrimination and hatred against minority groups

124. A primary area of concern for the Special Rapporteur is the incitement to national and religious hatred in public life and in the media. In public life, leading political figures make inflammatory and threatening statements against minority groups on a regular basis. On several occasions, for instance, the leader of the Serbian Radical Party, Mr. Vojislav Seselj, has suggested that the Hungarian and Albanian minorities should be expelled from Vojvodina and Kosovo, respectively. The incitement to hatred by political leaders was particularly widespread during the campaigns leading to the parliamentary elections in December 1993. The use of demagogic methods in order to intensify and manipulate irrational fears and prejudices among the electorate appears to be an important means of gaining votes.

125. The prevailing climate of ethnic and religious hatred is also encouraged through misinformation, censorship and indoctrination by the media (see E/CN.4/1994/47, paras. 176-179). In particular, the coverage of atrocities committed in the conflict between Serbs and Muslims in Bosnia and Herzegovina is selective and one-sided. The media denigrates Muslims and Islam through sensationalist and distorted accounts of historical and existing "crimes" which they have committed "against the Serbian people" while grave violations perpetrated against Muslims are either rarely reported or discounted as malicious accusations forming part of an "anti-Serbian conspiracy." The programming of the State-controlled TV Belgrade regularly involves the demonization of certain ethnic and religious groups. In this respect, a particularly disturbing broadcast is the programme Iskre i varnice nedelje.

#### Freedom of expression and the situation of the media

126. Another area of concern is political censorship and unequal access to the media. This is especially the case with the State-controlled Radio-TV Serbia, which has a monopoly on broadcasting at the national level. The fact that newspapers are expensive because of the prevailing economic situation contributes to the dominating role of Radio-TV Serbia as a primary source of information for the public. It does not appear either that the Government has

134. In practice, a disproportionate number of those who have been prosecuted for refusing service in the military have been members of certain ethnic and religious groups, in particular Muslims, Slovaks and Hungarians.

Refoulement of refugees including the question of forced recruitment

135. The Special Rapporteur has continued to receive disturbing reports concerning the refoulement of Bosnian Serb and Bosnian Muslim refugees through forced recruitment, primarily in refugee centres in Belgrade and other cities, for combat in the Republic of Bosnia and Herzegovina and the Republic of Croatia (see also E/CN.4/1994/47, para. 186). In one recent case alone, at least 26 Bosnian Serb males of fighting age were rounded up at a refugee collection centre in Kosovo. They were reportedly taken to the Bosnian border with Bosnia and Herzegovina by the Serbian police where they were handed over to the Bosnian Serb authorities. According to information received, the Serbian police had presented them with call-up documents stamped by the "Defence Ministry" of the so-called "Bosnian Serb Republic" warning them of arrest and imprisonment for non-compliance.

136. It is evident that such actions have been carried out with the full knowledge of the Serbian authorities. The Special Rapporteur has even received reports from a reliable source that prior to granting a passport to Bosnian Serb refugees, the Serbian authorities contact the office of the "Bosnian Serb Republic" in Belgrade in order to determine whether the applicant is wanted for military service. UNHCR has strongly condemned the forced recruitment of refugees in violation of fundamental principles of refugee protection.

137. The Special Rapporteur has also received reliable reports concerning the difficulties faced by Muslim refugees from Bosnia and Herzegovina attempting to enter Serbia. Because of their ethnic origin as reflected in their names, many are forced to enter with forged documents which they usually obtain as a result of bribery. It should be acknowledged that once they have succeeded in entering Serbia their applications for refugee status appear to be treated equally with those of Bosnian Serb and Bosnian Croat refugees.

138. There is also information concerning attacks against refugees. However, it appears that in certain cases the authorities have taken action against such acts. For instance, on 5 October 1993 in Leskovac, the authorities arrested three men who were suspected of a bomb attack on 29 June 1993 against a camp containing mainly Muslim refugees from Bosnia and Herzegovina.

B.1. Kosovo

139. The human rights situation in Kosovo continues to deteriorate with reports of abusive and discriminatory treatment on the part of the authorities. Furthermore, the continuing absence of a dialogue between the Serbian and Yugoslav authorities on the one hand and the leadership of the Kosovo Albanians on the other has prevented any improvement on vital issues such as the "parallel" education system of the ethnic Albanians (See E/CN.4/1994/47, paras. 200-205). In this connection, the situation of the University of Pristina remains a source of considerable tension. This is the third academic year in which enrolments, lectures, tutorials, exams and other activities of over 22,000 students and 900 teaching staff are being carried out in private homes and buildings.

140. There are continuing reports of discriminatory and abusive treatment of ethnic Albanians by the Serbian police. Allegations of beating and torture against ethnic Albanians are not uncommon. The Special Rapporteur has received, with grave concern, information from a reliable non-governmental organization about a meeting with the President of the Pristina Regional Court in which the ill-treatment of detainees by the police was discussed. It was reported that the President of the Court supported such treatment when "crimes against the State" were involved, "irrespective of whether there was a conviction or not".

of the Sandzak Democratic Alliance (SDA), in the region of Prijepolje, Bijelo Polje and Rozaje. According to information received, the police have given no explanation for the arrests. There are also allegations that the police have subjected the detainees to beatings and torture in order to obtain confessions.

147. The situation of Muslims appears to be considerably better in the areas of Sandzak situated in the Republic of Montenegro. The Montenegrin authorities have demonstrated a greater willingness to punish the perpetrators of ethnically motivated crimes. In particular, the Special Rapporteur has received information concerning four men who on 3 November 1993 in Podgorica were charged with murder and incitement of national and religious hatred. Apparently, on 31 May 1993 they had fired their guns at random in a predominantly Muslim suburb of Niksic, resulting in the death of a 37-year old woman and the wounding of her five-year old son.

### B.3. Vojvodina

148. Despite certain improvements in the situation in Vojvodina, the Special Rapporteur continues to receive reports of serious discriminatory treatment and other violations against members of certain ethnic and religious groups. In particular, the killing of a Croatian family from Ocmokic on 30 July 1993 in Kukujevac instigated the exodus of the majority of the remaining Croats. Before the arrest on 15 November 1993 by the Serbian authorities of those suspected of this crime, and of the killing of a Croat from a village near Sid, some fifty Croatian families had left fearing for their safety. Those arrested were all members of the Serbian Radical Party. There are increasing reports of attacks against homes belonging to minority groups involving arson and the use of explosives.

### C. Montenegro

149. Since the submission of his previous report (see E/CN.4/1994/47, paras. 216-221), the Special Rapporteur has not received any information indicating significant developments in the human rights situation in Montenegro. Nevertheless, the situation of the media continues to be a major area of concern. Attempts to restrict State control of the media through the adoption of new legislation have failed. The Belgrade-based Tanjug news agency dominates the information sector in Montenegro.

150. The situation of the media also affects the issue of maintaining the Montenegrin historical and cultural identity. A particular area of concern is the lack of recognition for the Montenegrin Orthodox Church, while the Serbian Orthodox Church enjoys official status. In this regard, it appears that the media is manipulated as part of a general policy of diminishing the importance of the Montenegrin Orthodox Church. For instance, the State-controlled television did not give coverage to an assembly of 15,000 people at a Montenegrin orthodox celebration on 6 January 1994.

151. According to information received, the Montenegrin authorities have accepted a considerable number of refugees from Bosnia and Herzegovina without imposing any restrictions against particular ethnic or religious groups or against men wanted for recruitment by the Bosnian Serb military.

### D. Conclusions and recommendations

152. Further to the concluding observations in his previous report (E/CN.4/1994/47, paras. 237-244), the Special Rapporteur notes with concern the continuing serious violations of human rights, in particular: the use of brutal and excessive force by the police; public incitement to discrimination and hatred against ethnic and religious groups; restrictions on the freedom of expression and especially the control of the media by the State; the refoulement and forced recruitment of refugees; and abusive and discriminatory treatment against ethnic and religious groups in Kosovo and Sandzak, and in Vojvodina.

Rapporteur with objective, reliable and comprehensive information to allow him to assess fully the human rights situation. The following report is mainly based on the findings of the field staff, as well as on information provided by international observers and other reliable sources. The Special Rapporteur is particularly indebted to UNPROFCR and to the Conference on Security and Co-operation in Europe (CSCE) Spill-over Mission.

162. The Special Rapporteur wishes to acknowledge that the Government has expressed its willingness to be bound by almost all the basic international instruments in the field of human rights, and has initiated the relevant procedures in this connection.

#### B. Administration of justice

163. The legal structure of the Former Yugoslav Republic of Macedonia has not yet been completed and thus the Constitution adopted on 17 November 1991 (see E/CN.4/1993/50, paras. 219-231) has not yet been fully implemented. Many of the essential laws that will constitute the legal structure of the State, in accordance with the Constitution, have not yet been adopted by the Representative Assembly and the relevant laws from the time of the former Yugoslavia are still in force. These old laws are currently being revised by the Constitutional Court in order to adapt their provision to the new Constitution.

164. The law on the judiciary has not yet been adopted by the Representative Assembly owing to the large amount of votes required, (a majority of two thirds), and to a lack of agreement among the different political parties represented in the Assembly. It appears the ethnic Albanian parties would oppose the draft unless it includes the creation of a second instance court in Gostivar, where there is a considerable concentration of the Albanian population, and unless the Albanian language is also used by the judges. As a result of this situation, the courts are still organized in accordance with the law of the Socialist Federal Republic of Yugoslavia.

165. On 26 January 1994 the Representative Assembly appointed the seven members of the Republic Judicial Council of whom one is of Albanian and one of Turkish origin. In accordance with article 10 of the Constitution, the Council proposes candidates for the judiciary to the Assembly.

166. The Constitution provides for a public attorney to be elected by the Assembly, with the mandate of protecting the constitutional and legal rights of citizens when these rights are violated by bodies of the State administration and by other bodies and organizations with public mandates (art.77). However, the law on the public attorney has not yet been adopted and thus, no public attorney has been elected.

#### C. Situation of the mass media

167. Freedom of public expression, speech, public address and information, as well as freedom to establish institutions for public information are guaranteed by the Constitution. Censorship is prohibited. However, it has been reported that the State exerts considerable influence over the media through the control of national television and of Nova Makedonia, the biggest printing and publishing house.

168. Since at this stage there is no private entity in the country with the economic capacity to invest in a printing house and to produce a daily newspaper on a minimum profit basis, it seems inevitable that the only large-scale printing facilities are owned by the State. It was pointed out that two newspapers in the Albanian and Turkish languages, Flaka a vlazerimit and Birlik are produced by Nova Makedonia; the State bears the financial losses involved and without State support these national minorities would not have a newspaper in their languages.

admitted by the normal standards, can still register if they claim that they belong to a national minority and have obtained a minimum amount of points. It has been reported that the performance of such candidates tends to be rather poor and that very few obtain enough points to qualify for admission under the lower standards. Thus the 10 per cent quota is seldom filled. Owing to an inferior knowledge of the Macedonian language, most ethnic Albanian students whose schooling has been mainly in their own language find themselves at a disadvantage when competing with ethnic Macedonians.

178. It has been reported that there is a movement among educated Albanian women to promote better access for Albanian women in general to higher levels of education. It appears that few of them have such access because of the traditional views of their parents, who do not think it necessary for their daughters to be educated beyond high school or, in some cases, primary school.

179. In connection with employment in the public administration, the Government appears to acknowledge that Albanians are considerably under-represented, particularly in the police force, the military and the diplomatic and consular services, as well as the importance of reversing this situation. It has been reported that this may be partly due to the fact that Albanians do not have many "cadres" with enough qualifications for high official positions. Nevertheless, the Government has reportedly changed enrolment conditions in order to admit more Albanians and is taking appropriate steps to increase Albanian participation in the army and in the diplomatic service. The number of policemen of ethnic Albanian origin is increasing steadily. At present, 20 per cent of police school graduates are Albanians.

180. The Serb minority complains that it does not have a newspaper, or television or radio programmes, in its language. However, it must be noted that various newspapers and magazines from the Federal Republic of Yugoslavia (Serbia and Montenegro) are normally available, and that Yugoslav radio and television are also normally received. It has been reported that a daily hour of radio broadcasting in the Serbian language is planned as soon as the law on the financing of broadcasting is adopted by the Representative Assembly. The project is said to include the recruitment of ethnic Serb journalists for this purpose. It should be recalled that Agreed Minutes were signed on 27 August 1993 between the Government and representatives of the Democratic Party of the Serbs. However, this resulted in a change of leadership in that party and the expulsion from the party of the chairman who signed the agreement.

181. A controversial issue is the performance of religious services by Serbian Orthodox priests. The Macedonian Orthodox Church and the Serbian Orthodox Church do not recognize each other. It has been reported that two Serbian priests have been allegedly prosecuted by the authorities for conducting religious services in the homes of Serbs. According to official information two priests of the Serbian Orthodox Church were sentenced by the Municipal Court in Kumanovo on 16 January 1994. Without obtaining the approval of the Macedonian Orthodox Church and the police department, they had stayed on the territory of the Republic, conducting church services in eight villages populated by Serbs, at Christmas and on New Year's Eve. During the services, it was alleged one of them had induced religious and national hatred among the villagers. Both priests had been fined.

#### E. Refugees and the humanitarian situation

182. Following a decision made by the government, since August 1992 no more refugees have been admitted to the Republic. However, a certain number of individuals fleeing the war have continued to enter the country illegally. Moreover, between 400 and 450 refugees have been legally admitted and have received assistance from the UNHCR, although without being recognized as refugees by the government. The UNHCR is not aware of any case of refoulement.

183. Many refugees have already gone to third countries and, following an evaluation made by UNHCR in the middle of 1993, it was then assisting only 10,000 refugees almost exclusively from Bosnia and Herzegovina. About 80 per



Rapporteur concluded that "the situation in the Republic of Slovenia does not at present give rise to major concern" (para. 216).

191. Slovenia became a member of the Council of Europe on 14 May 1993. It has also signed the Convention for the Protection of Human Rights and Fundamental Freedoms (The European Convention). However, ratification of that Convention will require certain modifications to the existing law.

192. In the above-quoted report, the Special Rapporteur drew attention to the activities of the Council of Human Rights and Fundamental Freedoms established in Slovenia in 1990. The term of office of the members of the Council expired at the beginning of 1993. The National Assembly, however, decided that former members of the Council should continue their mandate until the law on the human rights Ombudsman was adopted. That law was finally adopted on 20 December 1993. In the light of its interim provisions the Council should function until the Ombudsman assumes his/her duties. The Law on the Human Rights Ombudsman gives this institution a wide range of competencies as far as the protection of individual rights is concerned. The Ombudsman is also authorized to approach the legislative and administrative authorities on general matters when the protection of human rights is at stake.

193. In a previous report referred to above (E/CN.4/1993/50) the Special Rapporteur expressed the opinion that "the Republic of Slovenia has managed to solve the citizenship issue without creating a feeling of discrimination or insecurity among its inhabitants" (para. 201). However, in 1993 certain legislative changes were proposed in order to tighten the conditions for obtaining citizenship through naturalization. Those changes could have resulted in discriminatory treatment against some categories of applicants. The law was originally passed by the National Assembly, but owing to the veto of the National Council it came back to the Assembly, where it did not obtain the required majority. A new draft does not contain discriminatory provisions.

194. Controversy has arisen in regard to the draft law on the abolishment of dual citizenship. The Council of Human Rights and Fundamental Freedoms in its opinion of 4 October 1993 stated that "the most controversial are those provisions that may cause individuals the loss of nationality, i.e. denaturalization, and may adversely affect their acquired rights, thus having a retroactive effect, and being discriminatory on the basis of ethnicity, origin, and some other reasons". The opinion of the Council was endorsed by the participants of a seminar organized by the Council of Europe in December 1993. The Special Rapporteur supports the efforts of the Council and points out that the proposed abolition of dual citizenship may cause a violation of human rights of affected categories of individuals.

195. Unresolved citizenship status remains the main reason for individual complaints lodged with the Council of Human Rights and Fundamental Freedoms. It seems that unduly delays in administrative procedures create a serious problems for significant number of applicants.

196. The Council also points out that the individual's rights to an effective legal remedy have been seriously hampered by the length of court proceedings. The courts, in particular in labour disputes, are not able to reach their decisions within a reasonable time limit.

197. Various international and local observers point out that occasional signs of extreme nationalism and xenophobia can be observed in Slovenia. They have not, however, received popular support and, therefore, have not escalated into inter-ethnic acts of violence.

198. With regard to the situation of the media, in his previous report (E/CN.4/1993/50) the Special Rapporteur mentioned that new draft legislation on the media has been prepared in cooperation with the Council of Europe. However, the new law has not been passed. The Government seems to be continuing its control of the media, in particular television.

special process should be entrusted to the Special Rapporteur in a joint mandate with one member of the Working Group on Enforced or Involuntary Disappearances.

208. The Special Rapporteur fully endorses the proposals summarized above. He is convinced that the United Nations is under an obvious obligation to act more effectively with respect to cases of missing persons.

## VII. SITUATION OF CHILDREN

### A. Introductory remarks

209. While the Special Rapporteur acknowledges that the civilian population in its entirety has suffered as a result of the war, he has found it necessary to focus on the situation of children because they are the most dependent group of a society and because what they experience will have long-term repercussions for themselves and for the society to which they belong.

210. In order to analyze the situation of children, the staff of the Special Rapporteur travelled to most of the regions of the former Yugoslavia. They met in each case with national authorities, international agencies working in the area, local and international non-governmental organizations and individuals. The nature of the issues, the complexity of the situation and the difficulty in gaining access to the war zones and obtaining reliable data makes it impossible for the Special Rapporteur to present a comprehensive report on all the factors which are affecting children's well-being. This report therefore focuses only on the main concerns.

211. It should be noted that in the process of gathering information on this vulnerable group, it became apparent that all civilians who have been caught in the conflict in the former Yugoslavia can be considered in one way or another as "vulnerable". Men are also affected by the traumatic events that they have experienced, witnessed or committed themselves during the war. Men of draft age from Bosnia and Herzegovina who object to fighting in the war are in a particularly precarious position. They cannot obtain exemption, and leaving the country is often not a solution because of the policy adopted by the neighbouring reception countries through which they pass to a third country.

212. Women are also vulnerable, especially when they are separated from their families and are left to face the war alone. The accounts of women who have been victims of sexual abuse highlight their vulnerable situation.

213. Old people are equally at risk because of their age and their inability to care for themselves. Being attached to their land they find displacement particularly difficult to cope with.

214. These aspects are mentioned and are worth keeping in mind because children are dependent on adults for their protection and safety. The vulnerability of their fathers, mothers and other relatives is a destabilizing factor in children's lives.

215. Groups of psychologists, sociologists and other professionals from the former Yugoslavia have repeatedly warned of the serious consequences that the war would have on children, many of which would take generations to be resolved. Their calls have gone ignored. Indeed the outbreak of hostilities and the nature of the war in the region have led to numerous and continuous violations of most of the rights of the children.

216. The former Yugoslavia, as well as its successor States, have ratified the Convention on the Rights of the Child.

### B. Children in war

217. In various regions of the former Yugoslavia the drive for "ethnic cleansing" has made the civilian population a primary target, with the

strong ... then the army came to our house. The soldiers shouted 'is there anyone here' and my father said 'yes, yes, I'm here with my children and wife, don't shoot'. But they shot my father, they killed him. He fell down the stairway and then one of the soldiers came and kissed me and my father and said 'We didn't kill your father, a shell exploded'. But they were lying. I saw it all. There were three of them, they killed my father with one bullet each. They shot him three times in the head, with dum-dum bullets. The bullets went into his face, and everything came out of the back of his head ... my mother held his brain in her hands. She pleaded they shouldn't kill my brother and me."

224. On many other occasions children have witnessed the rape of their mother or close relatives.

#### Detention of children and torture

225. Many children have been placed in detention centres and several of them have been tortured there, according to reports that have been brought to the attention of the Special Rapporteur. Girls, for instance, have been raped and have seen their mothers being raped and injured. In one case, an 11-year-old girl who had witnessed the killing of the young men from her town was detained by Bosnian Serb soldiers in Lukavica with her mother and was then taken with her and other girls and women to a place where many were raped. She saw a woman slashing her mother's breasts with a broken bottle; later she was turned against the wall and shot at; she was saved by the screams of her mother which made her turn and avoid the whole impact of the bullet but not its physical and psychological scars. A few days later mother and child escaped from detention. After multiple displacements they found refuge in Sarajevo. This child was severely traumatized and began to cry as soon as she heard the sound of shelling. She often asked her mother to "take her away from here".

226. The Special Rapporteur has learned of children and their mothers being beaten in a Bosnian Serb detention centre near Zvornik. The events took place in 1992 and involved persons from an area near Cerska who had been detained in Karakaj, and then in Batkovic camp near Bjeljina. The account indicates that children as young as four years old were beaten and sexually abused.

227. Boys as young as 12 and 13 years old have also been victims of imprisonment and torture in detention centres. Specific accounts of children released from detention centres at Dretalj and Gabela in western Herzegovina in late August 1993 indicate that some of them were forced by their Bosnian Croat guards to beat their fathers.

228. In central Bosnia, in the areas of active conflict like Vares, Bugojno and Kisejlak there have been several allegations of rough handling and brief periods of detention of boys as young as nine years old. Similarly, it has been alleged that boys of 12 years of age have been taken with other prisoners to dig trenches in the frontlines.

#### Deprivation of food

229. The general impoverishment which has followed the collapse of the economy in most parts of Bosnia and Herzegovina has made a great portion of the population almost entirely dependent on foreign aid. The many deliberate obstructions of aid convoys by the warring parties have had repercussions on the level of nutrition and normal growth of children, particularly by early 1994, when most agricultural reserves have been exhausted.

230. According to a recent survey conducted by UNICEF among children from Sarajevo, the fear of death from hunger and cold ranks as one of the main causes of trauma and depressive reactions in children. Children living for extended periods in shelters are also forced to spend long periods without food or water.

their children receive formal education. School attendance for local children in these areas is said to be easier.

The plight of adolescents in war

238. Adolescents are at a stage of life when they undergo many physical and emotional changes. They are also in a process of establishing some independence from their families and their own perceptions of the outside world and are at a crucial point in the development of their identity. Because they have the cognitive maturity for reasoning and the ability to understand the far-reaching consequences of the war they are in many ways more vulnerable to its stress than the young children. The needs of this group, however, are not always obvious or recognized by the parents and the community. They may even be forced to assume a prematurely adult role following stressful events or to take on the father's role. Many of these youngsters may appear to cope with the situation but their lack of emotional maturity may require the help of adults. In fact, it is understood that peers and adults such as teachers or community leaders can become an important source of support and security for adolescents.

239. Following the stressful experiences of the war many adolescents engage in high risk acts, in the abuse of drugs and in acts of delinquency like stealing and looting. The lack of organized activities for them only adds to their stress.

240. The particular needs of adolescents are not always acknowledged. The authorities, agencies and other organizations tend to focus primarily on the younger age groups. The limited resources and activities available are mostly directed towards young children, while adolescents are believed to be able to occupy and organize themselves. Even in the field of education, efforts are concentrated on assisting primary schools first and secondary schools later. In the provision of food no particular consideration is given to the growth needs of adolescents.

241. International staff working in Bosnia and Herzegovina are encountering adolescents who have "weeping crises", who attempt suicide, who are in a state of depression and who have increased levels of aggression and delinquency. Many adolescents have the added stress of deciding whether or not to participate in military activities. It has been impossible to ascertain how many adolescents have been recruited - voluntarily or under duress - into the various armies. In the Bihac pocket there have been allegations that boys as young as 16 may have been forcibly drafted into the army of the so-called "Autonomous Province of Western Bosnia and Herzegovina". In the UNPAs many boys of 15 to 17 years of age have volunteered for, and sometimes been accepted, into the army of the so-called "Serbian Republic of Krajina".

242. The strong ethnic animosity of the war in the former Yugoslavia has placed the children of mixed marriages in a particularly difficult situation. Their difficulties are likely to intensify in areas close to conflict zones, where the level of intolerance is high. These children suffer the psychological stress of seeing their families divided by the conflict and having to choose the side of the family to which they want to belong. They also face problems in the way they are perceived by the community in which they live. While there are many factors that influence this perception, reported cases of harassment indicate that in the case of boys the nationality of the father is likely to determine the way he is perceived by the warring factions.

243. The disintegration of families and the dramatic impoverishment of the population has also contributed to the general deterioration of values. International staff working in the area and non governmental organizations working in community-based programmes report that prostitution is on the increase even among young girls, especially in areas where large numbers of soldiers are concentrated. They are also concerned at the rising numbers of unsupervised children who wander in the streets with nothing much to do.

many parents no longer have the energy to cater to the needs of their children who are then left without much supervision. Faced with the withdrawal and passivity of the adults, children and adolescents are likely to develop behavioural problems, drinking, aggression, smoking, etc.

251. The large number of refugees and displaced persons has put enormous pressure on the economies and infrastructure of the host countries. Official figures indicate that in Croatia there are 241,492 registered displaced persons and 252,153 registered refugees. It is estimated that on top of those figures there are some 37,500 unregistered displaced person and refugees. Approximately 33.6 per cent of the refugees and 31.7 per cent of the displaced persons are children under the age of 16. The refugees and displaced represent close to 6 per cent of the present population of Croatia. Approximately 57 per cent of the refugees have declared themselves Muslims and 41 per cent as Croats.

252. According to information provided by the Government of Croatia all the internally displaced children (Croatian) have been absorbed into the primary and secondary school system. However, nearly a third of the registered refugee children are not attending school. The children of unregistered families are not entitled to any form of assistance with education or medical care. The number and concentration of the refugee population has stretched the capacity of many schools to the limits and has forced the authorities to use school buildings in several shifts. In spite of these practices, places are still insufficient. In this situation, Croatian children have priority in gaining access, especially to secondary schools. Refugee children may be offered a place in a school far away from where they live or in a different town. The availability of transport and its cost may then become obstacles to the child's schooling. Other obstacles are the lack of teaching staff and suitable school buildings or the limited resources allocated for their provision.

253. In some cases, especially in some of the Dalmatian municipalities which are close to the theatre of inter-communal fighting in Bosnia and Herzegovina, the attitude of the population towards the refugees has changed since the outbreak of fighting between Bosnian Croats and Bosnian Muslims in March 1993. Some refugee parents have become afraid of sending their children to the local schools or are suspicious of the recent ideological changes introduced into the school curriculum, particularly in history, geography, literature and social science. There have been isolated reports of school principals refusing to accept refugee children by requiring them to present specific documentation which is impossible to obtain. Isolated cases have also been reported of children refusing to continue their schooling after being humiliated by a teacher, or beaten by their classmates. Whenever these cases were brought to the attention of relevant international agencies, intervention has produced a remedy at the level of the school principal but the children's fear has prevented them from returning to school.

254. The Embassy of Bosnia and Herzegovina in Croatia has actively sought the establishment of "extraterritorial" schools, which would follow the Bosnian curriculum and at the end of the school year issue certificates that would be recognized by the Croatian education authorities. Currently there are approximately 21 schools of this type in Croatia, most of which are located near collective centres for refugees. Many of them receive or have received financial assistance from United Nations agencies or non-governmental organizations.

255. According to international staff working in the field, the educational situation for registered refugee children in Croatia has improved significantly in the past year. The activities and assistance from several agencies, such as UNICEF and UNHCR, and several non-governmental organizations have contributed to this.

256. Serbia hosts about 445,000 refugees. Official figures indicate that the majority of them come from Bosnia and Herzegovina (235,000 or 53 per cent).

and has proceeded to appoint one in each case. In Croatia, a non-governmental organization has begun comprehensively to document unaccompanied minors, not only in Croatia, but also in other countries providing protection to persons fleeing from the war.

262. The situation of orphans and abandoned children from Bosnia and Herzegovina is of particular concern because of their vulnerability. Many of the abandoned children are reported to be in a legal limbo, without a name or a legal status. The Serbian legislation, for example, requires at least one of the parents to give a name to the children. Children who have been abandoned before being registered are thus left in a legal vacuum and present a legal challenge to the host countries, which as parties to the Convention on the Rights of the Child are obliged (art. 7) to ensure that the children's right to a name and a nationality is implemented. Orphaned children also present a serious dilemma for the authorities. For many there is still the hope that their parents will be traced once the conflict is over. Some countries have actually passed a law to prevent the adoption of children coming from war zones in case their parents are later found to be alive. The majority of these children are therefore left in institutional care. Even when it has been established beyond reasonable doubt that the children have lost both parents the hosting States are reluctant either to place them in foster care, or to make them eligible for adoption or to adopt other measures which would be in the best interest of the children. The Serbian authorities have attributed their own reluctance to their fear of being accused of "Serbianizing" Bosnian children. As regards children of Bosnian Serb origin, the unclear situation of their nationality was the explanation offered. The Croatian authorities have attributed their reluctance to the "foreign" status of the children and the interest of the Government of Bosnia and Herzegovina in retaining jurisdiction over its own nationals and deciding on their future. Identified cases are thus reported to the Consulate of Bosnia and Herzegovina but no further action is taken.

#### D. Children in the shadow of war

263. Children who live in the territories of the former Yugoslavia which have not been directly involved in the war have experienced and are still experiencing its effects. The news relayed every day in the newspapers and on television, the loss of relatives in the areas of armed conflict, the preoccupation of their parents, the discussion of the events at school, the changes in the school curriculum, and in some countries, the change of attitude towards minorities, are bound to have an effect on the children.

264. The evaluation and analysis of those effects are being carried out and addressed by the authorities in each of the new States and also involve concerned agencies, international organizations and non-governmental organizations which have begun or have increased their programmes in the region in view of the heavy influx of refugees. The Special Rapporteur notices in this regard the differences in the support provided by the international community to the different States of the former Yugoslavia, which is not proportional to the number of displaced persons and refugees hosted by each country. Such differences have left some of the republics of the former Yugoslavia, notably Serbia and Montenegro with a proportionately heavy burden.

265. The staff of the Special Rapporteur have observed that hospitals lack medicines and that the general standard of sterilization and hygiene is not adequate because of the scarcity of cleaning and sterilizing equipment. In a hospital in Pristina a number of children with meningitis and tuberculosis were briefly visited. In Montenegro, the Special Rapporteur's staff saw babies who had to share an incubator, while some of the equipment was put aside unable to be repaired because the necessary spare parts could not be imported. They also saw children for whom the diagnosis remained unclear because of a lack of reagents to conduct the necessary tests. They were informed that testing blood for HIV and Hepatitis B is problematic. Because some of the drugs cannot be obtained, there is an increasing tendency to ask patients to purchase them at

274. Refugees and displaced children require a great amount of support in dealing with their situation. All actions intended to provide them with occupational or psychological assistance deserve support.

275. The psychological needs of children in war should continue to receive attention through support for the organization of schooling and education.

276. The plight of adolescents should receive more attention from the international community. Existing programmes for young children should be extended to this age group, which is most at risk from the effects of war.

277. The situation of psychologically and physically disabled children deserve particular assistance from specialized agencies.

278. The right of children to a name and a nationality should be respected by all parties. Abandoned children should be promptly registered and a long-term solution which is in their best interest should be identified. The identification, documentation and tracing of parents of unaccompanied minors should be conducted with the aim of facilitating their reunion.

#### VIII. PREVIOUS RECOMMENDATIONS OF THE SPECIAL RAPPORTEUR AND THEIR FOLLOW-UP

##### A. Introductory remarks

279. The tragic conflicts on the territory of the former Yugoslavia have involved human rights violations on a scale unprecedented in Europe since the Second World War. They constitute a very serious test of and challenge to the international system of human rights protection. The Special Rapporteur, from the moment of his appointment, was fully aware that the character of the above-mentioned violations must condition the way the mandate entrusted to him by the Commission on Human Rights was to be implemented. At a very early stage of his activity, in a memorandum to the Secretary General dated 4 September 1992, the Special Rapporteur stated:

"... the mandate should be implemented in a way that leads to concrete and immediate effects, independently of the negotiations concerning the long-term political solution which will determine the future of the former Yugoslavia. For that reason, it is not possible to limit the mandate to the preparation of reports stating facts and expressing opinions which are submitted to the United Nations bodies. The mandate should lead to prompt and concrete measures benefiting populations which are suffering and whose rights being violated".

When formulating his recommendations the Special Rapporteur was convinced that their prompt implementation should have first of all preventive effects.

280. The Special Rapporteur believes that in the context of the conflict which is taking place in the territory of Bosnia and Herzegovina, and, which may expand to other territories of former Yugoslavia, human rights questions cannot be examined separately from the development of the political and military situation in the area. The most fundamental human right - the right to life - of millions of people is at stake. For that reason he felt it necessary to tackle in his recommendations such problems as the mandate of UNPROFOR, disarmament, humanitarian issues etc.

281. The vast majority of the Special Rapporteur's recommendations deal with the situation in the territory of Bosnia and Herzegovina. It should not be forgotten, however, that his mandate also covers four other States. It is necessary to point out that as a general rule the authorities of those countries have offered their full cooperation to the Special Rapporteur. The only exception is the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). While accepting missions operating within the framework of the Special Rapporteur's mandate, it refused to allow the opening of a

use the same methods. In his report dated 17 November 1993 (E/CN.4/1994/47) the Special Rapporteur concluded:

"228. The Special Rapporteur has already warned that a prolongation of the conflict in Bosnia and Herzegovina would lead to the commission of atrocities by all sides and the persecution of peoples of every ethnic origin. He is greatly saddened that this situation has now come to pass and unequivocally condemns every violation of international human rights and humanitarian law."

290. Despite repeated assurances by the Security Council, the General Assembly and the International Conference on the Former Yugoslavia (ICFY), that territory taken by force would not be recognized as validly taken, with the collapse of the Vance-Owen Peace Plan, the proposals for partition represent an absolute repudiation of the most basic recommendations of the Special Rapporteur, regarding the right to return and to regain one's property.

291. The Special Rapporteur warned on 17 November 1992 (A/47/666, para. 135) that the repeated assurances of the international community that "ethnic cleansing" would not be tolerated, were meaningless without coercive enforcement of that commitment. Indeed, he reported that the continued practice of "ethnic cleansing" in the former Yugoslavia was predicated upon an assumption by the protagonists of international inaction:

"135. The continuation of 'ethnic cleansing' is a deliberate effort to create a fait accompli in flagrant disregard of international commitments entered into by those who carry out and benefit from 'ethnic cleansing'. The continuation of this policy presumes the inability or unwillingness of the international community to enforce compliance with solemn agreements adopted under the auspices of the United Nations, and thus undermines the credibility and authority of international institutions. The international community cannot allow the London and Geneva agreements to continue to be systematically ignored and violated."

292. This warning has been ignored by the international community and the situation has deteriorated to such an extent that not only has the analysis been proved correct, but the Co-Chairmen of the Steering Committee of ICFY have now been compelled to plan for the partition of Bosnia and Herzegovina and the permanent transfer of population.

293. The Special Rapporteur additionally warned that the progress of events towards partition was clearly identifiable and preventable beforehand. Yet no serious attempt to avoid this outcome was undertaken by the international community. It is worth repeating the observation the Special Rapporteur made on 17 November 1992 (A/47/666, paras. 12 and 13), warning of the partition of Bosnia and Herzegovina:

"12. ... It should be noted that "ethnic cleansing" is not practised exclusively in areas where Serbs form a majority of the population. In some of the cities most strongly affected by Serbian "ethnic cleansing", such as Prijedor, Muslims and Croats were in the majority.

"13. This lends credence to the fear that the ultimate goal may be to incorporate the Serbian-occupied areas of Croatia and Bosnia and Herzegovina into a "Greater Serbia" ... From advocating Serbian control over all areas inhabited by Serbs to expelling the non-Serbian population from such areas is but a small step. Croatian nationalists also bear a share of the responsibility for this extreme position, having practised discrimination against the Serbian population of Croatia, which fuelled Serbs' fears and contributed to their ultra-nationalistic stance."

#### C. Safe areas in Bosnia and Herzegovina

Recommendation concerning security zones  
(E/CN.4/1992/S-1/10, para. 25(b), 27 October 1992)



302. In its resolution 787 (1992) of 16 November 1992 (para.18), the Security Council called on all parties to ensure the safe delivery of humanitarian assistance.

303. In its resolution 819 of 16 April 1993 (para. 8), the Security Council demanded the unimpeded delivery of humanitarian assistance to all parts of the Republic of Bosnia and Herzegovina and recalled that such impediments to the delivery of humanitarian assistance constituted a serious violation of international humanitarian law.

304. In resolution 859 (1993) of 24 August 1993 (para.3), the Council demanded the unhindered flow of humanitarian assistance in particular to the "safe areas" in Bosnia and Herzegovina.

Comment

305. Although aid continues to get through by road, there are frequently massive delays at Bosnian Serb and other checkpoints. Considerable difficulties are encountered in penetrating many areas, most notably Maglaj and the Eastern Bosnian Muslim safe areas of Srebrenica, Tuzla, Zepa and Gorazde. Drivers have been killed and aid convoys subjected to attack and harassment. In all his reports the Special Rapporteur has pointed out that the parties did not respect their commitments to respect the safe passage of convoys with humanitarian aid. UNPROFOR was not able to provide an effective protection to these convoys. It is obvious that humanitarian aid has been used as an element in a political game, in particularly by the Bosnian Serbs and Bosnian Croats.

Recommendation on the reunion of families  
(E/CN.4/1992/S-1/9, para. 66, 28 August 1992)

306. Special care should be exercised in the treatment of families and their reunion, so as to minimize the effects of separation. In particular the needs of orphans should be given special attention.<sup>2/\*</sup>

Follow-up

307. The Special Rapporteur is not aware of any resolution in which this idea has been pursued.

Comment

308. UNHCR practice has shown a strong awareness of the special needs of broken families and orphans. The parties to the conflict have repeatedly shown complete disregard for the maintenance of contact between family members. Also, the problem of reunification of families whose members are in various countries outside the former Yugoslavia has not been solved.

Recommendation on the provision of havens abroad and temporary refuge by European States  
(E/CN.4/1992/S-1/10, para. 25(a), 27 October 1992)

309. There should be temporary provision of havens abroad to protect those most in danger. European States should offer asylum and temporary refuge to as many persons under threat from the conflict in Bosnia and Herzegovina as possible.<sup>2/</sup>

Follow-up

310. The Special Rapporteur is not aware of any resolution in which this idea has been pursued.

Comment

311. There has been growing resistance in many European States to the acceptance of further refugee flows. Although European States have accepted

320. Victims of systematic rape must be given special access to sympathetic medical and psychological care.

Follow-up

321. In its resolution 798 (1992) of 18 December 1992 (paras. 1-5), the Security Council gave its full support to the despatch of a European Council delegation to examine the question of the rape of women in Bosnia and Herzegovina. See also the report of the team of experts on their mission to investigate allegations of rape in the territory of the former Yugoslavia (E/CN.4/1993/50, Annex II, 10 February 1993); Commission resolution 1993/8, of 23 February 1993; Report of the Secretary-General on the rape and abuse of women in the territory of the former Yugoslavia (E/CN.4/1994/5, 30 June 1993).

Comment

322. There has been considerable investigation of the situation with regard to rape. At present an investigation is being carried out by the Commission of Experts. Nevertheless the incidents of rape have been reported with varying intensity during the whole period of the Special Rapporteur's mandate. Many of the recommendations made by the Special Rapporteur have been echoed by the agencies concerned with the rehabilitation of victims of trauma and are reflected in their activities.

G. War Crimes

Recommendation to establish a commission of experts  
(E/CN.4/1992/S-1/9, para. 69-70, 28 August 1992)

323. The Special Rapporteur recommended that a commission of experts be established to investigate evidence of breaches of international humanitarian law. <sup>12/</sup>

Follow-up

324. The Security Council in its resolution 771 (1992) of 13 August 1992 (paras. 5 and 6), has called upon States to collect and transmit to the Secretary-General, evidence of violations of international humanitarian law. The Security Council, in its resolution 780 (1992) of 6 October 1992 (paras. 1-4), established the Commission of Experts for the purposes suggested by the Special Rapporteur. Security Council resolution 787 (1992) of 16 November 1992 (para. 8) was also adopted on this issue.

Comment

325. The Commission was established and has operated as suggested by the Special Rapporteur. It cannot be claimed, however, that the Commission has always been given adequate financial and organizational support. The structure of the Commission and the means at its disposal have placed limits on its activities. Moreover, the parties are creating various difficulties in order to prevent objective investigation being carried out. The Commission will finish its activities at the end of April 1994. It is indispensable that the material gathered by it is properly used in future investigations of crimes, including war crimes, committed in the territories of the former Yugoslavia.

Recommendation concerning the liability of authorities for war crimes  
(E/CN.4/1992/S-1/9, para. 60, 28 August 1992)

326. The United Nations should warn the various authorities in Bosnia and Herzegovina that they may face international prosecution for atrocities which they have committed themselves or atrocities which they have condoned or tolerated. <sup>13/</sup>

Follow-up

I. UNPROFOR

Recommendation to the expand Mandate of UNPROFOR to cover all of Bosnia and Herzegovina  
(E/CN.4/1992/S-1/9, para. 63, 28 August 1992)

336. UNPROFOR's mandate should be expanded to: (i) cover the entire territory of Bosnia and Herzegovina; (ii) collect information on human rights abuses the territory of Bosnia and Herzegovina.

Follow-up

337. The Security Council in its resolution 776 (1992) of 14 September 1992, (para.2) strengthened the mandate of UNPROFOR, including for the protection of released detainees if requested by ICRC, in accordance with the Secretary General's report of 10 September 1992 (S/24540). See also Security Council Resolution 786 1992 of 10 November 1992 (paras. 1 and 5) concerning the strengthening of UNPROFOR and deployment to airfields; 807 (1993) of 19 February (1993) (para.8); and 824 (1993) of 6 May 1993 (para.6)..

Comment

338. There has been a significant increase in the size of the UNPROFOR forces in Bosnia and Herzegovina. In addition, UNPROFOR forces have been placed along the border with the former Yugoslav Republic of Macedonia (Security Council resolution 795 (1992) of 11 December 1992, para. 2-3). However, large areas of Bosnia and Herzegovina remain unsupervised and beyond the protective capabilities of UNPROFOR. The decision to send UNPROFOR forces to Banja Luka was not implemented owing to fierce resistance from the local Bosnian Serb authorities.

339. UNPROFOR has been able to collect various types of evidence concerning human rights violations and violations of humanitarian law. At the early stage of his activities the Special Rapporteur was disappointed by the reluctance, in particular on the part of the civilian branch of UNPROFOR, to cooperate with him and to share information on human rights violations. However, UNPROFOR has considerably increased its cooperation as far as information sharing with the Special Rapporteur is concerned. It also gave full support to the establishment of two field offices of the Centre for Human Rights.

Recommendation that UNPROFOR be given the right to intervene  
(E/CN.4/1992/S-1/9, para. 63, 28 August 1992)

340. UNPROFOR should have the right to intervene to protect against human rights violations.<sup>16/</sup>

Follow-up

341. The Security Council in its resolution 781 (1992) of 6 October 1992 (para.1) decided to establish a ban on military flight in the airspace of Bosnia and Herzegovina. In its resolution 816 (1993) of 31 March 1993 (para. 4) the Council authorized all necessary measures to ensure the ban on flights; and resolution (1993) 836 of 4 June 1993 (para.5) the expansion of UNPROFOR's mandate to "deter attacks against the safe areas" and to deter bombardment against them.

Comment

342. UNPROFOR forces have not been effectively empowered to intervene to protect against human rights violations as they occur and have been forced to observe passively many serious breaches of international humanitarian law owing to the inadequacy of their mandate and resources.

Rapporteur acknowledges with appreciation the establishment of the Alternative Information Network with the purpose of exchanging articles and information throughout the territory of the former Yugoslavia to prepare the ground for the creation of independent media, and to provide an information service for the media, institutions, and NGOs outside the former Yugoslavia. Their efforts, however, have not been successful in breaking the information blockade existing in the region.

Recommendation concerning support for democratic movements  
(A/47/666, para. 146, 17 November 1992)

350. There should be international support for democratically oriented groups in Serbia and other areas of the former Yugoslavia.<sup>29/</sup>

Follow-up

351. The Special Rapporteur is not aware of any resolution in which this idea has been pursued.

Comment

352. This appears to have been a low priority of the international community following the December election for the Serbian Presidency. The beating and detention of the Serbian opposition leader Vuk Draskovic was indicative of the political conditions in Serbia. The democratic opposition has never received adequate support the peace negotiating process.

Recommendation that human rights monitors be placed in Kosovo, Sandzak and Voivodina  
(E/CN.4/1992/S-1/9, para. 62, 28 August 1992)

353. There is a need to create an international monitoring mechanism to observe the human rights situation in Kosovo, Sandzak and Vojvodina.<sup>29/</sup>

Follow-up

354. The Committee of Senior Officials of the Conference on Security and Cooperation in Europe (CSCE) established missions of long duration to monitor human rights conditions in Kosovo, Sandzak and Vojvodina. The authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) subsequently withdrew their consent and the missions have ended. In its resolution 844 (1993) of 9 August (paras. 2-3), the Security Council called on the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider their refusal to allow the continuation of the activities of the CSCE missions.

Recommendation concerning the situation in Sarajevo  
(E/CN.4/1994/6 para. 45 (c), (d), 26 August 1993)

355. The following interim steps inter alia must be taken in connection with the dramatic situation in Sarajevo: (a) the central hospital in Sarajevo should be placed immediately under international protection; (b) a speedy evacuation procedure should be created for the seriously wounded and sick.

Follow-up and Comment

356. The problem of medical evacuation has been to a large extent solved. Nevertheless, there is a need to facilitate the process with offers of hospital in Sarajevo places abroad. The Kosevo hospital in Sarajevo has not been placed under UNPROFOR protection and has been shelled on numerous occasions.

Annex I

FIELD OPERATION

1. In his first report, issued on 28 August 1992, the Special Rapporteur recommended the appointment of field staff in the territory of the former Yugoslavia. Similar recommendations made by the Special Rapporteur are to be found in his reports dated 17 November 1992 (A/47/666, para. 148) and 10 February 1993 (E/CN.4/1993/50, para. 268). Subsequently, the Commission on Human Rights, in its resolution 1993/7 requested the Secretary-General to provide for the appointment of field staff in the territory of the former Yugoslavia to provide first-hand, timely reports on observance or violations of human rights in their area of assignment. The field operation was also endorsed by the General Assembly in its resolution 1993/147 of 18 December 1993.
2. The field operation was established by the Centre for Human Rights in March 1993. Funding is primarily by means of voluntary contributions from governmental and non-governmental sources.
3. The Special Rapporteur requested the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and the Former Yugoslav Republic of Macedonia for their consent to the establishment of field offices in each State. The federal Republic of Yugoslavia (Serbia and Montenegro) refused permission. Affirmative replies were received from Croatia and from the Former Yugoslav Republic of Macedonia. A field office was established in Zagreb in March 1993 and in Skopje in December 1993. Should the Special Rapporteur's mandate be renewed, and if the security situation permits, it would be envisaged that Governmental permission be sought to open a field office in Bosnia and Herzegovina.
4. The Zagreb office is currently staffed by five Professional officers and one secretary/translator. The Skopje office has one Professional officer and one secretary/translator. These offices service the field operation of the Special Rapporteur throughout the former Yugoslavia.
5. The precise role of field officers is to assist the Special Rapporteur in collecting, verifying and assessing information on human rights violations; alerting him to issues and trends concerning human rights; advising him as to the perceived need for and the appropriate form of urgent intervention; and facilitating his frequent missions to the field. The field officers carry out their responsibilities by means of, inter alia, on-site investigations, interviews with witnesses and victims of alleged human rights violations, maintenance of contact with local, regional, governmental and military authorities, and close cooperation with the various international intergovernmental and non-governmental actors active in the former Yugoslavia.
6. The field officers have conducted a large number of on-site investigations and field missions to various parts of the former Yugoslavia. To date they have conducted the following missions: 12 in Bosnia and Herzegovina, 20 in Croatia (including 12 in the United Nations Protected Areas), 3 in Macedonia and 4 in the Federal Republic of Yugoslavia (Serbia and Montenegro). On a number of occasions the field officers were able to gain access to areas then considered inaccessible by other international actors, such as east Mostar in July 1993 and, in October 1993, the village of Maljine (site of an alleged massacre) and the Stari Vitez muslim pocket within the Bosnian Croat Lasve Valley enclave. In some instances, the field staff have conducted the first international investigations of alleged gross violations of human rights, such as throughout eastern Bosnia during March 1993, at Ahmici in April 1993 and in the Medak pocket during September 1993. In December 1993, the field operation conducted the first international investigation of the situation concerning human rights in the Bihac area.

- 1/ This article may be contrasted with the coverage of previous incidents of a sensitive nature by Viesnik (see E/CN.4/1994/47, para. 137).
- 2 Similar recommendations made by the Special Rapporteur are to be found in:
  - E/CN.4/1992/S-1/10, paragraph 25 (a), 27 October 1992;
  - A/47/666, paragraph 144, 17 November 1992;
  - E/CN.4/1993/50, paragraph 269 (3), 10 February 1993;
  - Memorandum to the Secretary-General, paragraph 19, 4 September 1992.
- 3/ See other resolutions of the Security Council:
  - 819 (1993) of 16 April 1993, preamble
  - 836 (1993) of 4 June 1993, paragraph 6
  - 859 (1993) of 24 August 1993, paragraph 6 (c)-(d)and of the General Assembly:
  - 46/242 of 25 August 1992, paragraph 8
  - 47/147 of 18 December 1992, paragraph 11
- 4/ See also S/25403 of 12 March 1993, paragraph 4 and S/25479 of 26 March 1993, Annex I.H.
- 5/ Similar recommendations made by the Special Rapporteur are to be found in:
  - A/47/666, paragraph 142, 17 November 1992
  - E/CN.4/1993/50, paragraph 269 (1)(b), 10 February 1993
  - E/CN.4/1994/3, paragraph 94, 5 May 1993.
- 6/ Similar recommendations made by the Special Rapporteur are to be found in:
  - E/CN.4/1993/50, paragraph 269 (1), 10 February 1993
  - E/CN.4/1994/3, paragraph 96, 5 May 1993
  - E/CN.4/1994/47, paragraph 226, 17 November 1993 - "He also urges the international community to respond generously and speedily to the needs of Bosnia and Herzegovina by providing humanitarian aid to the extent and in the forms required. The Special Rapporteur cannot over-emphasize that people will die without international humanitarian assistance".
- 7/ Similar recommendations made by the Special Rapporteur are to be found in:
  - A/47/666, paragraph 145, 17 November 1992
  - E/CN.4/1993/50, paragraph 269 (1)(b), 10 February 1993
  - "The Special Rapporteur accordingly strongly condemns all actions which block, interfere with or in any way delay the distribution of all forms of humanitarian aid."
- 8/ A Similar recommendation made by the Special Rapporteur is to be found in E/CN.4/1993/50, paragraph 269 (1)(d), 10 February 1993.
- 9/ Similar recommendations made by the Special Rapporteur are to be found in:
  - A/47/666, paragraphs 143 and 145, 17 November 1992
  - E/CN.4/1994/3, paragraph 94(c), 5 May 1993
  - E/CN.4/1993/50, paragraph 269 (1)(f), 10 February 1993.

- 18/ A Similar recommendation made by the Special Rapporteur is to be found in E/CN.4/1994/3, paragraph 94, 5 May 1993.
- 19/ Similar recommendations made by the Special Rapporteur are to be found in:  
A/47/666, paragraph 147, 17 November 1992  
Memorandum to the Secretary-General, 4 September 1992, paragraph 17.
- 20/ A Similar recommendation made by the Special Rapporteur is to be found in E/CN.4/1993/50, of 10 February 1993, paragraph 269(1)(g).
- 21/ A Similar recommendation made by the Special Rapporteur is to be found in Memorandum to the Secretary-General, paragraph 20, 4 September 1992.