

COMMISSION ON HUMAN RIGHTS

Special Rapporteur on human rights in former-Yugoslavia

The Commission established the mandate of the Special Rapporteur (SR) on human rights in the former-Yugoslavia at its August 1992 special session. The SR in 1997, Ms. Elisabeth Rehn, assumed her post in September 1995. From that time until the preparation of this report, she undertook nine missions to the territory. For the 53rd session of the CHR, she prepared two reports, one of which focussed on the situation of minorities in the former Yugoslavia (E/CN.4/1997/8, Section III). The section dealing with minorities in Croatia includes information on the background to the situation, national and international legal provisions, the situation of Serbs currently in Croatia, and the situation of other minorities in Croatia.

The report notes that, according to the 1991 census, Croats constituted some 84 per cent of the total population, followed by Serbs (12 per cent), Muslims (0.9 per cent), Slovenians (0.5 per cent), Hungarians (0.5 per cent), Italians (0.4 per cent), Czechs (0.3 per cent) and smaller numbers of Montenegrins, Albanians, Germans, Romany and other groups. The report notes that the size of Serb population changed dramatically in the summer 1995, when nearly one third (between 150,000 and 200,000) of the pre-war total (some 581,000 persons) fled from Croatia to neighbouring countries.

Commentary is provided on a number of issues that affect minority rights including citizenship and personal security. The report recommends that:

- ▶ the government immediately reinstate constitutional provisions that were suspended, to address the fact that many of the law's beneficiaries are persons eligible for Croatian citizenship but who are currently refugees in the neighbouring Federal Republic of Yugoslavia;
- ▶ Croats and Serbs alike seize the opportunity provided by peace to re-evaluate their relationship — with the Serbs accepting that redress for their grievances can be sought through the legal structures of the Croatian state, and the government ensuring that these structures function in an impartial and effective manner;
- ▶ the government take the opportunity provided by the recent agreement on normalization of relations with the Federal Republic of Yugoslavia to use the agreement to facilitate the return to Croatia of Serbs with valid claims to Croatian citizenship;
- ▶ confidence-building measures be undertaken with an emphasis on community life in order to reinforce peace between national groups; and,
- ▶ human rights courses be included in curricula.

The Special Rapporteur's reports on the general situation in the former Yugoslavia include separate commentary on Croatia.

The SR's first report (E/CN.4/1997/9, Section II) contains observations and information on: personal security; humanitarian and social issues; the return of Croatian Serb refugees; the question of amnesty; the practice of illegal and forcible

evictions; the situation of the media; and measures for the protection of human rights. The report recommends that:

- ▶ in the former Sector South, additional reinforcement of the professional police presence should be provided to alleviate difficulties and provide greater security for the remaining population;
- ▶ in the former Sector North, steps be taken to remedy the lack of a transparent policy for the reconstruction of destroyed houses, the discrepancy between different areas concerning the restoration of public services in general and the inadequate resolution of important matters, particularly regarding properties considered as abandoned;
- ▶ effective measures be taken to combat incitement to hatred, particularly in the fields of education and the media;
- ▶ the return of both refugees and displaced persons be dealt with as a matter of the utmost priority with due respect for individual rights and freedoms;
- ▶ bearing in mind the Law on Amnesty, the re-arrest of Croatian Serb detainees only days after release under the terms of the amnesty be stopped;
- ▶ the problem of missing persons be dealt with as a matter of the highest priority so as to avoid any impediment to the future coexistence of the different ethnic communities; and,
- ▶ referring to the efforts of local human rights organizations to promote human rights and fundamental freedoms, the implementation of various projects aimed at strengthening the development of the social sphere be encouraged by the Croatian authorities as well as by the international community.

The second report of the SR (E/CN.4/1997/56, Sections II and III) includes information on: personal security in the former Sectors; humanitarian and social issues; the return of Croatian Serb refugees; the right to a nationality; the question of amnesty; freedom of expression; the judiciary; illegal and forcible evictions; measures for the protection of human rights; and, additionally with regard to the situation in Eastern Slavonia, Baranja and Western Sirmium, the process of reintegration and elections.

Commentary on personal security notes continuing incidents of looting, arson, bomb attacks, theft, and intimidation. It also notes that: the government had not provided much information on arrests or prosecutions related to incidents in which Croatian Serbs were victims; and, no progress had been reported on investigations of grave violations of humanitarian law committed in the former Sectors following Croatia's recovery of control over the region in August 1995. On humanitarian and social issues, the report welcomed measures taken by the government, with the cooperation of international agencies and NGOs, to rebuild health-care facilities, to provide social documentation to elderly Croatian Serbs who remained in former Sector North, and to improve medical care, educational facilities and other services for children living in difficult conditions. The SR expressed concern, however, about reported discrepancies in reconstruction assistance provided to Croat and Croatian Serb communities: she cited reliable information which indicated that public