

inflict suffering on innocent civilians, particularly in rural areas, the decision by the government to make mine clearance a top priority and the establishment of the Commission on Mine Clearance and the Croatian Mine Centre; the right to personal security — noting that despite deployment of larger police patrols, the security situation in the former Sectors remains unsatisfactory, reports that in Kistanje, former Sector South, widespread looting was carried out by resettled ethnic Croats from Kosovo, reports of, in Benkovac and Gracac, escalating harassment and violent assaults committed against local Croatian Serbs, in the former Sector West some abuses against Croatian Serbs, and, in the former Sector North, because of an influx of returnees from the region of Eastern Slavonia, the potential for a deterioration in the security situation; and, humanitarian concerns — noting that the international humanitarian efforts, working with the government's "Let's Save Lives" programme, generally succeeded in the winter of 1996/1997 and the fact that, because of lack of funds, suspension of humanitarian programmes during the winter of 1997/1998 would place many lives in the former sectors in serious jeopardy.

On the right to property the report refers to: the issue of Croatian Serbs' property and the effect of the Law on the Temporary Takeover and Administration of Specified Property; obstacles to the return to Croatia of Croatian Serbs to reclaim confiscated properties, leading to the situation in which many Croatian Serb refugees were unable to reclaim properties in the time allowed under the law; the effectiveness of property claims commissions established by municipalities; provisions in the Law which could prevent eviction of temporary residents until alternative accommodation is found; the placement of abandoned properties under state administration; the widespread practice of the sale of Croatian Serb property to ethnic Croat refugees; the establishment of the Agency for Mediation in Transactions with Specified Real Estate with responsibility for facilitating the sale and exchange of abandoned property in the former Sectors; and reports that the Agency has obliged Serb owners to sell their properties at excessively low prices.

On the right to return, the SR noted that the question of returns remains a contentious issue in Croatia. Reference is made to reports of violent incidents affecting returnees, including bomb attacks, anti-Serb graffiti, attacks and beatings against returnees, destruction of the homes of returnees and ransacking and looting of the personal possessions of returnees. The report also notes: restrictive conditions imposed on return by Croatian Serb refugees with valid Croatian citizenship certificates (*domovnica*), including the requirement that such returnees obtain additional travel documents from a Croatian embassy abroad; the lack of an established procedure for Croatian citizens to obtain valid passports or travel documents from Croatian embassies in neighbouring countries; and the fact that Croatian embassies do not accept applications for a *domovnica*.

With regard to the administration of justice, the report addresses issues related to, *inter alia*: the courts —

noting that articles in the Constitution establish the autonomy and independence of judicial power, yet there is a lack of effective guarantees for an independent judiciary, and many judges have been relieved of their posts by the High Judicial Council despite provision in law under which judges are appointed for life; and detention and the amnesty law — noting that the adoption of a general Amnesty Law in September 1996 was a positive, confidence-building step both for the return of Croatian Serb refugees, and for the peaceful reintegration of the Eastern Slavonia region into the rest of Croatia; the fact that the law does not cover alleged perpetrators of war crimes; reports indicating that there have been cases of re-arrest after the implementation of the amnesty law; the fact that war crimes trials that have led to conviction of the accused despite the lack of credible evidence; and calls by international observers to the ICTY have requested that it exercise some control over the prosecution of war crimes by the Croatian government.

On the question of cooperation with the International Criminal Tribunal, the SR stated that the government's cooperation with ICTY had produced little substance, based on a number of facts and observations, including: delays in the involvement between the Office of the Prosecutor and authorities, despite the appointment of the head of the Government Office for Cooperation with the ICTY; criticisms by the government of the ICTY, for supposedly blaming all sides equally; and the statement by the government that the ICTY subpoena *duces tecum*, intended to obtain documents from the government on relevant cases, amounted to a violation of state sovereignty.

The issue of missing persons is noted as one of the most pressing human rights concerns in Croatia. The report notes that the search process, which had been blocked for four years, was finally under way and the exchange of medical records and/or autopsy reports had been facilitated in such areas as Vukovar, Lovas and Ovcara in Eastern Slavonia and Banovina and areas of Western Slavonia.

Under the general heading of "other human rights concerns" the report covers a number of issues, including: continued reports of discriminatory measures applied in the acquisition of Croatian citizenship; provisions in the Law on Citizenship requiring, *inter alia*, proof of continuous residence in Croatia for at least five years and proficiency in the Croatian and Latin script; provision to the Ministry of Interior of broad discretion in denying an application on grounds of the interest of the state, even in cases where prerequisites have been met; provisions in the Constitution, the Radio and Television Act, the Law on Public Information and the Law on Telecommunications and Post that oblige the authorities to act in accordance with international norms; the fact that the state-owned Hrvatska Radio Television (HRT) is the only radio and television enterprise broadcasting nationally and is tightly controlled by the ruling Croatian Democratic Union (HDZ); the fact that the print media is varied with many periodicals privately owned; reports indicating that the government has attempted to silence its critics by