

elections; legal guarantees; human rights obligations; national human rights institutions; freedom of movement; property rights; the right to life; liberty and security of person; administration of justice; law enforcement and police reform; freedom of expression; and missing persons.

The report states that the implementation thus far of the human rights provisions of the Dayton Agreement is far from satisfying. She notes that the joint institutions created remain largely paralysed mainly by the refusal of Republika Srpska (RS) delegates to participate. In spite of enormous international pressure and involvement, the joint institutions remain, to a large extent, symbolic. Referring to the entity of the Federation of Bosnia and Herzegovina ("the Federation"), the report deplores the serious delay in the creation of a coherent legal system, including reformed judicial institutions, law enforcement agencies and prisons. It also notes a continuing lack of trust between the Federation partners with the principal problem lying in the divergent views of the main political parties, the Party for Democratic Action (SDA) and the Croatian Democratic Union (HDZ), over the precise type of systems they wish to create.

With regard to the elections, the SR states that, during the period preceding the elections, participation in political life was hindered by various obstacles, notably the lack of freedom of the press. These problems prevented genuine inter-entity (as well as intra-Federation) campaigning and had a negative effect on the right of citizens to information. The report also notes irregularities in the voter registration process characterized by manipulation of voter registration, resort to fraudulent documentation, and unlawful pressure placed on displaced persons to vote in particular ways.

On legal guarantees and human rights obligations, the report recalls that under the Dayton Agreement three national institutions were established to deal with human rights issues: the Human Rights Ombudsperson and the Human Rights Chamber (which together form the Human Rights Commission) and the Commission for Real Property Claims. The report notes that, to date, most cases taken up by the Ombudsperson have concerned property issues while others have related to independence of the judiciary, freedom of movement, effective domestic remedies, access to court, the rights of detainees and the rights to liberty and security. In principle, the Human Rights Chamber gives priority to allegations of especially severe or systematic violations and those founded on alleged discrimination on prohibited grounds. To date, cooperation by the authorities with requests from the Chamber has been inconsistent, with requests for written observations often ignored by Federation officials, while the Republika Srpska side has sometimes responded. The Commission for Real Property Claims, upon receiving a claim, is responsible for determining who the lawful owner is and the value of the property. Most of the claimants are refugees or displaced persons, and victims of "ethnic cleansing" who lost homes and property during the war. The report notes that the ability of the Commission to give compensation in lieu of return of property as provided for by the Dayton Agreement will remain a "paper promise" as long as no funds are available with which to compensate individuals. Faced with the prospect that necessary financing may never be attained, the Commission has considered alternative means of

compensation with one possibility being the issuance of certificates based on the value of the home, which could then be exchanged for other such certificates.

With regard to the Office of the Federation Ombudsmen, which is comprised of three persons — one each from the three principal national groups — the report notes that they receive allegations of human rights abuses directly from citizens or through referrals from the Ombudsperson and intervene personally with the authorities to resolve individual cases. It is stated that their reports reveal a pattern of discrimination and harassment of ethnic minorities throughout the Federation.

On specific rights issues, the report notes: freedom of movement is still violated throughout the territory by, for example, maintenance of illegal checkpoints, imposition of illegal visa fees and road taxes, demand of documents not legally required, confiscation of documents and goods, and even arrests of individuals; voluntary return continues to be hindered by ongoing security problems, administrative obstacles, excessive retroactive taxation of people who left their municipalities during the war; property rights continue to be violated because of a number of problems, including inaction by the authorities to deal with forcible evictions previously carried out and destruction of housing; the right to life continues to be threatened because of, *inter alia*, landmines throughout the territory and rulings imposing the death sentence in both entities; liberty and security of person continue to be violated through, for example, police torture and mistreatment, abuse of power by police in arresting and illegally detaining, and stopping and beating people without cause; and, the right to fair trial continues to be violated through processes such as "expedited trials" lasting only a few days and characterized by the presentation of dubious evidence and the absence of effective legal counsel. On the last point, the report also notes the virtual absence of inter-entity judicial cooperation which has caused problems in the areas of service of subpoenas and obtaining evidence across inter-entity boundary lines, as well as the admissibility of members of the bar from one entity to practice in the other; this situation has also resulted in serious violations of due process and fair trial principles.

The report states that violations of freedom of expression remain common throughout the territory and that: violations against journalists include threats of suspension, confiscation of material and beatings by police, as well as obstructions to freedom of movement; in many places, only publications presenting the political views of those holding local power are easily available; in the Republika Srpska the broadcast sector is mostly controlled by SDS supporters, while the few stations that try to remain independent are often subjected to pressure; there is, however, more pluralism in publications in the RS, with several independent magazines available, although they depend largely on aid from the international community; in Croat-controlled areas of the Federation, the media — both print and broadcast — do not enjoy much independence and are closely connected to the HDZ, and diversity only comes from publications imported from Croatia. The other areas of the Federation, including Sarajevo, are characterized by the widest diversity but this pluralism depends largely on assistance from the international community.