

objection, the fact that in Yugoslavia conscientious objectors are liable to prosecution.

The Special Rapporteur's interim report to the General Assembly (A/52/477, paras. 21, 51, 61) notes that the government responded to previous communications related to discrimination against Jehovah's Witnesses and the conviction of conscientious objectors by providing a detailed outline of legal provisions guaranteeing freedom of religion and emphasizing that intra-religious tolerance was satisfactory despite a few isolated incidents.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 567-571)

The report of the Special Rapporteur (SR) notes information received indicating that ethnic Albanians continued to be subjected to ill-treatment and torture, including severe beatings and electric shocks, by police officers in Kosovo. Eight individual cases were transmitted to the government and related to a number of individuals who were questioned by police about their political and educational activities. Those involved included a member of the Lidha Demokratike ë Kosovës (LDK) as well as religious leaders and students. Also two urgent appeals were sent. The first, sent jointly with the Chairman of the Working Group on Arbitrary Detention, related to the arrest of more than 60 ethnic Albanians in timlje (sic) following four separate incidents that led to the deaths of five and the wounding of four ethnic Serbs. The second, sent jointly with the SR on the situation in the former Yugoslavia, related to alleged ill-treatment by police of a number of ethnic Albanians who returned to Kosovo from Germany following unsuccessful attempts to receive asylum in Germany.

The SR on torture supported the recommendation of the SR on the situation of human rights in the territory of the former Yugoslavia that provisions permitting suspects to be held for 72 hours in police custody without judicial supervision should be brought into line with the narrower limits set in international standards, notably in the International Covenant on Civil and Political Rights.

Other Reports

Minimum humanitarian standards, Report of the S-G to the CHR: (E/CN.4/1997/77/Add.1, para. 2, Section I)

The report of the Secretary-General refers to information received from the government citing various provisions in the federal Constitution related to declarations of war and states of emergency, provisions in the Serbian constitution related to defence and security in the Republic, and the constitution of Montenegro related to restrictions on the right to own property and earn a living and states of emergency.

Women's human rights, Report of the S-G to the CHR: (E/CN.4/1997/40, para. 96)

The report of the Secretary-General on the integration of women's human rights throughout the UN system refers to the 1996 report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and the situation in the region of Banja Luka citing information indicating that childless women were subjected to unpaid forced labour.

GENERAL ASSEMBLY

The Special Rapporteur's interim report to the General Assembly (A/52/490) includes information on, *inter alia*:

legal guarantees and institutional mechanisms; liberty and security of person; ill-treatment, torture and impunity; the right to life; the right to fair trial; freedom of expression and the media; the situation of minorities in Kosovo and the Sandzak; and, the humanitarian situation, refugees and citizenship.

On legal guarantees, the report notes that there are three constitutions currently in force in the FRY which, adopted at different times, contain different human rights provisions. The important human rights provisions of the 1992 Federal Constitution, which the government states must be applied throughout the country, largely meet the standards of the ICCPR although there are gaps and discrepancies. The SR notes the government's assertion that there are no essential differences among the three constitutions but points out that there are major differences between them in areas such as the right to life and application of the death penalty as well as in provisions related to the period of detention allowed without judicial order or access to a lawyer. In terms of institutional mechanisms, the report refers to the fact that there is no easily accessible, independent and impartial supervisory body such as an ombudsman from which citizens can obtain redress and that the Parliamentary Committee on Internal Affairs is not known to have taken up human rights cases.

Areas of concern identified were, *inter alia*: article 196 of the Code of Criminal Procedure which permits, in exceptional circumstances, arrested persons to be kept in police custody for a maximum of 72 hours, without access to a lawyer or judicial supervision; use of torture and ill-treatment and deaths in custody; that prosecution against police for practices such as torture and ill-treatment are extremely rare, except in Montenegro; that fair trial standards are particularly at risk in cases connected with political activities; that Radio Television Serbia, which is state run remains under tight government control; that TV Montenegro remains under the firm control of the government; the provision in the new public information law, presented to Parliament in August 1997, requiring state bodies to provide free access to information in their charge, unless it is officially secret; and, that the draft media law contains several articles that can be used to restrict the rights of editors and journalists by, for example, prohibiting media from publishing and even reproducing information offending the honour or respectability of a person, or containing offensive formulations or indecent expressions", requiring the media to provide "true information" and not to publish or transmit "false information on [a] person's life, knowledge and capabilities".

On the situation of minorities in Kosovo, the SR notes: reports continued to be received of serious ill-treatment and torture committed against persons in police custody, mainly but not exclusively in connection with police raids and arrests taken as a response to violent attacks against the Serbian police and private individuals in the region during the last year; the practice of so-called "hostage" arrests, in which the police detained relatives or family members of persons whom they were seeking to arrest; violent attacks against Serbian police and persons employed by the local authorities, for which, in most cases, the Liberation Army of Kosovo, a previously unknown organization, claimed responsibility; the communiqué issued by the Liberation Army of Kosovo