

to the individual or family; serious obstacles remain to return to B&H and the UNHCR estimated that of more than 2 million citizens who were displaced or driven from the country only some 250,000 have returned to their homes, most in so-called "majority areas" controlled by authorities of their own national group; prospects for returns to the Zone of Separation have been seriously damaged by the wide-scale deliberate destruction of abandoned homes; and, returns have also been obstructed by the deliberate destruction of homes, particularly in Bosnian Croat-controlled territory.

With regard to personal security and freedom from discrimination, the report notes that: numerous incidents of harassment and threats on the basis both of national origin and political opinion continue; violations of the right to personal security were especially alarming in Mostar, included beatings, unlawful evictions and other forms of harassment, and showed strong evidence that soldiers of the Bosnian Croat army (the HVO) were linked to many of these acts; there was an increase in recorded incidents of arson, grenade attacks, verbal threats and physical assaults in the Teslic area; harassment of non-Bosniaks was an ongoing problem in Sarajevo, where Bosnian Serbs were pressured to abandon their properties, and in Bugojno, where local authorities fail to take action against intimidation and discrimination targeting Bosnian Croats; and, intimidation based on political opinion remains frequent in the Bihac region of north-west B&H.

On the question of property rights, the report notes that, in Bugojno, property laws are enforced in a discriminatory way, with harmful consequences especially for the Bosnian Croat minority population; and, the Real Property Commission described in annex 7 of the Dayton Agreement has begun operations and its work will be critical to the successful return of refugees and displaced persons to their homes in B&H.

Referring to issues related to detention, the SR expressed great concern about the question of detention in B&H. Information received indicated numerous instances of arbitrary and, in some cases, secret detention, lengthy pre-trial detention, detention without charge or trial, and detentions for the sole purpose of using those detained in future prisoner exchanges.

On the issue of freedom of expression the SR expressed concern over continuing restrictions on media freedom in B&H and various forms of harassment against opposition media, including frequent police visits and blocking access of opposition press to printing facilities. The report also notes several positive developments in this area, such as the launch of a new monthly magazine, *Nepitani* ("Those Not Asked"), featuring the work of Bosnian youth from both sides of the IEBL.

The report addresses the issue of impunity and notes the near-total lack of progress in 1996 in apprehending persons indicted by the International Criminal Tribunal for grave violations of humanitarian law committed during the war in B&H. The report observes that: 74 suspects have been indicted by the Tribunal; many of them are believed to be in B&H; numerous reports have been received of indicted persons moving about the country openly with no apparent fear of arrest, including Radovan Karadzic.

The report refers to progress in the establishment of national institutions and non-governmental organizations for human rights protection and notes: the accomplishments of the Office of the Federation Ombudsmen; the growing importance of the Dayton-created Commission on Human Rights (composed of the Human Rights Ombudsperson and the Human Rights Chamber); the start-up work of the Real Property Commission; the vetting process organized by the International Police Task Force (IPTF) within the police in the Federation of B&H; the creation of the University of Sarajevo Human Rights Centre and the continuation of the work of the Bosnian Helsinki Committee for Human Rights.

The report reiterated the previously stated concern over "silent emergencies" and noted specifically the situation of relatives of missing persons.

The Special Rapporteur recommended that the authorities:

- ▶ issue unambiguous instructions to local police to cease harassment and intimidation of travellers, who under no circumstance should be detained except in conformity with the strictest guidelines;
- ▶ introduce immediately uniform vehicle license plates throughout the country, to lessen the likelihood of interference with free movement;
- ▶ permit citizens to settle anywhere in the country they wish, in accordance with the law;
- ▶ pursue vigorously all efforts for safe resettlement in minority areas;
- ▶ in countries of refuge, the practice of deporting Bosnians be stopped at least through the first six months of 1997 to allow time to assess whether national mechanisms will begin to respond meaningfully to threats against personal security;
- ▶ provide all necessary resources to the Real Property Commission;
- ▶ repeal immediately laws on the allocation of abandoned property which are inconsistent with the Dayton Agreement and international law;
- ▶ pay greater attention to the proper functioning of the court system in Bosnia and Herzegovina;
- ▶ accord the highest priority to the apprehension of indicted war-crime suspects;
- ▶ with regard to media, take steps to make publications and broadcasts from both sides easily available in each entity, and improve telephone communications between the entities;
- ▶ give strong political and financial support to the work of the Office of the Federation Ombudsmen and the Dayton-created Commission on Human Rights; and,
- ▶ establish in the Republika Srpska an Ombudsman institution on human rights.

#### **Expert for the special process dealing with missing persons in the former Yugoslavia**

The special process dealing with missing persons in the territory of the former Yugoslavia was established by the Commission on Human Rights in 1994 as a joint mandate of the expert, in his capacity as member of the Working Group on Enforced or Involuntary Disappearances, and the Special Rapporteur on the situation of human rights in the territory of