

Freedom of opinion and expression, Special**Rapporteur on:** (E/CN.4/1998/40, para. 25)

In the section dealing with media in countries in transition, the report refers to conclusions by the election observer mission of the Organization for Security and Cooperation in Europe (OSCE) that the 15 June 1997 elections may have been free, but were not fair and did not meet minimum democratic standards because the state media — particularly television — showed favouritism towards the ruling Croatian Democratic Union (HDZ).

Independence of judges and lawyers, Special**Rapporteur on the:** (E/CN.4/1998/39, paras. 17, 19, 56–57)

In November 1997, the Special Rapporteur (SR) sent a communication to the government containing general allegations concerning the judiciary in Croatia. According to the information received, several judges were reportedly relieved from their posts following decisions by the State Judicial Council, which were reported to have been motivated more by the national origin or political views of the judges than by their professional competence. The report also notes some dysfunctions of the judiciary related to: the pre-selection of judicial candidates by the Minister of Justice; the lack of guarantees with regard to security of tenure; difficulties by the courts in implementing their decisions — particularly with respect to cases against members of the Croatian army and the police, or where rulings were in favour of non-Croats; and failure to respect the accused's right to have an attorney present during the investigative phase and during an appeal against investigative detention.

The response from the government provided the constitutional provisions governing the judiciary in Croatia in a general manner, and stated that the removal of the former President of the Supreme Court was not motivated by political considerations. The SR stated that the issues raised in the letter to the government were not addressed.

GENERAL ASSEMBLY**Special Rapporteur of the Commission on Human Rights**

The Special Rapporteur (SR) on the situation in the former Yugoslavia submitted consolidated interim reports to the 1998 General Assembly (A/53/322, Section IV; A/53/322, Section II). The sections concerning Croatia contain information on, *inter alia*: the rights to return, life and personal security, and property; the administration of justice; the freedoms of expression and assembly; missing persons; religion and reconciliation; gender issues; and the Danube region. The reports are based, in part, on a mission to Croatia from 9 to 15 July 1998. The SR stated that membership in the Council of Europe and the goal of joining the European Union had had a positive influence on the government and on the attitudes of many opinion leaders in the country. Real understanding of the nature of democratic society, how-

ever, still appears to be quite low. The SR further stated that the progress achieved to date has largely been the result of support for democratic forces within Croatia by the international community and its institutions. The establishment of a true democracy and entry into the European mainstream will depend on the presence of international institutions for monitoring and for technical, economic and educational assistance for the foreseeable future.

Concerning the right to return, the reports refer to adoption, in June 1998, of a programme for the return and accommodation of displaced persons, refugees and resettled persons. The programme recognizes the inalienable right to return of all Croatian citizens and all categories of persons who can be regarded as refugees under, *inter alia*, the 1951 Convention Relating to the Status of Refugees. Bureaucratic and other obstacles inhibit return, however, including: difficulties encountered by Croatian Serbs who apply for documents at the Croatian Embassy at Belgrade; uncleared mines and the lack of infrastructure, in particular water and electricity; unemployment in areas of return; allocation of homes by the government to Bosnian Croat refugees for whom the government is committed to finding accommodation; and problems related to the government's former practice of encouraging domiciled Croats to move into houses from which Serbs had fled during the conflict.

Violations of the right to life and personal security were noted as including: the murder of a Hungarian woman and her Serb husband following a hand-grenade attack, intimidation and criminal damage to their homes and fields; the continued possession and use of explosive devices, hand grenades or other military weaponry, noting that some incidents may constitute attempted murder while others are probably intended only to intimidate; verbal and physical assault by Bosnian Croats against Serbs; harassment of Serbs, people in mixed families and others who stayed in the region during the war, noting that the severity of violent ethnic incidents has increased; and deaths caused by unmarked landmines and unexploded ordnance.

The reports note that the Law on Temporary Takeover and Administration of Specified Property and the Law on Lease of Apartments in Liberated Areas were repealed in July 1998 as a first step towards resolving the problems they had created. The need remained to find alternative accommodation for refugees and displaced persons living in houses and apartments belonging to people who have returned and wish to reclaim their property. The SR stated that people who lost tenancy rights to apartments will have even more difficulty in obtaining restitution.

With regard to the administration of justice, the reports state that a wholly independent judiciary is still a distant goal and, while the principle is strongly promoted by international and local civil rights organizations, courts are still too often influenced by politicians and government officials at the state and local levels. Uncertainty remained about the application of the 1996 Law on General Amnesty, with the law reported to have been applied