

training programme for the international police task force and civilian police monitors in the former Yugoslavia.

GENERAL ASSEMBLY

Report of the CHR Special Rapporteur

The section on Croatia in the Special Rapporteur's two reports to the General Assembly (A/52/490, Section III) contains information on, *inter alia*: constitutional provisions; human rights treaty obligations; national institutions; the rights to life and personal security; the right to property; the right to return; the courts; detention and the Law on General Amnesty; cooperation with the International Tribunal; religion; missing persons; freedom of expression and association; and, the situation in the region of Eastern Slavonia, Baranja and Western Sirmium.

Referring to national institutions, the report notes: the institution of the Ombudsman, established in 1992; the Constitutional Court, established in December 1991, which has made numerous important rulings affecting human rights; proposed changes to the procedure for the appointment of the President of the Constitutional Court and initiatives to limit the Court's activity and autonomy; and the Governmental Office for Ethnic and National Minorities which was established in 1991 to facilitate development of government policy and help promote harmonious inter-ethnic relations in Croatia but remains without a strong public presence.

On violations of various rights, the report cites, *inter alia*: the use of explosive devices and other acts causing death and serious injury; the fact that unmarked landmines continue to inflict suffering on innocent civilians, particularly in rural areas; widespread looting in some areas; escalating harassment and violent assaults committed against local Croatian Serbs; obstacles and violent incidents impeding or discouraging the return of Croatian Serbs and difficulties encountered in settling property claims; the lack of effective guarantees for an independent judiciary; improper pressures exerted for the appointment or dismissal of judges and prosecutors; war crimes trials in which, despite a lack of credible evidence, defendants have been convicted; significant shortcomings in the government's cooperation with the International Tribunal; continued criticism by the government of the Tribunal for allegedly blaming all sides equally; acts of vandalism against religious sites and discriminatory treatment against members of the Islamic community; attempts by the government to silence its critics in the print media by levying exceedingly high taxes in some cases; the fact that during the presidential election of June 1997 state media, particularly television, showed favouritism toward the HDZ; continuing publication of materials advocating nationality-based hatred; the fact that under the new Law on Association, which came into force on 15 July 1997, the work of persons involved with NGOs could be jeopardized; and, the fact that the draft Law on Public Gatherings would impose restrictive conditions on public gatherings and protests.

In the section related to the region of Eastern Slavonia, Baranja and Western Sirmium the report notes: the fact that while local Serbs have demonstrated a general willingness and determination to assume their rights and responsibilities as Croatian citizens, deep apprehensions also remain;

continuing reports of harassment and attacks on both displaced Serbs and Croatian Serb displaced persons; continuing tensions between the region's original inhabitants and Serb displaced persons from other areas now living in the region; discrimination against ethnic Serbs by Croatian authorities; the plight of members of families of mixed origin who have long resided in the region and remained there during the war and the fact that these people are not being duly represented in negotiations for the reintegration of the public sector, which concentrate mainly on the "pure ethnic groups"; the fact that the records of persons who were amnestied have not yet been cleared from police records; and, ongoing obstacles to the reintegration of the local judiciary.

The report recommends that the government:

- ▶ increase police activity further in the former sectors, since measures taken to date have not yet succeeded in restoring an environment of law and order;
- ▶ take affirmative steps to ensure that reconstruction and employment opportunities benefit Croats and Serbs equally;
- ▶ suspend the Law on the Temporary Takeover and Administration of Specific Properties, which continues to result in properties of Croatian Serbs being handed over to newly resettling Croats;
- ▶ improve channels for dialogue with national and international human rights NGOs and continue to pay close attention to their recommendations as independent observers;
- ▶ deal with the problem of missing persons as a priority to avoid an impediment to the future coexistence of ethnic communities and for peaceful reintegration of Eastern Slavonia;
- ▶ take effective measures, including legal action by the competent authorities, to combat incitement to hatred in the media;
- ▶ show clearer support for social reconciliation in its statements made to the press and broadcast media;
- ▶ take steps to ensure that persons coming to Eastern Slavonia, Baranja and Western Sirmium, including members of the Transitional Police Force, respect the rights of local residents at all times; and
- ▶ fully implement legislation regarding the reintegration of the local judiciary in Eastern Slavonia, Baranja and Western Sirmium

Resolution of the General Assembly

The General Assembly adopted an omnibus resolution by consensus (A/C.3/52/L.69/Rev.1) on the situation in the territory of the former Yugoslavia. In text related to Croatia, the GA: called for the full and consistent implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium by all parties; called on the government to undertake greater efforts to strengthen its adherence to democratic norms, especially in regard to the promotion and protection of free and independent media; called on the government to strengthen and to take continuing measures to end all forms of discrimination by Croatian authorities in the areas of employment, promotion, education, pensions and health