

The report refers to an ICTY indictment for slavery as a crime against humanity, charging a member of an elite Serb paramilitary unit and a paramilitary leader in the town of Foca with crimes against humanity for acts of rape and slavery. The defendants were charged with detaining nine women in a private apartment where the women were sexually assaulted on a regular basis and forced to work both inside and outside of the home. According to the indictment, four of the women were eventually sold to other soldiers. The indictment noted that the women were free to leave the private home in which they were being detained — they even had a key to the home — but that the women were not able, in any meaningful sense, to flee since they “had nowhere to go as they were surrounded by Serbs, both soldiers and civilians”.

The report also refers to the indictment against the highest-ranking civilian officer in a municipality in Bosnia and Herzegovina who “knew or had reason to know” that the Chief of Police in the area was about to force others to commit acts of sexual assault or had done so and failed to take “necessary and reasonable measures” to prevent such acts or to punish the Chief of Police after the acts came to his attention. The civilian administrator was charged with responsibility for the acts or the omissions of the Chief of Police, including crimes against humanity for acts of rape and other forms of sexual assault, including male sexual assault.

GENERAL ASSEMBLY

Special Rapporteur of the Commission on Human Rights

Between the 54th (1998) session of the Commission on Human Rights and 1998 General Assembly, Mr. Jiri Dienstbier (Czech Republic) was appointed to replace the previous Special Rapporteur (SR) for the territory of the former Yugoslavia. The SR's consolidated interim reports to the 1998 General Assembly, Situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, were prepared by Mr. Dienstbier. The sections on Bosnia and Herzegovina (A/53/322, Section V; A/53/322/Add.1, Section III) contain information on, *inter alia*: the return of refugees and displaced persons; property rights and legislation; other forms of discrimination; police reform; the Commission on Human Rights; the Federation Ombudsmen; inter-entity judicial cooperation; restructuring of the judiciary; education; missing persons; the national elections of 12-13 September; and Kosovo refugees.

The SR stated that almost three years after the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement), citizens remain subjected to serious human rights violations. Victims were said to usually belong to ethnic groups which are, or have become, a minority in a given area although, occasionally, ethnic factors are replaced by political ones. The SR further stated that numerous cases indicate the direct responsibility of state institutions for human rights viola-

tions in some instances, while in others there is a serious failure by the authorities to investigate or redress abuses reported to them.

Concerning the return of refugees and displaced persons, reference is made to the main obstacles of return — poor security, lack of adequate housing, few employment opportunities and, for families with children, problems with education. Incidents of violence against returnees — including killing and burning down of many homes — are noted, as is the disregard by municipal housing authorities for returnees' property rights. On property rights and legislation, reference is made to the problem of the regulation of property, including socially owned apartments, and the fact that it is a source of continuing concern and has direct consequences for the return process. The reports also note that the Republika Srpska (RS) Law on Abandoned Property, adopted during the war, continues to be used to deny property rights to Bosniaks and Croats forcibly evicted from their homes in 1995. The situation of those who never left the town, known as “floaters”, is seen as particularly critical because the courts have been slow to process their claims and, in most instances, evictions of the illegal occupants are not carried out due to lack of cooperation from local police and other law enforcement officials. The SR noted the opening of an office of the Commission for Real Property Claims (CRPC) at Banja Luka, in March 1998, as a positive development but also noted that no enforcement mechanism exists and draft implementing legislation had not been finalized for presentation to the authorities. The reports also note that pockets of entrenched political opposition to the right to return continue to block larger-scale returns.

Other forms of discrimination are described including, *inter alia*: requests by authorities in the RS for additional documentation from minorities seeking identification documents; the charging of illegal fees; discrimination in employment and in the granting of medical or other social services; in the RS, serious difficulties for minority populations to exercise their freedom of religion, such as refusal by the authorities to issue building permits for the rebuilding of mosques; and discrimination against Croat Catholics, such as actions by Bosnian Serbs to prevent the holding of a mass to mark St. George's Day in a destroyed Catholic church.

Concerning police reform, the SR stated that the establishment of a multi-ethnic police force continues to be resisted in both entities and little progress had been made in the restructuring of the RS and Federation police. With regard to the Commission on Human Rights for Bosnia and Herzegovina, the reports note that as of 31 July 1998, the Human Rights Chamber (a judicial body) had issued 17 final and binding decisions in 33 cases related to such human rights issues as the death penalty, right to property, standards of arrest and detention, and enforcement of judicial decisions. As of 31 July 1998 the Office of the Human Rights Ombudsperson, a mediation-oriented institution that has the power to conduct investigations and issue recommendations, had published