

convene the new National Assembly in its entirety on 5 October 1996 because newly-elected Serb representatives declined to attend the inaugural ceremony in Sarajevo out of fears for their security. The report notes that political leaders faced security concerns throughout the country. Other problems and areas of concern noted by the SR include: restrictions on freedom of movement, including illegal police checkpoints; the absence of an organized return of large numbers of refugees and displaced persons; the fact that people living in areas dominated by members of another national group continue to face threats of harassment, assault, forcible eviction and even mortal injury because of their nationality; the increased number of evictions throughout the country; the lack of effective measures to address the question of property, with authorities in both entities of B&H continuing to authorize the occupation of property without regard to legal ownership, to the situations of the owners, or to the pertinent provisions of the Dayton Agreement; continued detention of people in B&H in violation of their human rights; the phenomenon of "silent emergencies" (described as crises which have developed from the poverty in the region, rather than the war per se, and where the victims — e.g., persons with disabilities and victims of rape — have virtually no voice with which to address the region's social problems); and, the situation of children generally, including homeless, orphaned and abandoned children.

The Special Rapporteur recommended that the government and all authorities:

- ▶ respect all the key human rights aspects of the Dayton Agreement and, in particular, provisions of annex 7 relating to the right of return of refugees and displaced persons;
- ▶ implement a system of uniform car registration plates throughout the country as a means of improving freedom of movement;
- ▶ take steps to comply fully with the Dayton Agreement;
- ▶ provide greater support to the Federation Ombudsmen, as well as to the mechanisms created by the Dayton Agreement which form the Commission on Human Rights, in order to improve the overall human rights situation and give a meaningful response to the recommendations of these institutions;
- ▶ fulfill obligations related to the apprehension and transfer to the International Criminal Tribunal at The Hague of all indicted war crime suspects;
- ▶ take steps to ensure that local war crimes trials are conducted according to internationally recognized standards, and in particular that the right to open and public trials is respected, and ensure full access for international monitors to trial proceedings;
- ▶ give immediate attention to the "silent emergencies" of Bosnia and Herzegovina and address effectively the situation of mentally disabled people and the people who have cared for them through the war as well as the victims of rape and their families.

The report also recommended that the international community undertake economic development measures in full consideration of the parties' implementation of the Dayton

Agreement's provisions promoting the tenets of a civil society and expand the International Police Task Force to allow officers directly to intervene in cases of apparent human rights violations.

The report notes that the human rights situations in the countries covered by mandate are very closely interconnected and that, for example, the policies of Croatia and the Federal Republic of Yugoslavia are of fundamental importance to developments in B&H. The report therefore emphasized:

- ▶ the need for human rights education to be included in the curricula of all schools, not as an optional subject but as a mandatory obligation of the educational system of each country;
- ▶ the responsibility of governments and international organizations to conduct their work in view of the best interests of children; and,
- ▶ the need to develop strategies in cooperation with local journalists for ensuring the democratic ideal of the free expression of opinion.

The main report of the Special Rapporteur on the situation in the whole of the former Yugoslavia contains a section on B&H (E/CN.4/1997/56, Section I) and states that a fragile peace continues to hold in the country and the parties have for the most part respected the military commitments they undertook by signing the Dayton Agreement. The report notes that there has been some progress in the implementation of the agreement's provisions affecting human rights, notably in the creation of national institutions such as the Commission on Human Rights, but that substantial progress remains to be achieved overall and particularly in key areas such as the return of refugees and displaced persons to their homes.

The report emphasizes the central role that human rights questions will play in the success or failure of the entire Dayton peace process because human rights are the foundation essential to a lasting peace. Referring to municipal elections scheduled for June 1997, the Special Rapporteur stated that without improvement in the fundamental areas of freedom of movement, expression and association, the elections' results will fairly rapidly be called into question and could further jeopardize ongoing efforts towards lasting peace.

On the question of freedom of movement the report notes that: restrictions on movement are common in B&H, particularly along the Inter-Entity Boundary Line (IEBL) but also between territories controlled by Bosniak and Bosnian Croat authorities within the Federation; Federation traffic between Sarajevo and Gorazde remained at great risk at the end of 1996; in late December 1996 there was increasing harassment of non-Serb travellers in the area of Mrkonj Grad in the Republika Srpska; obstacles to free movement have been noted in the Federation of B&H, for example along the road from Mostar to Capljina; and, travellers have been arrested for alleged complicity in war crimes, causing great fear on both sides of the IEBL and imperilled freedom of movement throughout B&H.

On the question of the right to voluntary return, the report notes that: annex 7 to the Dayton Agreement, guarantees all refugees and displaced persons the right freely to return to their homes of origin with the choice of destination being left