

REPORT

of the

CSCE HUMAN RIGHTS RAPPORTEUR MISSION

TO YUGOSLAVIA;

FOLLOW-UP MISSION

(3-9 May 1992)

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INTRODUCTION

The CSCE Human Rights Rapporteur Follow-up Mission, which was mandated by the seventh meeting of the Committee of Senior Officials in Prague on 28 February, 1992 (Annex I), visited Croatia, Macedonia, Montenegro, Serbia - including Kosovo and Vojvodina - and Slovenia between 3 and 9 May, 1992.

The composition of the Mission (Annex II) was the same as that of the first Mission. Prof. Hendrik Kooijmans, who could not participate, was replaced by Mr. Martins designated by the Presidency of the European Community.

The program of the visit was prepared in consultation with the federal¹ authorities and the authorities of each of the above-mentioned Republics, all of whom were very helpful in facilitating and assisting the Mission. The Mission could not visit Sarajevo as the Airport was not under control of the official government.

The Swiss Government provided liaison with authorities, both Federal and Republican, with private organizations and individuals as well as logistical support for the Mission. An aircraft was put at the disposal of the Mission, which could not have fulfilled its task without such effective and professional support.

As the Mission had to have a wide range of contacts and to make on the spot visits, it split into two teams.

During the visits to the Republics and the Autonomous Provinces, the Mission met with officials, representatives of parties, ethnic or religious groups, and journalists. (Program: Annex VI) Although the Mission had to visit all Republics to monitor changes with regard to human rights and minority protection since its last trip, its focus was to get information about:

- the situation of minorities in Kosovo, Vojvodina, the Sandjak area and areas affected by the war in Croatia;
- the war in the media;

The Mission collected a fair amount of first-hand information and acquired a comprehensive picture of the human rights situation including the protection of minorities. As before, the Mission prescinded from aspects directly related to the war, which are dealt with in other fora.

The general remarks contained in the first report were largely confirmed. (ANNEX III)

Although the first report of the Mission has been examined in the Republics with attention and good will, some important authorities did not even read the report.

In Belgrade the Mission had to face many complaints about the forthcoming federal and local elections the preparation of which by no means provides for their free and democratic procedure. This led the Mission to address a letter to the chairman of the CSO in order to

¹ The term *federal* does not imply in any way the recognition of the new "Federal Republic of Yugoslavia"

draw the attention of the participating states to the matter.(ANNEX IV) The chairman of the CSCE Council then mandated the Office for Democratic Institutions and Human Rights to carry out a fact-finding Mission, which submitted its report on 25 May.

In one case concerning the village of Novi-Slankamen the threat to the Croatian minority seemed to be so dangerous that the chairman of the Mission wrote a letter to the Minister of the Interior of Serbia through the offices of the CSCE to inform him of the Mission's concerns. (ANNEX V)

1. FEDERAL AUTHORITIES OF YUGOSLAVIA

As far as the functioning of the federal authorities is concerned, members of the Mission attempted to establish to which degree the federal army is controlled by the civil authorities and to analyze the conditions in which the elections to the federal parliament are to be held. The extent of protection of human rights and the legal position of ethnic minorities in the new Constitution were likewise examined.

The Mission met with representatives of the Federal Foreign Ministry and conducted talks with the Acting President of the Human Rights Commission of the Federal Parliament. As regards the question of control of the federal army by the civil authorities, the Mission was informed that from the legal point of view the army was controlled by the civil authorities. However, mainly because of the war, this control could not be entirely exercised. The present state of affairs was described as transitory.

As for the Constitution, certain opposition personalities expressed the criticism that it was not properly legitimized, and that it lacked effective guarantees for the broad catalogue of rights and freedoms contained therein. Beside this, an evaluation of the Federal Constitution in respect of protection of human rights and ethnic minorities is difficult to establish as it only recently came into force.

Members of the Mission were under the impression that in general the situation has deteriorated and legitimate federal state control has vanished.

2. CROATIA

The human rights situation in Croatia continues to be affected by armed conflicts in both Croatia and Bosnia-Herzegovina. Large parts of Croatian territory are not under the control of the Zagreb government, but belong, at present, to the United Nations Protected Areas or are under military or paramilitary occupation. The continued arrival of expelled non-Serbs from these areas and from Vojvodina as well as the massive influx of refugees from Bosnia-Herzegovina are not conducive to a climate of national reconciliation and respect for human rights and minority protection.

Nevertheless, the overall picture shows some progress in comparison to that of January 1992. The Constitutional Law of December 1991 on human rights and minorities has been further improved, taking into account proposals made by the Yugoslavia Peace Conference

chaired by Lord Carrington. There were fewer Serbian complaints about outright physical violence, while other ethnic groups did not complain about human rights violations committed against them. It seems that many Croatian authorities are trying seriously, against all odds, to improve the situation of human rights and minority protection.

The position of the Serbs is, however, still not satisfactory. There is considerable psychological pressure on them. The propaganda war goes on unabated. Some nationalist politicians continue their anti-Serbian agitation. The public prosecutor of the Republic stated in a newspaper interview, in inflammatory terms, while the Mission was in Croatia, that criminal procedures for war crimes would even be brought against such persons who had disappeared for some time, fled before an attack or avoided work or meeting their military obligations. Army units seem sometimes to adopt threatening postures. Some Serbian concern was voiced about legislation for citizenship, because it might leave some of them with the highly unsatisfactory status of foreigner. A very difficult problem seems to be the sheltering of Croatian refugees in Serbian villages.

Upon complaints received by the Mission about massive human rights violations against Serbs in the Croatian area called Gorski Kotar, the Mission visited this area situated between Karlovac and the sea. According to all interviews conducted, Croats and Serbs in the area are still living together peacefully. The local Serbs complained only about the overall situation described above, while even praising municipal leaders, including the Croatian mayor of Vrbosko for his wisdom and responsible behavior.

As most of the complaints about Gorski Kotar did not actually refer to that area, but rather to another area called Lika, the Mission went to some of the places mentioned. In Ogulin the Mission saw Serbian houses which had been selectively destroyed by explosives. In the village of Brlog at the front line, the former Serbian inhabitants had been expelled and all their houses (more than one hundred) had been destroyed.

ILOK

A paradigmatic situation of what should not happen in the field of human rights and minority protection is demonstrated in this Croatian town under JNA occupation.

Its resident native population was 7000 inhabitants before the war and mainly formed by Slovaks, Croats, Hungarians, and Serbs. The Mission found there only 2500 inhabitants, among them 1500 Slovaks, and approximately 600 Croats. No Hungarian remained.

The main reason for the sharp decrease in the number of original inhabitants is that armed Serbian refugees from Croatia stole their possessions, and otherwise beat, robbed, and severely harassed them. As a consequence, they had to abandon their properties.

From the foregoing, it is clear that basic rights such as the right to life, physical integrity, personal security, property, to the administering of justice, the inviolability of home, and the choice of local leaders are not provided for.

The Mission has evidence that Ilok is not under civilian administration but under direct rule of JNA and paramilitary forces.

3. MACEDONIA

According to all interlocutors of the Mission, the human rights situation in Macedonia, including the relationship between the Albanian and Macedonian communities, further improved since the December 1991 visit. In particular, the authorities tried to reinforce the dialogue with representatives of the Albanian community. As a result of these endeavours, local legislative and executive organs composed of Albanians and Macedonians could either be formed or considered in areas which have an Albanian majority. The Mission was told that the Government responds in a more forthcoming way to the Albanian demands pertaining to education. The authorities stated their intention to hold, in the near future, a new census to which international experts would be invited. Such a proposal has found a positive response from all the Albanians contacted by the Mission.

Although deep distrust still exists between the two communities, and many demands from the Albanians remain unfulfilled, both sides expressed their will to solve the problems within the framework of the Republic of Macedonia and to accept, where necessary, outside mediation. It is to be desired that the under-representation of the Albanians, notably in political and high level administration positions, will be eliminated.

It is also the impression of the Mission that the human rights situation in Macedonia, which was characterized in the last report as "rather satisfactory", improved still further. Yet, the impact of the ongoing war in other Republics of former Yugoslavia shows its negative effects on Macedonia, in particular on the economic field. The fear of a spill-over of the war activities is felt strongest in the Albanian community due to its ties to the Albanians in Kosovo. The continuing uncertainty about the international status could lead to dangerous instability and human rights violation in this heretofore stable part of former Yugoslavia.

Negative influence by extremist political leaders from both sides hampers further progress towards a full implementation of human rights and minority protection. In addition, the vestiges of a long authoritarian tradition are still present.

4. MONTENEGRO

No significant change could be seen in Montenegro with respect to the previous CSCE Rapporteur Mission.

After the adoption of the new federal Constitution, a draft Constitution for Montenegro is being discussed now and should be adopted very soon.

The authorities declared anew that the democratic process and the implementation of CSCE commitments were developing positively. However, the Mission heard heavy complaints about the referendum on the new federal constitution which was apparently conducted unfairly.

The judicial system is still dominated by the ruling party.

The political life appears to be limited and under governmental control, while opposition parties and groups are few and weak.

The situation is worsening as the war progresses in the neighboring Republics, and the radicalization of feelings is rendering political opposition increasingly difficult.

The authorities told the Mission that Montenegro continues to abide by federal laws on drafting. As all citizens must comply with the law, those who refuse to fight in the present ethnic wars are liable to prosecution.

SANJAK

The authorities of both Serbia and Montenegro - sharing the area called the Sanjak of Novi Pazar - stressed to the Mission that "Sanjak itself does not exist" and that problems between the different ethnic groups must therefore be solved "on a local basis". They also declared themselves in favour of its cultural autonomy, but not its territorial and political autonomy.

According to the Serbian mayor of Novi Pazar, reports on systematic repression of Muslims are untrue, though the authorities in Podgorica admitted that some of those reports may be true for the Montenegrin part where extremists of the Muslim minority engaged in provocation.

Representatives of the Muslim community and of the Party for Democratic Action, however, complained to the Mission that frequent, if not systematic violations of human rights and clear discrimination against the minorities were carried out on an ethnic basis. According to them, many members of this community lost their jobs because they belonged to the SDA, while even members of republican parliaments were arrested and beaten by police irrespective of their parliamentary immunity.

It seems to the Mission that the political rights of the Muslims are restricted. Several cases of gerrymandering and preferential treatment of Serbs living in areas with a Muslim majority have been reported. Also, Muslims involved in any political activity are often considered extremists and kept under pressure.

There were complaints about discrimination of Muslims in school education.

Finally, the Mission felt that there is a widespread fear that war might move from Bosnia-Herzegovina into Sanjak. Several units of the JNA, allegedly withdrawn from Macedonia, are now stationed throughout the region and their behaviour is frequently reported to be quite unruly and violent, particularly towards the Muslim population. There were also reports of continuous police brutality, especially in Montenegro.

5. SERBIA

A. Central Authorities

Concerning developments since our last report, the deputy minister of the Interior told the Mission that he had not read the report and therefore could not comment on it. The Mission concluded from its contacts that there had not been any positive changes since December

1991. On the contrary, the ongoing war and the declining economy led to an atmosphere of general frustration and growing tension.

The minister of Foreign Affairs informed the Mission about contacts between the Hungarian minority in Vojvodina and President Milosevic. Apart from exchanges of letters no concrete results could be announced at this time.

When asked about Kosovo, the Serbian authorities reaffirmed their standpoint that there would be no dialogue and no improvement so long as the Albanians in Kosovo would request secession.

B. Kosovo

In Kosovo there does not seem to be any improvement in the field of human rights. Repressive measures against the majority Albanian population have been maintained and perhaps even intensified.

The Serbian authorities in Prishtina, however, declared to the Mission that there were no more abuses or mistreatments, while they were trying their best to improve the relations between the two communities, and that the Albanians were the only ones to blame as they refused to cooperate with them. The authorities justified the massive dismissal of professionals (doctors and teachers) and workers as the result of the Albanians' "misbehaviour", like participating in strikes, or refusing to sign a declaration of loyalty to Serbia.

The situation as described by the leaders of the Albanian opposition groups, and as the Mission itself could see, is still dramatic.

Frequent and arbitrary police raids on Albanian homes continue to occur on various pretexts, in particular the search for weapons. Albanians are frequently arrested and summarily sentenced to 60 days in jail on misdemeanor charges, often on the basis of a statement by a single policeman. The judiciary system is still under heavy political pressure and influenced by ethnic bias. Some provincial courts in Kosovo were closed and their functions transferred to Belgrade.

But the most dramatic violations of human rights, which deeply affect the entire Albanian population, are those in the social, educational and health fields. More than ninety thousand Albanians are now without a salary and several hundred thousands of them (families and workers) are without social security.

The educational system in Kosovo is in shambles. Almost all Albanian primary and secondary schools are closed, while instruction in Albanian at Prishtina University has come to an end. Thousands of school teachers and hundreds of University professional staff have been dismissed on the basis of various pretexts: these include the use of Albanian language for official work and the refusal to implement the curriculum established by the Serbian authorities which mandates almost exclusively the teaching of Serbian and Christian Orthodox cultural themes (Albanians are mostly Muslims or Roman Catholic).

The Academy of Science and Culture, which had a great influence on the Albanian community, was closed. It appears that Serbian authorities are deliberately engaging in a process of de-nationalization of the Albanian culture.

As an emergency measure "parallel schools" have been organized on a voluntary basis throughout the region and about two thirds of the total amount of Albanian pupils (450'000) were said to attend them regularly. The Mission visited one of them located in a private house, and was impressed by the size of such an effort of widespread solidarity; several hundred pupils attend courses there in three daily shifts and teachers work illegally, without pay and in fear of arrest.

The Mission also visited the first (experimental) "parallel" ambulatory clinic. Premises have been given free of charge by private owners. Equipment and medical supplies are financed by foreign charity organizations, while doctors and medical staff - all voluntary - attend to a daily average of 200-250 patients, more than half of them being children. As a result of the discriminatory policy of the authorities against Albanians, epidemics and infant mortality among them are increasing, vaccination campaigns are decreasing and hygienic conditions are worsening rapidly. Even the Kosovo Red Cross is now under total control of Belgrade, a Serb having replaced an ethnic Albanian as its head.

Considering the worsening conditions of the Albanian population (ninety percent of the total Kosovo population) and the growing distrust between the two ethnic groups, the Mission believes that the situation there is extremely dangerous and that it cries out for immediate international attention and mediation. It is the opinion of the Mission that a dialogue, though very difficult under the present circumstances, can still be started but only without pre-conditions.

C. Vojvodina

News about the deteriorating position of ethnic minorities in Vojvodina was reaching the Mission even before it began its second visit. It was reported that the situation had worsened due to an increased influx of refugees from Croatia and Bosnia and as a consequence of the ever more visible presence of paramilitary units.

The local authorities informed us that at present there were about seventy thousand officially registered refugees within Vojvodina. It is estimated that a further twenty thousand remain unregistered. The total population of the province is two million. No detailed information concerning the number of people who left Vojvodina is available. The assessments of this figure range from fifteen to twenty thousand and include a great number of Hungarians. In answer to the charge contained in the previous report about discrimination of minorities with regard to conscription, the local authorities argue that there exists a directive of the Ministry of Defence ordering draft according to the proportion of the different ethnic groups. About ten percent of the drafted men evaded military service. The authorities admitted heightened ethnic tensions because of the war. They had issued a regulation ordering the return of illegally held arms by 15 May. The local authorities said they were not familiar with any incidents involving fire-arms.

The meetings with representatives of different ethnic groups, as well as random conversations on the spot confirmed to a large extent the information about serious violations of human rights.

The representatives of the Democratic Association of Hungarians in Vojvodina presented the Mission with a range of evidence of human rights violations. As a result, Hungarian emigration has increased recently. Hungarians are of the opinion that only through achievement of so-called personal autonomy can their rights be fully secured. Hungarians emphatically deny any secessionist tendencies involving, among other things, arms procurement. Similar information was given at the meeting with the authorities of Subotica. The population of this city is composed of forty two percent Hungarians, twenty two percent Croats, and twenty percent Serbs. So far no serious conflicts of ethnic character have been noted there. However, the increasing external pressure, frequent visits of aggressive paramilitary units, appearances by notorious Serbian nationalists, and offending propaganda may destabilize the situation. The centralistic tendencies which consist in imposing limitations on the autonomy of the local authorities are also disturbing.

During the meeting with the representatives of the Democratic League of Croats in Vojvodina members of the Mission were given a document illustrating violations of human rights of Croats in Vojvodina. The situation, especially in the villages inhabited by Croats, is alarming. The source of unrest lies in the behavior of many Serbian refugees. Croats are threatened and live under enormous pressure. The Mission had the impression that such an atmosphere is obviously generated to force these people to emigrate and consequently to depose them of their households. The authorities fail to prevent such practices. This information was confirmed during the meeting with people from different municipalities of Vojvodina in the town of Petrovaradin. Emigration of Croats bending under pressure is increasing. A particularly dramatic situation arises in the town of Novi Slankamen (ANNEX V). Members of the Mission saw the destroyed cultural center of the Croatian community, bullet marks on a roman catholic church, and several insulting inscriptions. It was underlined in the talks that it is the Serbian refugees who are responsible for the unrest and not the local Serbs who often protect local Croats.

Slovaks, who were never involved in large conflicts, feel threatened. The growing presence of Serbian nationalists, repeated incidents of a nationalistic character and the general rise of tension are the roots of insecurity. A case of murder of a young Slovak was recorded close to the Croatian border. There are cases of assaults and death threats directed to non-Serbian ethnic groups. The fear of cultural assimilation is evoked by changes in the legislation concerning education. New provisions do not secure a right to minority-language schools leaving the issue at the discretion of the relevant minister. There were also complaints about economic discrimination.

The members of the Mission believe that those acts of violence when being tolerated by the authorities, indicate an intention to change the present ethnic composition of the population which could lead to an escalation of the conflict.

6. SLOVENIA

The Mission noted an improvement in the implementation of human rights commitments and minority protection since its last visit.

The representatives of the authorities were familiar with the former report of the Mission. Regarding the implementation of the Act of Citizenship, the Mission was informed that very few applications (about two thousand) were rejected. Talks with Serbian representatives confirmed the impression of further improvement of their position. They confirmed that the previous visit of the Mission had a positive and perceptive effect for the Serbian minority. However, they still lay claim to a recognized status for their ethnic group and an official representation in public administration to deal with minority issues.

It is the impression of the Mission that authorities in Slovenia are genuinely committed to the rule of law, democracy, and human rights. Slovenia is able fully to implement the CSCE principles and commitments in these fields.

7. MEDIA

The Serbian - Croatian propaganda war

Most Serbian and Croatian sources agree that the war is largely supported by the media. The fighting will hardly stop before it stops in the media. The media are the means to stir up hatred among the different ethnic groups. They use threatening, abusive or insulting language and incite racial, national and religious hatred. Such language is clearly forbidden in international law as well as in the Serbian and Croatian legislations.

Media-installations have been and still are prime targets of attacks. In Krajina before and in Bosnia now, TV transmitters have been hit and destroyed first so that the population is isolated from information spread by international media or that broadcast in other Republics. Thus, in some parts of former Yugoslavia, one can only receive TV-Belgrade. The Mission was told that TV-Sarajevo could not be broadcast outside the city and that YU-Tel, a private television that originally covered the entire area of former Yugoslavia, could not reach the population of Serbia and now not even of Bosnia.

Almost all important media in Serbia, Montenegro, and Croatia (TV, radio, newspapers, and magazines) are under direct state control. There exist some private media or more independent media, but they do not reach the population at large and their influence is limited to the areas of the capitals.

There is little pluralism within and between the media. Self-censorship, strong party control, disciplinary measures of the editors or even of the government, financial restrictions and public attacks against independent journalists seriously hamper informing the public objectively.

Journalists have been disciplined for giving a picture of the "enemy" contradictory to the government's propaganda. Disciplinary measures include criminal prosecution, and reduction of salaries. For example, the Mission was told that in Croatia several journalists are on trial for verbal offenses. Most journalists complained about the low professional level, particularly on TV. Good journalists are replaced by government orientated journalists who have little professional training or education.

TV officials in Serbia admitted that they have been giving one-sided information and that the public was not informed about crimes committed by the irregular Serbian troops or by the JNA. Zagreb TV officials admitted that they did not inform the public of the bombing of the orthodox museum in Zagreb, allegedly because they feared that such information might provoke other extremists to do the same. The Mission was informed of many more cases where false or half-true stories and even blatant lies were spread.

One-sided information is only part of the problem. TV Serbia gave the Mission a video tape showing at length the disfigured bodies of children, women, and men maintaining that they were Serbs killed by Croats. The tape zooms in on the most brutal wounds and stirs up emotions against the enemy. Showing such pictures violates the standards of decency of most European television broadcasting. Hatred is also stirred up by the use of offending vocabulary such as Ustascha, Tchetnik, Moslem fundamentalist, or terrorist, suggesting that every Croat, every Serb or every Moslem is an extremist or a terrorist. The Mission was told by people living in mixed marriages, that they cannot watch TV at all, because the program would destroy their marriage.

The misuse of the media results in an emotionally manipulated, uninformed or misinformed public. Such a public will have difficulty understanding and accepting the other side of the story. It will consider impartial information as lies and enemy-propaganda. This refers to both Croatia and Serbia although the level of propaganda in Croatia might be lower.

The Mission is convinced that the war on the battlefield is closely linked to the war in the media. Whatever the international community does in order to stop the fighting on the ground, it must be supported by complementary measures in the media. International peace keeping forces to former Yugoslavia can do little to defuse the situation so long as the war in the media continues.

Special problems with regard to some Republics and Regions

Macedonia

All persons with whom the Mission spoke said that freedom of expression is guaranteed to a satisfactory level. There are some complaints about the media situation from the Albanian minority. Whereas this minority has its own newspapers and local radio stations free of censorship, it has no daily newspaper or a national radio station. Yet, there are five national radio stations. One of these, however, allots a substantial time segment to information in the Albanian language. Furthermore, the Albanian community is not pleased that it does not have its own TV channel, though three national TV channels exist. Many people in

Government seem to be aware of the problem, but point out that the depressed economy is an impediment to a further development of the media.

Montenegro

The media situation hasn't changed very much since the last visit of the Mission. Although the interlocutors pointed out that there is some improvement, many emphasized that the authorities still exert a strict control over radio and TV programs. The Mission was told that it is impossible critically to report on the role of Montenegro and Serbia in the war in Croatia and Bosnia-Herzegovina. Furthermore, strong pressures are exerted by the authorities to inform favourably about the new federal Republic which Montenegro forms together with Serbia. At least one case of severe harrassment of a critical reporter is known to the Mission: during the visit of the Mission, a bomb exploded at the front door of the Montenegro reporter for the Belgrade daily "Borba".

Kosovo

The media situation in Kosovo remains depressed. There is a comprehensive state-owned TV and radio station. It has two divisions - one Serbian and the other for the Albanians, Roms and Turks. The Albanian section is less numerously staffed than the Turkish section, although the Albanians comprise about ninety percent of the population. The Mission was told that the Albanian radio and TV programs find almost no echo within the Albanian population. Basically, the Albanian language programmes are translations into Albanian of news despatches from the Tanjug news agency. More than one thousand Albanians were forced to leave their jobs since an outside management was imposed on the Prishtina radio and TV station two years ago. The only daily newspaper "Rilindja" was banned by the Serbian authorities in August 1991. Reopening was put under the condition that its editors agree to censorship by Serbian authorities. The only non-government sources of news in Albanian are a few periodicals, all of them fairly modest in size (12 pages) and in circulation (max. 20'000 copies).

Vojvodina

There are publications, periodicals, TV and radio programs in almost all languages spoken in Vojvodina. However, all media are controlled by official authorities. The Mission had contact with the official Radio and Television in Novi-Sad and with the former editor of the Hungarian newspaper. This editor has been replaced by the parliament which nominated another less critical editor, but there seems to be resistance against this move by the journalists working with the Newspaper. The Mission was given an anti-Croatian cartoon published in the Serbian newspaper which has a clearly offending content.

CONCLUSIONS

1. Since the Mission's last report the overall situation in former Yugoslavia has deteriorated dramatically, although in certain areas some limited progress has been achieved in human rights and minority protection. Further international mediation efforts are urgently needed; full support has to be given to the existing peace initiatives by the United Nations and the European Community, particularly the Conference on Yugoslavia.
2. The worst danger to human rights and minority protection seems to be the practice that has come to be known as "*ethnic cleansing*". The Mission has collected evidence that members of ethnic minorities are being threatened in all possible ways in order to force them to leave their homesteads so that "ethnically clean" areas can be established. This practice is becoming widespread. The Mission considers its duty to state firmly that governments which instigate or simply condone such practices commit the most serious human rights violations for which they bear full responsibility. International pressure should be brought to bear on such governments. Monitoring activities in particularly endangered areas should be undertaken. Vojvodina is one of those areas.
3. The alarming refugee problem in former Yugoslavia is being dealt with in the competent international fora. However, it has human rights implications that the Mission had to consider. Precisely because of "*ethnic cleansing*" practices many people have become refugees who would otherwise have stayed in their homesteads. Even temporary settlement of refugees who belong to one nationality in areas inhabited by an other nationality considered hostile creates serious problems on both sides and threatens to destroy the ethnic composition.
4.
 - a. The Mission reiterates its conviction that urgent action has to be taken to stop the media war. The international mediation efforts should, inter alia, be directed towards obtaining some "cease-fire" agreement in the media-war by the governments responsible, however difficult that may be.
 - b. Consideration should be given to the problem of how objective information of the population can be secured. The governments concerned may have difficulties in solving this problem in a satisfactory manner. That is why the Mission feels possibilities should be examined to provide daily information to the population on both sides from an independent and impartial source. While being aware of the very difficult practical problems this might pose, the Mission suggests that experts should urgently submit proposals for practical implementation.
5.
 - a. The Mission believes that the situation in Kosovo is extremely dangerous and that it cries out for immediate international attention and mediation before hostilities break out. A constructive dialogue, though very difficult in the actual conditions, must be started without pre-conditions.
 - b. The Mission is of the opinion, that the CSCE should call upon the Serbian authorities to immediately guarantee the minimum standards of human rights and

to abolish the negative consequences of the Law on special circumstances, particularly in the fields of health, education, and employment.

- c. The Mission is of the opinion that the situation in Kosovo requires sending permanent monitors to examine and regularly report on the situation and development in human rights and minority protection.
6. The Mission recommends international assistance for a census to establish the actual ethnic structure about which Macedonians and Albanians have widely different statistics. This census would serve as a basis for future discussions on participation.
7. The Mission believes that attention has to be given to the problem which those Serbs encounter who would like to return to their homes in areas controlled by the Croatian authorities. In particular, the Mission is of the opinion that the authorities should not call them traitors without fair trial.
8. The Mission is of the opinion that the CSCE should ask the Republics to report on the fate of those Yugoslavs who might not acquire citizenship in any of the successor states of the former SFRY, and therefore become stateless persons.

ANNEXES

ANNEX I

DECISION OF THE COMMITTEE OF SENIOR OFFICIALS OF THE CSCE:

CSCE Human Rights Rapporteur Mission to Yugoslavia: Follow-up Mission

Referring to the Summary of Conclusions to the Prague Meeting of the CSCE Council, the CSCE Committee of Senior Officials examined the need for further action concerning the human rights situation, including the situation of national minorities, requires further consideration and Follow-up action by the CSCE. To that end, the Committee decided to send a Follow-up Mission to the Human Rights Rapporteur Mission to Yugoslavia as established by decision of the Committee on 22 October, 1991 in Prague. The Follow-up Mission will examine further the situation in the previously visited Republics and give particular attention to the subjects mentioned for consecutive action in the first report.

The Mission will not take place before end of April and it will report to the Committee. The report will be circulated by the CSCE Secretariat through the CSCE points of contact and will be considered by the Committee at a future meeting. The report will be made available to the Chairmen of the Conference on Yugoslavia.

Prague, February 27/28 1992

ANNEX II**LIST OF PARTICIPANTS**

1. Prof. Dr. Thomas Fleiner-Gerster, Director of the Institute of Federalism, University of Fribourg, designated by the Chairman-in-Office of the CSCE. (Group A)
2. Ambassador Luchino Cortese, Director of the CSCE Office for Free Elections, Warsaw. (Group B)
3. Mr. Cipriano Rodrigues Martins, Member of Parliament, designated by the Presidency of the European Community. (Group A)
4. Amb. Geert Ahrens, Ministry of Foreign Affairs, Bonn, designated by the Chairman of the Conference on Yugoslavia. (Group B, on Friday May 8 Group A)
5. Prof. Dr. Roman Wieruszewski, Polish Academy of Science, Chairman of the Executive Committee of the Human Right Promotion Foundation, Poznan. (Group A, on Friday May 8 Group B)
6. Dr. Paul Widmer, Head of the CSCE Office, Ministry of Foreign Affairs, Bern. (Group B)

ANNEX III

GENERAL REMARKS

1. Generally speaking, there is a considerable discrepancy between legal rules and norms on the one hand and the actual implementation of such rules and norms on the other hand. Despite official declarations at various levels, human rights are frequently violated in many respects, in some places even systematically.
2. The collapse of the federal constitutional structure has destroyed the legal system of the federal State. Therefore the Federal Authorities consider themselves to be responsible for the implementation of international and national commitments in the field of human rights, can no longer meet such responsibility. Consequently protection of human rights now lies exclusively in the hands of the Authorities of the Republics.
3. Though weakening, the influence of the communist system is still strong, since in all Republics the dominant political forces are, in many instances and under various denominations, the heirs to the communist party. Administrative and political structures still are widely run by the same persons who were already in power in the past. Although they have changed their political goals many of them have not basically changed their mentality and their methods.
4. Recent developments in Yugoslavia have led to an upsurge of nationalism. As a consequence, authorities in the Republics in varying degree fail to protect minorities, often discriminate against them and sometimes violate their basic human rights. Most of the grave human rights violations in Yugoslavia are perpetrated against persons belonging to minorities.
5. While world opinion so far has concentrated on human rights violations in the war zone in Croatia, grave violations occur in other areas as well, in particular in Kosovo and Sanjak. The Mission feels that a thorough and lasting improvement of the human rights situation in Yugoslavia does require the same standards to be applied everywhere and to all ethnic groups. Concepts such as Serbs being a "nationality" while Albanians are a "minority", and therefore subject to a different legal regime, should be dismissed.
6. The Federal Army, which is no longer under any constitutional control, is responsible for human rights violations by drafting young conscripts in Republics which no longer recognize the legitimacy of the drafting system. Furthermore many Non-Serbian Yugoslavs, particularly in Bosnia-Herzegovina and in Vojvodina, feel intimidated by the dangerous concentration of army units and their threatening

behaviour. This makes the already highly volatile situation in Bosnia-Hercegovina even more explosive.

7. Moderating forces from grass-root organizations, free trade unions, NGOs, churches and religious groups are weak. This may explain the virtual absence of effective and influential movements for human rights and peace. Integration of and understanding between different ethnic groups is hampered by the fact that most political parties are actually formed along nationality lines.

8. The increase of nationalism has also led to a war in the media in particular in Serbia and Croatia. Facts are distorted, data falsified and some times atrocities invented in order to contribute to an atmosphere of mutual hatred. Neither the Government of Serbia nor that of Croatia seem to do anything to stop this incitement to ethnic hatred. This kind of nationalistic propaganda has also a negative effect on individual freedoms. Anybody who does not agree with the national majority is disciplined by his colleagues and his superiors; any attempt towards moderation is looked at with suspicion.

ANNEX IV**LETTER CONCERNING ELECTIONS**

Prof. Thomas Fleiner Gerster
Director of the Institute of Federalism
Head of the CSCE Human Rights Rapporteur
Mission to Yugoslavia

Mr. Jan Kubis
Chairman-in-Office
of the CSO
The Foreign Ministry
Prague

Fribourg, May 11 1992

CSCE Human Rights Rapporteur Mission to Yugoslavia:

Follow-up Mission

Mr. Chairman,

On behalf of the Follow-up Mission to the Republics of the former Socialist Federal Republic of Yugoslavia and due to the urgency of the matter, I would like to draw your attention to the issue of the forthcoming elections in the new Federal Republic. In my opinion this issue needs urgent consideration before you will be in possession of the final report scheduled for the beginning of June.

Elections to the Chamber of Citizens of the new Federal Assembly have been scheduled for Sunday May 31, 1992. Although every citizen can participate in these elections as a candidate or as a voter, we are convinced that these elections will not reflect the true will of the people, and therefore they cannot be considered free elections according to article 1 (7), in particular article (7.7) and (7.8) of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE. This for the following reasons:

1. - The new law on elections was not yet in force when we were in Belgrade discussing election issues with the representative of the acting

parliament on May 4; thus the political parties have less than one month's time to prepare and organize their campaign;

2. - in the presence of paramilitary forces and armed citizens it is almost impossible to freely discuss crucial issues of a country which is in a state of war;

3. - an important number of the voters or candidates are on the battlefield or have fled because people couldn't resist psychological pressures and harassment or wanted to avoid the draft;

4. - parties have no fair and equal access to the medias, in particular to the electronic medias which are practically the only source of information for the greater part of the population;

5. - most parties have no financial means of informing the electorate on their candidates and political programmes.

I would appreciate it if you could send this letter to the CSCE participating States and if this issue could find the attention of the CSO at its next meeting.

Yours sincerely,

Thomas Fleiner-Gerster

Annex:

List of the Participants of the Follow-up Mission

ANNEX V**LETTER TO THE MINISTER OF SERBIA**

**Prof. Thomas Fleiner Gerster
Director of the Institute of Federalism
Head of the CSCE Human Rights Rapporteur
Mission to Yugoslavia**

**To the Minister of the
Interior of the
Republic of Serbia
Belgrade**

Fribourg, May 11 1992

CSCE Human Rights Rapporteur Mission to Yugoslavia:

Follow-up Mission

Mr. Minister,

The CSCE Human Rights Rapporteur Mission had the opportunity to visit several villages in Vojvodina. Having had manifold contacts with minorities living in this region, I came to the conclusion that the situation of the minorities has worsened since our last visit in December 1991.

Persons belonging to national minorities fear for their life, security and property, they are exposed to psychological pressure and physical harassments. The case of persons belonging to the Croate minority in Slankamen, which we could examine on the spot, seems to be so serious that it requires immediate consideration. I fear for the life and security of children, women and men of every age.

On behalf of the Mission I would like to draw your attention to this case. I would be glad if you could undertake the necessary measures in order to guarantee life, security, law and order to every citizen in this little village.

On behalf of the Follow-up Mission with best regards

Yours sincerely,

Thomas Fleiner-Gerster

ANNEX VI**PROGRAM OF THE VISIT OF THE CSCE RAPPORTEUR MISSION TO
YUGOSLAVIA****Sunday May 3, Belgrade*****Group A and group B******Belgrade:***

16.15 Discussion of the Mission program, administrative matters (R. Escher and M. Meli)

17.00 Professor Lydia Basta, Institute for European studies, Belgrade

Evening: invitation of the Swiss Ambassador with:

- Ambassador of Czechoslovakia
- Ambassador of Germany
- Ambassador of Italy
- Ambassador of Poland
- Ambassador of Portugal

Monday May 4***Group A and group B******Belgrade:***

09.00 Yugoslav secretariat for Foreign Affairs:

- Branko Lukovac, assistant Federal Secretary
- Dr. Miograd Mitic, Head of the legal Department, Counsellor of the Federal Secretary

10.00 Yugoslav Parliamentarians /Human Rights Commission:

- Milan Milenkovic, Acting President

11.15 Serbian Secretariat for Foreign Affairs:

- H.E. Vladislav Jovanovic, Foreign Minister

12.00 Serbian Secretariat for Interior Affairs:

- Ljubo Ristic, Deputy Secretary
- Vlastimir Djordjevic
- Petar Zekovic
- Slobodan Miletic

Group A**Belgrade:**

- 14.30 - Miograd Ilic, Director of the International News Centre of Radio/Television of Serbia
- 16.15 - Dusan Janic, European Civic Centre for conflict resolution in Subotica. Coordinator of the Forum for ethnic relations
- 17.15 - Milos Vasic and Stojan Cerovic, VREME newspaper
- 18.30 - Sasa Vucinic and Veran Matic, Radio B-92, independent radio

Evening:

- Prof. Stavnocic, Institute for Federalism, University of Belgrade

Group B**Pristina****17.30 Provincial authorities:**

- Vukashi Jokanovic, Vice-President of the Parliament of Serbia

18.45 Visit of the Clinic of infective diseases:

- Prof. Stevan Baljosevic

19.30 Joint meeting with the editors-in-chief of Radio and Television programmes in Pristina**Evening:**

dinner organized by the authorities

Tuesday May 5**Group A****Belgrade:**

- 08.00 - Slobodan Stupar and Rade Radovanovic, Official Radio Belgrade, 1st program
- 09.00 - Grujca Spasovic, editor Nedelija Borba (did not come)
- 10.00 - Nadezda Gace and Gordana Susa, YU-TEL
- 11.00 - Zivorad Miloradovic, editor in chief of Panceva newspaper
- Afelia Backovic, Pancevo Radio
- 12.00 - Momcilo Pantelic, editor in chief of Politika (did not come)
- 14.30 - Branka Mihailovic, RTB information program

Stara Pazova:

17.30 Representatives of Slovak minority in Stara Pazova:

- Miroslav Demak
- Michael Spevak

Evening:

Dinner with Messrs Demak and Spevak

Group B**Skopje:**

- 09.30 - H.E. Denko Maleski, Foreign Minister
- 10.15 - H.E. Ljubomir Frckoski, Minister of Interior
- 11.15 - Editor of the Albanian-language newspaper "Vlaka Vlazerimi"
- 11.45 - Slobodan Casule, Radio Director
- 12.30 Lunch with:
- Djeladin Murati, Vice-President of the Assembly of Macedonia
 - Mr. Petkoski, Deputy, Assembly of Macedonia

14.30 Representatives of the Assembly and the Executive council of Tetovo:

- Shakir Aliti, President of the Assembly
- Ljubisa Dimitrieski, President of the Executive council

15.30 Representatives of the Democratic Party of Macedonia

16.15 - Prof. Nevzat Halili, President of the Party of Democratic Prosperity

Prishtina:

18.30 Visit of a "parallel Albanian school" in Prishtina

20.00 Visit of a "parallel Albanian health facility" in Prishtina

Wednesday May 6

Group A

Vojvodina Novi-Sad:

09.30 Provincial authorities:

- President of the Executive Council
- Secretary of Foreign Affairs
- Secretary for information

10.45 Representatives of Radio and Television Novi-Sad:

- Milan Todorov, Director RTNS
- Milorad Vukovic, Director Radio-diffusion Vojvodina
- Petar Ljubojev, Director Television Novi-Sad
- Deak Ferenc, Television Novi-Sad
- Kosta Sevarlic, Radio Novog Sada
- Jovan Adamov, musical productions
- Drenka Dobrosavljevic, Radio television Novi-Sad
- Angelina Cankovic, Radio Novog Sada

12.15 Director General of the daily Dnevnik (did not come)

13.00 Lunch with members of the editorial Board of "Magyar Szo", Hungarian daily

Ada:

15.30 Meeting with representatives of the Democratic League of Hungarians in Vojvodina:

- Janos Vekas, Vice-President
- Sandor Hodi, Vice-President
- Bela Csorba

Subotica:

18.00 - Jozsef Kasza, Mayor and representatives of the town

19.30 Meeting of members of the Democratic League of Croats in Vojvodina:

- Stepan Skenderovic
- Julije Skenderovic
- Ivan Poljakovic

Evening

Dinner with above members of Democratic League of Croats in Vojvodina

Group B**Podgorica:**

10.30 - Mila Rocen, Deputy Minister of Foreign Affairs

11.15 - H.E. Pavle Bulatovic, Minister of the Interior

12.00 Representatives of the official Radio and Television of Montenegro

13.00 Lunch with:

- Velizar Brajovic of VREME
- Drago Vukovic of Borba

Prishtina:

18.00 Representatives of the University of Pristina and the Academy of Sciences

19.00 Journalists and editors of the banned newspaper "Rilindja"

20.00 Dinner with the heads of Albanian political parties

Thursday May 7

Group A**Belgrade:**

08.00 - Mrs. Razovojnic of Studio B

09.00 Representatives of First Radio Belgrade:

- Asra Nuresendic
- Olivia Russovac

10.00 Representatives of "Democratia":

- Desimir Tosic (responsible for the newspaper "Democratia" inside the party and Vice-President of the Democratic Party)
- Mr. Gingic (ex-editor in chief and President of the Executive Committee of the party)

10.50 - Bogoljub Pejic, editor in chief of "Srbska Rec" (newspaper said to be close to the Serbian Renewal Movement of Vuk Draskovic)

Ilok:

13.30 Meeting with Slovak and Serbian villagers

Petrovaradin and Slankamen:

15.30 Meeting with Croatian 9 villagers from Novi-Slankamen, Petrovaradin and other villages in Vojvodina

Group B**Sanjak, Novi Pazar:**

10.00 - Alexander Jacovic, President of the Obstina of Novi Pazar
- Mahmut Memic, MP, SDA-Party, Parliament of Serbia
- Sabro Corovic, President of the Executive Council of Novi Pazar

12.00 Head of the Police of Novi Pazar

13.00 Muslim National Council of Sanjak/Democratic Action Party:

- Rasim Ljajic, Minister of the Muslim National Council of Sanjak and member of the Executive Committee of the Democratic Action Party of former Yugoslavia.
- Harum Hadzic, President of the Democratic Action Party of Montenegro

Friday May 8

Group A**Zagreb:**

- 11.00 - Ivan Jarnjak, Minister of the Interior
- 12.00 - Dr. Zvonimir Separovic, Minister of Foreign Affairs
- Dr. Stanko Nick
- Ivan Starcevic
- Dr. Zeljko Horvatic, Dean of Zagreb Law Faculty

Lunch with:

- above persons
 - Werner Maurer, Swiss General Consul
- 15.00 - Milan Dukic, Head of the governmental office for interethnic relations
- 16.00 Meeting with Croatian journalists:
- Kresimir Fijacko, journalist "Vjesnik", Zagreb
 - Stojan de Prato, journalist "Vecernji List", Zagreb
 - Zvonko Varosanec, Croatian television

Group B**Ljubljana:**

- 13.00 - Miha Vrhunec, General Secretary of the Foreign Ministry
- 14.00 Ministry of the Interior:
- Igor Bavcar, Minister of the Interior
- 15.00 - Reverend Bosko Perkovic, Serbian-orthodox priest
- 16.00 Meeting with Slovene journalists:
- Damjan Kosir, Editor of the daily newspaper "Delo"
 - Mrs. M. Simoncic, Editor of the daily newspaper "Slovenec"

Saturday May 9

Group A**Zagreb:**

09.00 Meeting with members of the Serbian democratic Forum:

- Prof. Dr. Milorad Pupovac and guests

11.00 Visit to the Orthodox Museum and seat of Metropolit (bombed)

13.00 Prof. R. Wieruszewski had a meeting with:

- Boifek Mirko, editor in chief of HINA

Meeting with several journalists:

- Ielena Lovric, columnist of "DANES" magazine
- Seada Vranic, correspondent of "BORBA"
- Drazen Vukov Conc, editor of "DANES"
- Ivan Zvonimir Cicak, columnist of "DANES" and "Slobodna Dalmacija"

Group B**Gorski Kotar and Lika:**

09.00 - Mayor of Vrbovsko

10.30 Visit of Potok Musolinski and talks with local people

11.15 Visit of Ogulin and talks with local people

13.00 Visit of Brlog and talks with local people