



Security Council

Distr.  
GENERAL

S/1996/1011  
5 November 1996

ORIGINAL: ENGLISH

FURTHER REPORT ON THE SITUATION OF HUMAN RIGHTS IN CROATIA  
PURSUANT TO SECURITY COUNCIL RESOLUTION 1019 (1995)

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolutions 1009 (1995), 1019 (1995) and presidential statement S/PRST/1996/39 of 20 September 1996. The report updates the human rights situation in Croatia, with specific reference to progress on measures taken by the Government of the Republic of Croatia to implement the resolutions mentioned above. These resolutions were adopted in the aftermath of Croatia's military offensive in May and August 1995 to recover formerly Serb-controlled areas of its territory located in Western Slavonia and the Krajina region, which had been designated United Nations Protected Areas and were known as Sectors West, North and South.

2. The present report considers developments since my last report of 23 August (S/1996/691) up to mid-November 1996. It is based on information compiled by the field operation of the United Nations High Commissioner/Centre for Human Rights in the former Yugoslavia from a range of sources, including the European Community Monitoring Mission (ECMM), the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC). Two recent reports issued in October 1996 by the Special Rapporteur of the Commission on Human Rights, Ms. Elisabeth Rehn, have also been taken into consideration.<sup>1</sup> In addition, the report takes into account several aide-mémoires and other documents and information provided by the Government of Croatia, including an aide-mémoire dated 15 November 1996. Substantial information has also been received from local and international non-governmental human rights organizations active in Croatia, including the Croatian Helsinki Committee, Otvorene Oci ("Open Eyes"), the Dalmatian Solidarity Committee (DOS), Homo, the Committee for Human Rights in Karlovac and Pakrac, the Serbian Democratic Forum and the Anti-War Campaign, Croatia.

II. HUMAN RIGHTS VIOLATIONS AND MEASURES TAKEN BY THE  
GOVERNMENT OF CROATIA

3. Since my last report, the incidence of violent assaults and thefts committed in the former sectors against members of the local population, in particular Croatian Serbs, appears to have decreased slightly. Nonetheless, reports of such acts continue to be received. Former Sector South, especially around the town of Knin, remains an area of particular concern. Ongoing harassment, looting and physical attacks in the region indicate that measures taken by the Government to improve the security situation have been relatively ineffective. The Government maintains that it has taken numerous measures to improve security in the former sectors, including the deployment of an additional 3,500 police officers. International observers indeed confirm a strengthened police presence in some areas, although not in more remote regions. Pakrac (former Sector West) has been identified as a location with an especially effective and professional police force.

4. According to government reports, in the course of August and September 1996, only two cases of serious criminal activity were recorded in the former sectors, in addition to 14 cases of arson and demolition of houses and 6 cases of looting. International and non-governmental observers, on the other hand, report that the number of serious incidents was considerably higher. The Government also maintains that the current rate of crime in the former sectors is not statistically different from the normal rate of crime throughout the country. It appears, however, that many of the incidents that continue to be committed in the former sectors are specifically motivated by the victims' Croatian Serb origin, which has led to an exceptional feeling of insecurity amongst that group.

5. Many recent crimes in the former sectors have reportedly been committed by civilians. Indeed, some instances of looting have been attributed to families, including women and children, many of whom are Croat refugees from neighbouring Bosnia and Herzegovina who have recently been resettled in the area. Some of the most violent incidents, however, have been attributed to persons wearing Croatian military uniforms. One female Croatian Army soldier has reportedly directed several violent attacks by soldiers in the Knin area in recent months. On occasion, Croatian police officers have also been alleged to be involved in looting and other crimes.

6. Two persons have been killed in the former sectors since last August. On 11 September, in Bukovica, former Sector North, an elderly couple of mixed (Serb-Croat) origin were shot dead in their home; the building was then set on fire and the victims' corpses were thrown into the blaze. The Croatian police made two arrests in the case two weeks later. Another violent incident occurred on the night of 27 October in the village of Bukovic, near Benkovac, when two unknown persons broke into the house of a 60-year-old Serb woman, raped her and beat her severely before locking her in a closet. She required 12 days of hospitalization to recover from her injuries.

7. Looting of livestock, crops, firewood, building materials and other goods remains common, particularly in the Golubic and Plavno valley areas near Knin. The Chief of Police in Knin advised international observers on 25 September that

/...

some 12 vehicles had been seized and 30 persons, mostly Croat refugees, had been placed under investigation during the previous week for looting and other crimes. Croatian police and soldiers were reportedly involved in a series of thefts in the Plavno valley on 19 September. One of the victims, who had recorded the licence plate of a vehicle used by the looters, attempted to report the crime to the police but they refused to accept the complaint. She subsequently mailed it to the local police station.

8. During the night of 3 October, three armed and intoxicated Croatian soldiers were reported to have arrived in the hamlet of Bjedov (former Sector South) and ordered the few residents present to get out of their homes. The soldiers stole food and electrical appliances. A resident told an international observer the next day that she was ready to move to the Federal Republic of Yugoslavia. On 28 October, four persons, including two Croatian soldiers, accosted a couple on a road near Knin and stole 40 sheep from them. The incident was reported to the police who managed to convince the perpetrators to return the animals.

9. Several acts of arson against homes belonging to Croatian Serbs in the former sectors were reported in November, including an incident in Golubic and others in Svrackovo Selo, Plitvice and Brezovac. In Ocestovo (former Sector South) the school building in the centre of the town was set on fire on 25 September. On 23 August, a Serb Orthodox church in Karin (former Sector South) was blown up and on 17 September, a monument in Knin commemorating the Second World War was destroyed by a bomb.

10. In my last report I noted a spate of attacks and threats against non-governmental organizations engaged in human rights and humanitarian activities in the area. The most recent such incident involved a man who broke into the office of the Croatian non-governmental organization Homo in Vrhovine (former Sector South) during the night of 16 October and threatened and later beat two persons staying there. The victims managed to notify the police, who took the perpetrator, believed to be armed, into custody. Upon his release the next day, the man returned to the office, where he again threatened the occupants.

11. The return of law and order in the region has been delayed by the failure to re-establish a functioning court system, among other reasons. As of early September, only one judge was in office at the municipal court in Knin. Police officials have reported frustration at the courts' inability to handle even the few cases that are referred to them.

12. As for the investigation and prosecution of crimes committed against the Croatian Serb population during the summer of 1995, the Government has provided no new information to supplement the data contained in its report of 10 June 1996. That information indicated, inter alia, that criminal proceedings had been instigated or final verdicts reached against an aggregate of 2,849 persons for hundreds of crimes committed in the former sectors during the summer of 1995.<sup>2</sup> There has been no progress reported towards clarifying the 1995 killings of nine elderly Serbs at Varivode and seven in Gosic, following the acquittals in August 1996 of eight persons accused in those cases.<sup>3</sup> The Grubori

case, concerning the killing of five elderly Serbs in a hamlet in the Plavno valley in August 1995, remains similarly unresolved.

### III. HUMANITARIAN AND ECONOMIC SITUATION

13. Notable progress has been made in the Government's programme to meet the most urgent humanitarian needs of vulnerable persons, including unaccompanied elderly persons residing in the former sectors. Measures taken by the Government in cooperation with local and international relief agencies were assessed in a generally favourable manner by the Special Rapporteur in her report of 22 October to the Commission on Human Rights.<sup>4</sup> Special attention will have to be paid to this matter, however, with the imminent onset of winter when isolated persons will be at greatest risk.

14. The Government's programme "Let's Save Lives", conducted in association with the Croatian Red Cross, has been engaged in providing individualized care, surveying the general needs of the population, endeavouring to meet social security needs such as health insurance and pension benefits and establishing specialized care institutions. Important support has been provided by international humanitarian organizations including UNHCR, the International Federation of Red Cross and Red Crescent Societies, ICRC and Équilibre. The Government signed an agreement with the International Federation of Red Cross and Red Crescent Societies on 4 October for the jointly financed reconstruction of specialized care facilities, including a psychiatric hospital and a rehabilitation centre, which will have the capacity to care for some 700 persons. The Government reports that Équilibre is participating in a joint project to provide social documentation to elderly Croatian Serbs who remained in former Sector North.

15. According to the Government, the National Pension and Disability Insurance Fund is responding to the social welfare needs of the population through new branch offices established recently in the former sectors. According to official figures, a total of 5,069 applications for benefits had been filed as at 2 October, of which 4,745 (94 per cent) have been "solved". Reports from Sector West, however, indicate that several applications were not even accepted by the local offices because the applicants lack the citizenship certificates (domovnica). Such certificates have been difficult for Croatian Serbs to obtain. Regarding unemployment benefits, branch offices set up in the former sectors by the Croatian Labour Office had registered a total of 7,912 unemployed persons as at 3 October. The Government has indicated that those persons have the same rights and duties as other unemployed Croatian citizens.

16. Notwithstanding these measures, reports from the former sectors indicate that Croatian Serbs still suffer from discrimination in the provision of social benefits. Reconstruction assistance, for example, is still far more likely to be dispensed to citizens of Croat, as opposed to Serb origin. Utility services such as electricity and water, as well as transport lines to Croatian Serb communities, have been slow in materializing. Examples are the village of Cremusnica (in the Gvozd - formerly Vrginmost - municipality) and hamlets near Dabar. Applications for documentation by Croatian Serb individuals, including for recognition of citizenship, are frequently stalled for bureaucratic and

other reasons, while citizens of Croat origin find the process to be much swifter. In general, the large influx of Croat refugees and displaced persons into the former sectors, without a corresponding return of the Croatian Serb population, has resulted in a clear imbalance in the allocation of essential resources. The difficult situation faced by Croatian Serbs is further aggravated by the region's deep economic stagnation.

#### IV. RETURN OF CROATIAN SERB REFUGEES AND DISPLACED PERSONS

17. As many as 200,000 Croatian Serbs fled to the Federal Republic of Yugoslavia and Bosnia and Herzegovina following the 1995 Croatia military offensives in former Sectors West, North and South. Government figures indicate that the number of persons who have been granted official authorization to return to Croatia as at 12 October 1996 was approximately 12,000. The Government indicates that, in fact, a slightly higher number of Serbs may have returned to the country, including some through unofficial means. By contrast, some international observers suggest that the number of actual returns to Croatia may be far fewer than 12,000. This observation is based on allegations that some of the persons authorized to return are members of family units in which a single individual - typically an adult male of military age - has been denied permission to return to Croatia along with his family. These denials have caused entire families to remain outside the country until they can return to their homes together. In the past year, the UNHCR office in Belgrade has only been able to facilitate the return of just under 300 refugees to Croatia. It should be noted that while re-entry into Croatia by citizens of Croat nationality occurs routinely in most cases, the process is far more difficult for Croatian Serbs with equally defensible claims to citizenship.<sup>5</sup>

18. As far as returns to the former sectors themselves are concerned, international observers estimate the number of returnees to be some 3,000 persons. Many Croatian Serbs who have returned to Croatia have joined relatives in areas of the country outside the former sectors. Some 10,000 Croatian Serbs, mostly elderly persons, remained in the former sectors after last summer's military operations. Meanwhile, over 55,000 Croat displaced persons from elsewhere in the country and Croat refugees from Bosnia and Herzegovina and the Federal Republic of Yugoslavia have been resettled in the former sectors since early 1996, with more arriving every day. Whole towns have been designated for resettlement by Croat refugees, including Kistanje (former Sector South), predominantly Serb before the war. The town is now expected to receive more than 1,000 Croats from the Kosovo province in the Federal Republic of Yugoslavia. The Government stresses that it is caring for a high number of refugees and displaced persons, more than 350,000 altogether, whose rights to shelter, dignity and security require urgent attention.

19. The imbalance between the number of remaining and returning Croatian Serbs and the number of Croats resettled in the former sectors is a matter of concern, however, as is the change, perhaps irrevocable, in the demography of those regions. This imbalance has many evident causes, but one of the most fundamental, according to international observers, is simply the persistent hostility shown by local Croat authorities and residents to the return of Croatian Serbs. On many occasions observers have been told by locals that it is

/...

impossible for Croatian Serbs to return so soon after the events of five years of war. These feelings, compounded by bureaucratic and/or political obstacles, make the likelihood of a large-scale return of Croatian Serbs in the near future seem very remote indeed.

20. Nevertheless, the Government of Croatia insists that it is working actively toward the goal of return. A significant step in this direction was the signing at Belgrade on 23 August 1996 of the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, noted by the Security Council in its presidential statement of 20 September (S/PRST/1996/39). Pursuant to the Agreement, both parties assumed the obligation to facilitate the free and safe return of refugees and internally displaced persons to their places of origin or other places of their choice. According to the Government of Croatia, applications for return by refugees currently residing in the Federal Republic of Yugoslavia may now be submitted through the Croatian Embassy in Belgrade. The Government has stated that the conclusion of the Agreement will significantly facilitate the process of return of Croatian Serb refugees to Croatia, although it must be pointed out that progress on this issue to date, three months after the Agreement's signing, has been limited.

21. As I noted previously, the Government of Croatia has indicated that it will give priority to applications for return from relatives of elderly Croatian Serbs still in the former sectors who require the assistance of younger family members to lead a normal life. This approach had been advocated by international organizations concerned with return issues, including UNHCR and ICRC.

22. One aspect of the return question requiring special emphasis is the matter of property. Even when Croatian Serbs do manage to return to the former sectors, they frequently find their houses or apartments occupied by resettled Croat refugees and displaced persons. Although these occupations are often (although not always) initiated according to legal procedures, they are not normally envisioned to be permanent, and the return of a lawful owner should generally result in the reversion of his or her property. The process of allocation of unclaimed properties is overseen by local property commissions, which, as has been previously reported, vary greatly in their effectiveness in safeguarding property rights.

23. Dozens of cases have been reported throughout the region of returning Croatian Serbs who have been unable to obtain the assistance of local authorities in regaining possession of their homes. One Croatian Serb couple who had worked for some 30 years as teachers at the Knin primary school have been attempting to recover possession of their flat ever since their return from the Federal Republic of Yugoslavia in March 1996. On at least one occasion they were angrily derided by a local official as "Chetniks" (a derogatory term applied to Serbs) and thrown out of his office. In another case, the house belonging to a 68-year-old Croatian Serb from Gracac has been occupied by a Croat refugee from Kakanj, Bosnia and Herzegovina. When the owner requested help in the case from the local police, he was reportedly detained for a day for questioning and then released, with no action taken on his complaint. A violent occupation occurred in Knin on 8 November when several persons invaded a

69-year-old woman's house, forced her to leave by threatening her and then changed the property's lock. She is now pressing charges against the perpetrators but at the time of finalizing the present report she reportedly had still not been able to recover possession of the house.

24. The Government has called attention to provisions of the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia that provide for the return of possession of property or just and adequate compensation. The Government has advised that pursuant to the Agreement, a bilateral commission has been established with the task of implementing those provisions.

25. The question of returns, both of displaced Croatian Serbs and Croats, is a central consideration in the implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (A/50/757-S/1995/951, annex). Some visits of displaced Croatian Serbs currently residing in that region to their home communities elsewhere in the former sectors have taken place, with the involvement of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and UNHCR. While some of these initiatives have proceeded smoothly, others have not - as was the case, for example, with the visit by a group of Croatian Serbs from Bilje in the UNTAES-administered region on 11 October to former Sector North. Upon arrival in Glina their bus was attacked by a hostile mob, which included the mayor of Glina. It should also be noted that prospects for returns are further complicated by the continued presence of mines.

#### V. DETENTION AND THE QUESTION OF AMNESTY

26. On 20 September, the Parliament of Croatia passed a general amnesty law, which entered into force on 3 October. The terms of the legislation apply to persons accused of or sentenced for criminal acts committed in Croatia in connection with aggression, rebellion or armed conflict between 17 August 1990 and 23 August 1996. Under the law, criminal investigations or proceedings related to such acts are to be cancelled and any detained persons to whom the amnesty applies should be released. The legislation exempts from its coverage alleged perpetrators of war crimes, which are explicitly listed in the law with reference to articles 119 to 137 of the Basic Penal Code of Croatia. In its presidential statement of 20 September 1996, the Security Council welcomed the passage of the amnesty law, which it had previously recommended as a useful step toward promoting the peaceful reintegration in the country.

27. According to the Government of Croatia, as at 15 November, 94 persons had been released from detention or imprisonment on the basis of the new amnesty law. For those persons tried and convicted in absentia, a procedure for vacating the sentences is currently under way.

28. Recent information received by the field operation of the United Nations High Commissioner/Centre for Human Rights, however, strongly suggests that the amnesty law is not being implemented in a fair and equitable manner. More than 20 persons have been rearrested immediately or within days of their release. In some cases they are apparently being charged with war crimes for the same acts

/...

for which they had previously been held. These rearrests have caused apprehension among the Croatian Serb population both within and outside Croatia.

29. In addition, concerns have been raised about the cases of persons tried and convicted in absentia. Many of these persons are ignorant of the consequences they may face upon return to Croatia, especially if their convictions are not vacated by the Government pursuant to the amnesty. While the amnesty law stipulates that persons subject to imprisonment on the basis of in absentia convictions can request review of their cases, such action must be taken within the year following the effective date of the law, that is, by 3 October 1997. The difficulty of obtaining information concerning convictions in absentia means that returnees will remain fearful of possible arrest if they decide to return to Croatia, and that, if indeed they are arrested subsequent to 3 October 1997, the arrest may be irrevocable.

#### VI. LEGAL PROTECTION FOR THE CROATIAN SERB POPULATION

30. On 6 November 1996, Croatia was formally admitted as the fortieth member of the Council of Europe. The Government of Croatia signed the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, accepting thereby the competence of the European Commission and the European Court of Human Rights. Croatia also signed the Framework Convention for the Protection of National Minorities and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. It is hoped that these undertakings will have a significant impact on key areas of human rights affecting all citizens of Croatia, and Croatian Serbs in particular.

31. With a view to better implementation of the commitments it has undertaken in relation to the Council of Europe, the Government of Croatia has advised that, on 12 September, it established a formal working group, composed of both government representatives and independent experts, to examine the compatibility of Croatian law with the European Convention on Human Rights and Fundamental Freedoms and its Protocols.

32. The Government's decision of September 1995 by which it suspended certain provisions of the Constitutional Law on Human Rights affecting the rights of national minorities, principally of Croatian Serbs, remains in effect. The Government maintains, however, that the suspension has not affected core provisions of Croatian law relating to minority rights. In its aide-mémoire of 15 November 1996, the Government advised that, in order "to assure the full compliance and compatibility of the provisions of the Constitutional Law with relevant universal and regional instruments on minority rights standards", it had on 10 October established a working group for the revision of the Constitutional Law on Human Rights. The working group is to cooperate closely with the Council of Europe's Commission on Democracy through Law (the Venice Commission). The Government further advised that it had requested a review by experts from the Council of Europe of the country's draft law on education in ethnic or national minority languages.

33. Croatia continues to cooperate with the Organization for Security and Cooperation in Europe (OSCE), with which it has concluded a memorandum of

/...

understanding for a long-term monitoring mission in Croatia. Mission offices have already been established in Zagreb, Vukovar and Knin. The mission is concerned with a variety of questions, including conflict-prevention, confidence-building and human dimension issues.

34. Pursuant to the long-established cooperation between the Government and the United Nations High Commissioner/Centre for Human Rights, which has hitherto focused largely on supporting the work of the Special Rapporteur of the Commission on Human Rights, the Government has entered into discussions with the High Commissioner's office for the implementation of projects in the area of technical cooperation. In this regard representatives of the Centre for Human Rights undertook a mission to Croatia from 28 October to 2 November 1996 for the purpose of evaluating possible projects.

35. The Government has advised that it is proceeding with plans to restructure and expand the office of the ombudsman, principally through the appointment of 20 deputy regional officers. The Government also advised that it is establishing new institutions to strengthen the promotion and protection of human rights, including a governmental coordination body set up on 26 September, and a committee for the implementation of recommendations of the Fourth World Conference on Women and the World Summit on Children will be established soon, ostensibly to deal with the promotion and protection of the rights of women and children.

#### VII. COOPERATION WITH THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

36. According to information received from the Office of the Prosecutor, Croatia's cooperation with the International Tribunal leaves much to be desired and is currently producing little of substance. Practical arrangements for cooperation are currently in a state of flux. As of mid-November, the new Prosecutor, Judge Louise Arbour, had not met formally with senior Ministers to discuss the situation, but she planned to do so shortly. The Office of the Prosecutor has been informed that a major reorganization is taking place at key levels in the Ministries dealing with the Tribunal. Concern persists, however, since some four months have passed since the announcement of the establishment of a new government Department for Relations with the Tribunal. This organ, apparently intended to take over liaison from the War Crimes Commission, has not yet become operational, although some progress was made with the appointment in mid-November of a Head of Department. On 12 and 13 November, the Prosecutor's Liaison Office in Zagreb relocated from its present compound. An exchange of letters is under way to regulate the future status of the office, which hitherto had formed part of a larger United Nations presence in the country.

37. In the meantime, the Prosecutor is experiencing delays in obtaining responses from the Croatian authorities in relation to specific requests, including requests for assistance in the production of documentary evidence. The extent to which Croatia considers itself bound by "rules of the road" provisions of the Rome Agreement of 18 February 1996 is still unclear. In that regard the Prosecutor has been informed of the release of 16 Serbs under the

recent general amnesty law and their subsequent rearrest on other charges, which may fall within the framework of the Rome Agreement.

38. Although given access to a large number of case files, the Prosecutor has not been able to find evidence of any serious attempt by the Croatian authorities to investigate grave allegations made about the conduct of Croatian troops and civilians during and after Operation Storm in the former sectors in the summer of 1995.

39. The Croatian authorities have, however, cooperated fully with the Prosecutor in allowing autopsies of bodies removed in the course of the Ovchara/Vukovar hospital exhumations. Autopsies are to take place in Zagreb in the presence of Serb observers.

40. There has been no significant movement regarding the arrest of prominent accused persons, although the arrest of Zlatko Aleksovski in Split was an encouraging sign. His transfer to The Hague now depends upon the decision of the Minister of Justice, who, under Croatia's implementing legislation, "may temporarily postpone surrender due to an illness of the accused or other justified reason". The Prosecutor has been informed that Mr. Aleksovski has been admitted to hospital. Despite a number of recent diplomatic endeavours designed to impress upon the Croatian authorities their duty to fulfil international obligations, the indicted war crime suspects Dario Kordic and Ivica Rajic remain at large. Croatia's failure to apprehend them overshadows all other aspects of cooperation with the International Tribunal.

#### VIII. OBSERVATIONS

41. Although the security situation in the former sectors has improved slightly since my last report in August, ongoing looting and harassment, especially in the area around Knin, give continuing cause for concern. Prospects for improved confidence amongst the local Serb population are further harmed by the Government's lack of progress in investigating and resolving incidents of human rights violations that occurred in 1995. A legitimate question may be raised as to whether Croatian Serbs in the region will be able to re-establish the conditions of normal life in the near future.

42. As noted by the Special Rapporteur of the Commission on Human Rights and other observers, there have been some positive political developments in Croatia in the last several months. These include the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed at Belgrade on 23 August, which contains important human rights commitments, the adoption of the new Law on Amnesty on 25 September and the admission of Croatia to the Council of Europe on 6 November, entailing important obligations in the area of human rights. Encouragement may also be drawn from Croatia's programme of humanitarian assistance to vulnerable populations in the former sectors, although reports of discrimination against Croatian Serbs in gaining access to certain benefits require further close attention.

43. On the issue of the return of Croatian Serb refugees, little progress has been noted since my last report. Although the normalization agreement between

Croatia and the Federal Republic of Yugoslavia addresses this subject in a constructive way, it has not yet resulted in a material increase in the number of returns. In the former sectors themselves, it is clear that, owing to the legacy of five years of hostilities, many Croatian authorities and residents simply do not wish Croatian Serbs to return or, in the cases of Croatian Serbs who remained, do not wish them to stay. Continued delays in the return of Croatian Serbs is especially alarming with regard to the situation of elderly Serbs still residing in the former sectors. The absence of their younger family members will compound the difficulties they will have to face in the coming winter.

44. Two developments bode especially poorly for the prospect of future returns. The first is the Government of Croatia's continuing failure to safeguard property rights effectively. Many Croatian Serbs who have returned to the former sectors have found their homes occupied by Croat refugees and displaced persons and have been unable to regain possession of the properties. They are thus left with nowhere to live. It is to be hoped that the Government will move decisively to apply proper procedures to the question of property rights. A second development of great concern relates to the implementation of the new amnesty law. The rearrest of numerous persons, almost immediately following their release under the law, threatens to deprive the legislation of its value in building confidence and promoting reconciliation in Croatia.

45. Regarding the International Tribunal, there remain strong grounds for concern that the Government of Croatia is withholding its full cooperation, principally by failing to ensure the apprehension of indicted war-crime suspects believed to be in areas under its control. The Office of the Prosecutor advises, in addition, that it has not been able to find evidence of any serious attempt by the Croatian authorities to investigate grave allegations made about the conduct of Croatian soldiers and civilians during the 1995 military operations in Krajina and Western Slavonia.

#### Notes

<sup>1</sup> Special report on minorities (A/51/665-S/1996/931, annex) and periodic report (A/51/663-S/1996/927, annex).

<sup>2</sup> As I noted in my last report (S/1996/691), however, there are some problems to be found with the Government's figures.

<sup>3</sup> See para. 13 of my last report (S/1996/691).

<sup>4</sup> A/51/663-S/1996/927, annex, sect. II.

<sup>5</sup> The Special Rapporteur of the Commission on Human Rights has noted that, regardless of length of residence, Croatian Serbs encounter greater difficulties than Croatians of Croat nationality in obtaining recognition of citizenship, owing in part to the Law on Citizenship's requirement that an applicant be found to be "attached to the legal system and customs persisting in the Republic of Croatia and that he or she accepts the Croatian culture" (art. 8). (See A/51/665-S/1996/931, annex, para. 119.)