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REPORT OF THE SECRETARY-GENERAL SUBMITTED PURSUANT TO SECURITY COUNCIL RESOLUTION 1009 (1995)

I. INTRODUCTION

1. In paragraph 10 of its resolution 1009 (1995) of 10 August 1995, the Security Council requested the Secretary-General to report within three weeks of the adoption of that resolution on its implementation and on the implications of the situation for the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO. The present report, in conjunction with my report pursuant to paragraph 9 of resolution 981 (1995) of 3 August 1995 (S/1995/650) and my letter of 7 August 1995 (S/1995/666), is intended to assist the Council in its consideration of the implications for the mandate of UNCRO of the situation following the military offensive launched by the Government of Croatia on 4 August.

2. The present report reflects events up to 20 August 1995.

II. IMPLEMENTATION OF RESOLUTION 1009 (1995)

A. Military activities

3. Since my report of 3 August and my letter of 7 August 1995, neither party has ceased military actions, nor have they complied fully with relevant Council resolutions. Tensions have remained high, especially in Sector East, and the Croatian Army has not always prosecuted its campaigns with sufficient regard for the safety of United Nations personnel or Krajina Serb civilians.

4. As mentioned in my letter to the President of the Security Council of 7 August 1995 (S/1995/666), efforts to avoid the conflicts in July and early August through negotiations were met with delays and intransigence. Over the period from 29 July to 3 August 1995, my Special Representative, Mr. Yasushi Akashi, and the Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia, Mr. Thorvald Stoltenberg, made a series of attempts to avert the war. Their endeavours, however, did not

succeed, as both sides adopted irreconcilable positions. The Theatre Force Commander, Lt. Gen. Bernard Janvier, attempted to arrange a meeting between the military commanders of the Croatian Army and the Krajina Serb forces on 31 July, but the Croatian Army Commander did not attend.

5. On 4 August 1995, the Croatian Army launched the attack in Sectors North and South, and Knin fell on 5 August, following concentrated shelling. After Krajina Serb defences collapsed, 700 civilians took shelter in Sector South headquarters, and large numbers of displaced persons fled from Sector South to Bosnian Serb-held territory. Resistance was stronger in Sector North, particularly around Turanj and Petrinja. The Bosnian Army's 5th Corps launched a cross-border offensive against the Krajina Serbs in the Licko Petrovo Selo area, linking up with the Croatian Army in the area of Rakovica. The situation in Sector East became tense and some civilians departed the area, fearing that a Croatian offensive was imminent.

6. In Sector North, vigorous attempts on 7 August to conclude an agreement on the surrender of Krajina Serb elements collapsed when the Serbs tried to take heavy weapons systems with them as they withdrew. This led to continued fighting, with civilians and Krajina Serb troops intermixed on the withdrawal route, and avoidable casualties resulted. A cease-fire was however successfully concluded for the Topusko and Glina areas on 8 August, to come into effect the following day. It provided for the surrender of Serb heavy weapons, the withdrawal of Krajina Serb soldiers with side arms only, and the safe passage of civilians from the area. Deplorably, a convoy of displaced people from Sector North, whose movement had been sanctioned by the cease-fire agreement, was attacked by a mob of Croatian civilians in Sisak on 9 August. Large numbers of vehicles were damaged and many people injured. One woman died subsequently of her wounds. Croatian police, who were present at the scene, intervened only after pressure from United Nations civilian police monitors (UNCIVPOL).

7. Heavy fighting took place in the Dvor area, where Danish battalion elements reported that some of their members had witnessed the killing of disabled civilians by a military unit, the identity of which is unknown, in the town of Dvor. Subsequently, it was established that 11 persons had died at this site. This incident is being investigated by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

8. During the fighting between Croatian and Krajina Serb troops, there were several incidents in which the safety and welfare of United Nations troops were not sufficiently considered by the parties. For instance, a total of 98 United Nations observation posts were overrun and destroyed by the Croatian Army during its offensive in Sectors North and South. Reports indicate that Croatian soldiers directly and indirectly fired upon observation posts, arrested and temporarily disarmed United Nations soldiers and took United Nations equipment. In one particularly serious incident on 5 August 1995, several members of a United Nations battalion and a group of Krajina Serb prisoners were used as human shields by a unit of the Croatian Army, which forced them to walk ahead of its forward lines. In all, three United Nations peace-keepers died as a result of actions by Croatian troops during the offensive and one died as a result of action by Krajina Serbs. In addition, 16 peace-keepers were injured. These

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incidents have been vigorously protested by the United Nations Peace Forces (UNPF). The Foreign Minister of Croatia has indicated that Croatia will investigate incidents in which United Nations personnel were attacked. To date, no reports on these incidents have been received from the Croatian Government, although UNCRO has been requested to assist in investigating the incident of 5 August 1995. In response to the deteriorating military situation that was threatening the security of United Nations troops in Sector South, a request was made on 4 August 1995 for the air presence of the North Atlantic Treaty Organization (NATO) over the sector. This was granted by the Theatre Force Commander in order to deter hostile action against United Nations personnel.

B. Humanitarian situation and human rights violations

9. On 6 August, my Special Representative concluded a nine-point agreement with Mr. Hrvoje Sarinic, the head of the Croatian Commission for Relations with UNCRO, to allow the United Nations, together with other international organizations, to cope with the humanitarian difficulties caused by the Croatian offensive, to monitor the human rights situation and to permit the safe return of displaced persons (S/1995/666, annex III). The following day, my Special Representative visited Knin, where he received assurances from the Croatian Army commander in the area, General Cermak, that that agreement between the United Nations and Croatia would be respected. As the situation in Sector South began to stabilize, Croatian civilian authorities began to assert their control over the area and Croatian displaced people started returning to identify their homes. On 12 August, the Knin-Split railway began operating.

10. UNCRO's ability to move throughout Sectors North and South was greatly reduced during the Croatian offensive. It is thus difficult in many cases to determine if incidents were attributable to advancing Croatian forces, or to the actions of departing Serbs. It is also difficult to determine the extent to which the mass exodus of the Krajina Serb population was brought about by fear of Croatian forces, as opposed to a desire not to live under Croatian authority or encouragement by local leaders to depart. Consequently, little is known about what happened in some parts of the sectors during the offensive.

11. The mass exodus of the Krajina Serb population has created a humanitarian crisis of significant proportions. Only about 3,500 Krajina Serbs remain in the former Sector North and about 2,000 in the former Sector South; these estimates represent a small percentage of the former Krajina Serb population. Most of those leaving have fled to the Federal Republic of Yugoslavia (Serbia and Montenegro): the Office of the United Nations High Commissioner for Refugees (UNHCR) estimates their number to be above 150,000. Other refugees from the area are still in transit; the number who remain in the Banja Luka area at this point is estimated by UNHCR to be between 10,000 and 15,000. Another group of refugees, numbering approximately 21,000 and consisting largely of Bosnian Muslims from the former "Autonomous Province of Western Bosnia", led by Mr. Fikret Abdic, made its way north from Velika Kladusa into Croatia. Negotiations have taken place between the Government of Croatia and the Government of Bosnia and Herzegovina, together with representatives of the former "Autonomous Province of Western Bosnia", to determine the future of these refugees. Although an agreement was reached that they would return to the area

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of Velika Kladusa, there are indications that many of them are unwilling to do so without additional guarantees for their safety.

12. These large movements of people have had several troubling consequences. In Bosnia and Herzegovina, members of the minority (Croat and Muslim) communities in Banja Luka have begun to leave the area in large numbers, with more than 11,000 having crossed the Sava river as of 20 August 1995. There are credible reports of expulsions of non-Serb persons from their homes in that area. As Croats from Bosnia begin to move into Croatia, questions grow concerning the fate of the few Krajina Serbs who chose to remain and the right to return of those who fled.

13. Also of concern are reports that the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) intend to resettle a substantial number of the refugees from Krajina in Kosovo and Vojvodina. Officials from Bosnia and Herzegovina, Albania and the former Yugoslav Republic of Macedonia have all expressed concern that a significant resettlement of Krajina Serbs in these areas could have a destabilizing effect on the region as a whole.

14. Initial efforts to provide humanitarian relief to the nearly 200,000 persons displaced as a result of the Croatian offensive were sometimes blocked as a result of security concerns. The agreement between the United Nations and Croatia dated 6 August 1995 provided for full access by UNCRO and humanitarian organizations to the civilian population in Croatia. There have been many instances where local Croatian authorities have not respected the United Nations freedom of movement. The need for interventions with Croatian authorities to obtain freedom of movement has resulted in considerable delays to deliveries of humanitarian aid. For example, access to the large group of refugees from the Velika Kladusa area has been intermittent and the delivery of much-needed humanitarian assistance has been delayed.

15. As regards Bosnia and Herzegovina, humanitarian assistance to the large population of refugees in northern Bosnia has mostly had to be sent by the circuitous route through Belgrade to Banja Luka. Since 12 August, however, aircraft have been successfully used to expedite transport of aid to Banja Luka; the non-governmental organization (NGO) Médecins sans Frontières has delivered aid there by fixed-wing aircraft, while UNHCR has used transport helicopters from Zagreb. In the wake of the conflict, it has also become possible to open humanitarian aid routes to Bihac, thus alleviating long-standing shortages of aid in that area.

16. In response to the rapidly deteriorating humanitarian situation during and after the Croatian offensive, my Special Representative established a humanitarian crisis cell to collate information and coordinate responses. The Cell, composed of UNPF staff, communicates with all international agencies involved in humanitarian affairs and coordinates four recently created human rights action teams. On 7 August, the first of the teams, led by a staff member of the Centre for Human Rights of the United Nations Secretariat, was deployed to Knin. Pursuant to the agreement between the United Nations and Croatia dated 6 August 1995, the role of these teams is to report on the observance of human rights. Although the teams have reported that their freedom of movement improved substantially within the last several days, they had previously been

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denied access to areas and persons in circumstances where no reasonable justification was given by the Croatian authorities. For example, on 11 August 1995, members of a human rights action team were denied access to a cemetery outside Gracac in Sector South when bodies were seen to be being buried.

17. Since the beginning of the Croatian offensive, there have been numerous reports of houses and other property being set on fire and/or looted. Although there were no sightings of houses actually being set alight, many of the reports indicated that Croatian troops were in the close vicinity of the burning houses and in many of the areas in question all the inhabitants had already fled. On 8 August, for instance, United Nations civilian police reported that houses in ZaZvici, Djevske and Kistanje, in Sector South, were on fire. A human rights action team reported on 10 August that 35 to 40 houses along a 15-kilometre stretch of road south of Knin towards Drnis were burning; crops had also been set ablaze. Members of a United Nations battalion reported that on 10 and 11 August houses recently set on fire were observed in nine different villages in Sector South. In addition, they reported evidence of looting. On 13 August, a United Nations military observer observed a burning house in Topusko in Sector North; Croatian soldiers were standing by. As late as 15 August 1995, a human rights action team reported houses as having been freshly set ablaze in Mircete in Sector South.

18. In addition, there are a few reports of physical violence by Croatian authorities against members of the Krajina Serb population. For example, several United Nations personnel have given testimony that on 9 August 1995 they saw an elderly Serb civilian in the custody of Croatian police. About half an hour later, the civilian was found dead with numerous bullet wounds. A human rights action team reported a case involving a 62-year-old Serb male civilian who left the compound at UNCRO headquarters at Knin and returned to his flat. During the same afternoon, he was threatened and physically assaulted by one of four Croatian soldiers who entered the flat. The man then returned to the UNCRO compound where he sought medical attention.

19. Representatives of the International Committee of the Red Cross (ICRC) have reported favourably on the access they have been given to all persons detained by Croatian authorities in connection with the recent conflict. ICRC has been notified of persons detained by Croatian authorities and has so far registered more than 600 detainees. The majority of those originally detained have been released and many of those who remain in detention have been transferred from collective centres to district prisons.

C. Situation in and around Sector East

20. Following the launching of the Croatian offensive, the situation in Sector East deteriorated rapidly. The local Serb forces and the Croatian Army exchanged artillery, mortar and small arms fire, and elements from both sides deployed into the zone of separation. The Serb leadership in the Sector became increasingly tense and uncertain as events in Sectors North and South unfolded. The level of uncertainty was reflected in a breakdown of law and order which saw

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the hijacking of United Nations vehicles, harassment of United Nations personnel and the temporary detention of five Sector headquarters staff by Serb elements.

21. Both the Croatian Army and the local Serb forces have adopted an aggressive stance against UNCRO forces in Sector East. Sixteen United Nations observation posts have now been taken over; 14 by the Croatian Army and 2 by the Serb forces. In addition, both sides have fired on UNCRO positions, with one Russian soldier being wounded by direct fire from local Serb forces. The local Serb forces consider that a Croatian offensive remains imminent and are seeking to occupy tactically advantageous positions within the zone of separation. The Croatian forces appear to be positioning themselves to apply pressure upon the Sector by forcing UNCRO to evacuate its observation posts. A number of civilians have now left the Sector and the presence of "volunteers" from the Federal Republic of Yugoslavia (Serbia and Montenegro) has been reported. Between 9 and 12 August, some 600 to 700 Serb police personnel were observed entering Baranja in Sector East over the Batina bridge, but there is no information to identify where they came from. Adding to the tension is the reported presence of Yugoslav Army units on the Yugoslav side of the Danube. However, there is no evidence of the presence in the Sector of formed units from the Federal Republic of Yugoslavia (Serbia and Montenegro).

22. Severe restrictions on all United Nations movements are imposed by both sides. Local lawlessness further limits movements. These factors severely hamper not only the ability of UNCRO to implement its mandate, but also its ability to conduct such simple tasks as resupplying observation posts. Restrictions on movement have also prevented UNCRO from investigating allegations of troop build-ups. As a result, each side is reacting increasingly to rumours and there is the real risk of an incident igniting conflict that could spiral out of control. Considerable efforts are being made to restore stability, and in recent days, the tension appears to have relaxed owing to increasing restraint and cooperation by both parties.

D. "No-fly zone"

23. The monitoring of the "no-fly zone" over Bosnia and Herzegovina in accordance with resolutions 781 (1992) and 816 (1993) continued during and after the Croatian offensive. One hundred and eighty-four violations were recorded for the 11 days from 7 to 17 August, compared with 144 for the whole of August 1994. The increase is attributed to the Croatian offensive, with accompanying air operations in Bosnian airspace by all parties. The Bosnian Serbs launched an air attack on the Kutina chemical plant in Croatia on 6 August, and United Nations military observers deployed at Croatian airfields were able to confirm a Croatian air strike on 8 August against soldiers and civilians in the area of Dvor.

III. IMPLICATIONS FOR UNCRO

A. Immediate impact on the mandate

24. Events in Sectors North and South have had a major impact on UNCRO. With the collapse and departure of the political leadership and the armed forces of the Krajina Serbs, there is no longer a requirement, except in Sector East, to monitor or control the confrontation line, zone of separation, weapons storage sites and areas of limitation established by the cease-fire agreement of 29 March 1994 (S/1994/367, annex). Nor is there any longer a requirement for UNCRO to assist with economic projects across former confrontation lines, as set out in the economic agreement of 2 December 1994 (S/1994/1375, annex). Finally, again with the exception of Sector East, the Croatian Government has now established full control over its territory, as well as access to its international borders. The remaining aspects of the UNCRO mandate, including confidence-building, assisting in humanitarian activities, and the protection of refugees and displaced persons are now primarily the responsibility of the Croatian Government, and can in any case be performed without the presence of UNCRO infantry battalions.

25. In Sector East, on the other hand, the mandate of UNCRO remains essentially unchanged. Its implementation has, however, been seriously hampered by high levels of tension, lack of cooperation by both sides, and a volatile military situation that has persisted since the Croatian offensive into Sector West on 1 May 1995. As in the other sectors, the confidence that had been built since the cease-fire agreement of 29 March 1994 has been seriously undermined. Both sides have taken over UNCRO observation posts and restricted freedom of movement. Serious problems of law and order have led to repeated waves of vehicle hijacking in Sector East. A climate of mutual hostility and suspicion has blocked progress in restoring compliance with the zone of separation, and no progress has been made on local confidence-building measures or establishing the additional UNCRO posts along the international border as called for in Security Council resolutions 981 (1995) and 990 (1995).

26. If UNCRO's presence in Sector East is to be made effective, it is essential that both sides reaffirm their commitment to existing agreements and cooperate with UNCRO in stabilizing the military situation and reducing tension. In the present circumstances, with the parties unwilling to respect the provisions of Security Council resolutions 981 (1995) and 990 (1995), UNCRO's tasks cannot be implemented. Unless there is a significant change in the attitude of the parties, and much improved cooperation with UNCRO in enabling it to fulfil its existing mandate, including border monitoring and patrolling on both sides of the confrontation line, the continuation of UNCRO's current deployment in Sector East would be difficult to justify.

27. While the situation has deteriorated significantly in Sector East, and changed completely in the former sectors, UNCRO performs useful tasks in other parts of Croatia. The presence of military observers in the strategically sensitive Prevlaka area, as called for by Security Council resolution 779 (1992), is of major importance. With the consent of the Croatian Government, the military observers also investigate incidents of shelling around Dubrovnik, although the city is outside the demilitarized area defined by the

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Prevlaka agreement. Military observers also investigate incidents of shelling or air attacks along the north bank of the Sava river. This role, although not included in current mandates, is economical in manpower. It could, with the agreement and cooperation of the Governments and parties concerned, be extended to cover all border areas, thereby keeping the international community informed as the situation evolves in Bosnia and Herzegovina.

B. Reduction of UNCRO troop strength

28. In view of the situation described in paragraph 22 above, the former Sectors North, South and West no longer require infantry battalions, and UNCRO is therefore taking immediate action to reduce the operation's strength to within the currently authorized ceiling of 8,750 troops. It will be recalled from my report of 9 June 1995 (S/1995/467) that, following the offensive against Sector West, it had been impossible to implement the reduction of troop levels required by Security Council resolution 990 (1994). The repatriation of 4 battalions will reduce troop strength to approximately 8,000. In paragraph 32 below, I recommend an immediate start to repatriating all remaining battalions, except for the time being the two in Sector East. This would further reduce troop strength to below 2,500 by mid-November. Further reductions might thereafter be appropriate depending on the evolution of UNCRO's mandate and the results of current peace initiatives.

C. Ongoing consultations on the future of UNCRO

29. My Special Representative and the Theatre Force Commander, in an effort to lessen the tension in and around Sector East, met with President Milosevic of Serbia on 12 August. Mr. Akashi also met with the Krajina Serb leadership, represented by Mr. Babic and Mr. Pajic. During this meeting, Krajina Serb leaders expressed their gratitude for the United Nations efforts to prevent the conflict and aid the Krajina Serb civilian population during and after it.

30. My Special Representative has also conducted initial exploratory talks on the future of UNCRO with the Croatian Government, President Milosevic and local Serb representatives. However, further consultations and contact will have to take place with a view to obtaining support of all concerned for a revised mandate and convincing assurances of their readiness to cooperate in its implementation.

31. Neither of the parties has objected in principle to the continued application in Sector East of the cease-fire agreement of 29 March 1994. The Croatian Government has made effective monitoring by UNCRO of the international border in Sector East a precondition for UNCRO's continued performance of tasks set out in existing mandates there or elsewhere in Croatia, particularly in relation to human rights monitoring. It is the strong wish of the Croatian Government that UNCRO strengthen its presence along the border. President Milosevic, while not taking a position on UNCRO's presence along the international border, has suggested that the first step should be a de-escalation of tension in Sector East, accompanied by a disengagement of forces. Local Serb leaders did not exclude any of the proposals made on behalf

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of my Special Representative in discussions on 20 August 1995, but raised conditions that require further discussion.

IV. OBSERVATIONS

32. Croatia's reintegration by force of the former Sectors West, South and North has eliminated the need for infantry battalions in these areas. The inability of the troops deployed to affect the course of events there creates some doubt about the continued usefulness of battalions in Sector East, unless there is a concerted effort by both sides to support the implementation of the UNCRO mandate, abide by the 29 March 1994 cease-fire agreement, and negotiate a lasting settlement. The Theatre Force Commander has therefore initiated the immediate reduction of UNCRO's troop strength to within the level authorized by the Security Council in its resolution 990 (1995). I recommend that the Security Council approve the further repatriation, during the remainder of the present mandate, of all remaining battalions, except the two in Sector East.

33. UNCRO's immediate task in Sector East is to try to re-establish the regime created by the cease-fire agreement of 29 March 1994. If that can be achieved, I am inclined to think that there will be a continuing role for United Nations forces (infantry, logistics units and military observers) in Sector East. But I would so recommend only if a new spirit of cooperation is demonstrated by the parties. This will require, inter alia, that they give UNCRO unrestricted freedom of movement, return all seized observation posts and put a complete stop to the hijacking of United Nations vehicles. I have instructed my Special Representative to pursue consultations urgently with the Croatian Government and the local Serb leadership in order to define in detail a possible mandate for UNCRO on these lines that I could recommend to the Security Council.

34. I have also instructed my Special Representative to discuss with the Croatian Government what tasks, if any, it would be useful for UNCRO to continue to perform elsewhere in Croatia. Such tasks could include:

(a) Monitoring and good offices in relation to the Prevlaka peninsula and Dubrovnik;

(b) Monitoring of Croatia's international border with Bosnia and Herzegovina;

(c) Monitoring of the Croatian police and other matters relating to human rights in those parts of Croatia in which a minority Serb community remains.

Pending the conclusion of my Special Representative's consultations, I have instructed him and the Theatre Force Commander to use UNCRO's existing assets in the former Sectors North, South and West, and elsewhere in Croatia, to continue to perform such of the above tasks as seem to them useful and feasible and are accepted by the Croatian Government.

35. I shall report with my recommendations to the Security Council as soon as my Special Representative's consultations reach a conclusion.

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36. I do not at present recommend any changes in the other elements of the United Nations presence in Croatia, namely the headquarters of UNPF in Zagreb and the logistics bases there and elsewhere, which provide support and transit facilities for United Nations operations throughout the theatre. Their presence and functioning in Croatia is regulated by, inter alia, the status of forces agreement concluded on 15 May 1995 by the Government of Croatia and the United Nations.

37. Although the conclusion of the agreement was welcomed as a positive step, I regret that, at the time of writing, the Government of Croatia has yet to implement fully various of its provisions such as making available the necessary premises free of rent and making arrangements to exempt the United Nations forces and operations from various taxes and tolls. As indicated in paragraph 55 of my report of 22 March 1995 (S/1995/222), the amounts are substantial, running at the rate of about \$US 2 million a month for taxes and fuel alone. Despite repeated requests at various levels, the Government of Croatia has so far not honoured its commitments in this regard.

38. I should like to pay tribute to my Special Representative, Mr. Yasushi Akashi, the Theatre Force Commander, Lt. Gen. Bernard Janvier, and the brave men and women of UNCRO who have served the mission with courage and distinction during the recent difficult period. I also pay tribute to the efforts of the United Nations Co-Chairman of the International Conference on the Former Yugoslavia, Mr. Thorvald Stoltenberg.
