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LETTER DATED 14 SEPTEMBER 1995 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit, enclosed herewith, a letter dated 12 September 1995 from H.E. Mr. Radoje Kontić, Prime Minister of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if you would have the present letter and its annexes circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

Annex

I express deep concern at Croatia's gross violation of United Nations Security Council resolution 1009 (1995) of 10 August 1995 and, by that act, of the basic human rights of the Serbian people, expelled by the Croatian aggression on the Republic of Serbian Krajina. By its continued destruction and looting of the property belonging to Serbs and by the adoption of the "Decree of the Government of Croatia on the Temporary Seizure and Management of Certain Property" of 31 August 1995 (which entered into force on 4 September 1995), Croatia is in outright breach of the provisions of the said resolution, which, in its paragraph 2, demands that the Government of the Republic of Croatia, in conformity with internationally recognized standards and in compliance with the agreement of 6 August 1995 between the Republic of Croatia and the United Nations Peace Forces (a) respect fully the rights of the local Serb population including their rights to remain, leave or return in safety, (b) allow access to this population by international humanitarian organizations, and (c) create conditions conducive to the return of those persons who have left their homes.

The adoption of the said Decree by the Croatian Government is an act without precedent in present-day international practice. It is yet another instrument of the implementation of the Croatian policy of ethnic cleansing, aimed at finally eliminating the Serbs from the Republic of Serbian Krajina and Croatia.

The provisions of the Decree provide for "temporary seizure, use, management and control" of the overall movable and immovable property of the expelled Serbs. From the text of the Decree, it is evident that the real intention is to settle Croats on the estates of Serbs who had left them under the armed pressure of the Croatian army. The effect of this all is to prevent the expelled Serbs from returning to their homes and to change completely the ethnic composition of the population. The next legal consequence, according to the Decree, will be a definitive seizure of the property of the expelled Serbs. In this way, Croatia grossly violates the generally accepted rule of inviolability of private property in the case of territorial changes, thus setting a dangerous precedent in international law with far-reaching consequences for the peace process and for the return of the expelled Serbs from the Republic of Serbian Krajina and Croatia, in particular, as guaranteed by Security Council resolution 1009 (1995).

I recall that the provisions of the Decree are applicable also to the property of the citizens of the Federal Republic of Yugoslavia, as well as of the Serbs living in the territory of the Republic of Srpska, which extends its discriminatory nature.

The forcible expulsion of the Serbs who lived for centuries in the territories of the Republic of Serbian Krajina and Croatia led to the exodus of about half a million Serbs from these areas, which resulted in a humanitarian catastrophe and a wave of human tragedy which fell, with all its ferocity, on the shoulders of the Federal Republic of Yugoslavia, itself in a very difficult position because of unjust United Nations sanctions.

Bearing all this in mind, I request that you start an immediate initiative to protect urgently the movable and immovable property of the Serbs who left the territories of the Republic of Serbian Krajina and Croatia, as well as the property of the citizens of the Federal Republic of Yugoslavia in the territory covered by the said Decree. I also deem it necessary for the Security Council to initiate decisive action to prevent the seizure of property on the basis of ethnic origin, which is unprecedented in the present-day international community and contrary to international law. In particular, it is contrary to the provisions of the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, which explicitly prohibit discrimination on the basis of ethnic origin.

Considering that the destruction and looting of the property of the Serbs have been legalized by the said Croatian Decree, the translation of which is enclosed herewith, and that it is the intention of the Croatian authorities to adopt new legal regulations in this respect, I request the Security Council to prevent by its urgent action these acts of the continuation of the practice of the ethnic cleansing of the Serbian people. In this context, I request that you start an initiative to have the Security Council adopt a decision on extending the mandate of the United Nations peace forces in Croatia to include also the protection of the property and goods of Serbs, until a final peace solution for all territories of the former Yugoslavia is reached, in order to ensure that the human rights of the Serbian people are fully protected and to prevent the policy of ethnic cleansing. I also request that this protection include the vital record books and land registers, which are a condition for the realization of the civil and property rights of Serbs. I request the United Nations to obligate Croatia to protect vital record books and land registers as well as all other documents proving the said rights of Serbs. At the same time I request the Security Council to establish an obligation by the Croatian authorities to compensate the Serbs for all the property that they have had destroyed or looted since 1990.

Convinced that you will show understanding and readiness to respect the facts that I have presented, I request you once again to take urgent measures within the United Nations that would prevent a more aggressive policy of Croatia.

Radoje Kantić