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Situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia

Note by the Secretary-General

Addendum

The present addendum updates, as of 25 October 1998, the information contained in the report submitted by Jiri Dienstbier, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (A/53/322), in accordance with General Assembly resolution 52/147 of 12 December 1997 and Economic and Social Council decision 1998/272 of 30 July 1998. Pursuant to the requests of the Commission on Human Rights and the Council, the report will also be made available to the members of the Security Council and the Organization for Security and Cooperation in Europe.

Annex

Addendum to the report prepared by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Bosnia and Herzegovina	1–17	3
A. Return of refugees and displaced persons	1–3	3
B. Property rights and legislation	4–6	3
C. Police reform	7	3
D. Judicial reform	8–10	3
E. Missing persons	11	4
F. National elections of 12–13 September	12–15	4
G. Kosovo refugees	16–17	5
II. Republic of Croatia	18–29	5
A. Right to life and personal security	18	5
B. Right to return	19–20	5
C. Administration of justice	21–22	5
D. Freedom of expression	23–24	6
E. Gender issues	25–27	6
F. Danube region	28–29	6
III. Federal Republic of Yugoslavia	30–44	6
A. Kosovo	31–37	7
B. Sandzak	38	8
C. Montenegro	39	8
D. Restrictions on Serbian media	40	9
E. Serbian law on universities	41	9
F. Update on cases noted by the Special Rapporteur	42–44	9

I. Bosnia and Herzegovina

A. Return of refugees and displaced persons

1. As of early October, an estimated 81,500 refugees and displaced persons had returned to their homes in Bosnia and Herzegovina. Despite the willingness of an increasing number of refugees and displaced persons to return home, pockets of entrenched political opposition to the right to return continue to block larger-scale returns. Minority return figures are particularly low, and the need for temporary housing for them, because their houses continue to be occupied, creates additional tension. The arrival of almost 9,000 refugees from Kosovo has placed an additional burden on the State, which must find places for them to live, and may have a negative impact on the minority return process.

2. Serious return-related incidents continue to be reported throughout the country. In Capljina, Federation of Bosnia and Herzegovina (Bosnian Croat-controlled), several explosions occurred on 1 October as a group of Bosniak displaced persons tried to return, killing one Bosniak returnee and seriously wounding two others. The local police failed to provide security for the returnees, necessitating the intervention of the Multinational Specialized Unit of the Stabilization Force, a new specialized riot-control unit.

3. Explosions and fires targeting the property of returnees have occurred recently in Bosanska Gradiska, Republika Srpska (RS), Kotor Varos (RS), Dvar (Federation) and Stolac (Federation), creating an overall climate of insecurity. Returnees have expressed their lack of confidence in the local police: in many cases, the police have been responsible for obstructing returns or for failing to investigate such abuses.

B. Property rights and legislation

4. Implementation of the new Federation property laws (under which claims for repossession of apartments must be lodged with housing authorities in the municipality where the apartment is located) has revealed the inadequacies of the municipalities in processing the claims. Continuous obstruction and improper practices by municipal officials in the Federation have led the High Representative to extend by six months the 4 October 1998 deadline for submitting claims. Also, despite a massive public information campaign on the property legislation undertaken by the international community, there is still confusion about the process, particularly in the Republika Srpska and the Federal Republic

of Yugoslavia, where many refugees and displaced persons currently reside.

5. The Republika Srpska government still has failed to adopt property laws comparable to those adopted in the Federation. The previous government had claimed that it was politically difficult to press ahead with this issue before the September 1998 elections. RS housing authorities continue to apply the wartime legislation on abandoned property, which is detrimental to the rights of original owners as well as to holders of occupancy rights and constitutes a serious impediment to return.

6. Some progress in Banja Luka (RS) has been made with respect to the reinstatement of ethnic minorities to their property. In the past three weeks, 15 court-ordered evictions were successfully carried out, which resulted in the reinstatement of several "floaters" (i.e., Bosniaks and Croats forcibly evicted from their homes in 1995 who never left Banja Luka). However, this positive development has required repeated interventions and pressure by the international community, and thus cannot be said to necessarily reflect a change of policy of the RS government with respect to minority returns.

C. Police reform

7. The establishment of multi-ethnic police forces throughout Bosnia and Herzegovina is fundamental to the sustainability of large-scale returns. According to the United Nations Mission in Bosnia and Herzegovina (UNMIBH), the level of minority police representation is still unsatisfactory. As of October 1998, Bosnian Serb police officers constitute only 1.17 per cent of the Federation police forces. In the Republika Srpska, Bosniaks and Bosnian Croats constitute 2.77 per cent of the total RS police forces. UNMIBH has stated that recruitment and return of minority police will be one of its primary goals for 1998 and 1999.

D. Judicial reform

8. In a joint press statement, the Office of the High Representative, the Office of the United Nations High Commissioner for Human Rights and the Organization for Security and Cooperation in Europe (OSCE) expressed their serious concern about the fairness of the trial of Ibrahim Djedovic, convicted on charges of war crimes against the civilian population and sentenced to 10 years' imprisonment by the Sarajevo Cantonal Court on 6 October 1998. Among the irregularities observed was the violation of the right to

legal counsel, as provided in article 6, paragraph 3 (b) and (c), of the European Convention on Human Rights, which is directly applicable under Bosnian law. Proceedings in the main trial were also fundamentally flawed, with the court summarily rejecting 30 defence witnesses, also a violation of the European Convention. The failure to adhere to basic fair trial standards set forth in the European Convention seriously calls into question the impartiality of the court, the statement read.

9. Progress in the implementation of the memorandum of understanding on legal assistance between the entities, signed on 20 May 1998, was made in connection with two ongoing war crimes trials taking place in the Federation. In the *Andric* case, a re-enactment of the crime was conducted in the RS by the Sarajevo Cantonal Court. In the *Vasic* case, the Sarajevo Cantonal Court agreed to examine the witnesses for the defence – all of whom reside in the Republika Srpska and refuse to testify in Sarajevo – in the Srpsko Sarajevo District Court in the Republika Srpska.

10. A survey of the judicial personnel structure in the Republika Srpska conducted by the Office of the United Nations High Commissioner for Human Rights found that 67 per cent of juridical positions in the RS court system were currently filled, as were 74 per cent in the primary courts and 47 per cent in the district courts. With respect to the ethnic composition of the judicial staff, the survey found that 4.6 per cent of the positions at the primary court level and 2.1 per cent at the district court level were occupied by non-Bosnian Serbs.

E. Missing persons

11. The joint exhumation process is continuing, with the local commissions (made up of Bosniaks, Serbs and Croats) working well. As of October 1998, over 1,000 bodies had been exhumed, which is almost twice the number in the previous two years combined. In October, the largest mass grave to date in Bosnia and Herzegovina was discovered in Glumina, Zvornik municipality (RS). The remains of 274 Bosniaks were exhumed and are now undergoing identification. The victims were allegedly killed by Serbs on 21 May 1992. Exhumations of mass graves in the Prijedor area (RS) are also continuing. Over the past two months, the remains of 375 Bosniaks and Croats have been exhumed in the villages of Kosarac, Kamicani, Carakovo, Hambarine, Brisevo, Biscane, Zecovi and Ljubija.

F. National elections of 12–13 September

12. On 25 September, OSCE announced the results of the 12–13 September elections for the Joint Presidency of Bosnia and Herzegovina, the RS National Assembly, the Bosnia and Herzegovina House of Representatives, 10 cantonal assemblies and 11 municipal elections. The High Representative, Carlos Westendorp, told the press that, overall, the elections marked a positive trend towards moderation and political pluralism. The elections took place peacefully, with very few security-related incidents.

13. Elections to the Joint Presidency of Bosnia and Herzegovina confirmed the incumbent, Alija Izetbegovic, as the Bosniak member, and Croatian Democratic Union (HDZ) President (and outgoing Federation Minister of Defence) Ante Jelavic as the Croat member (defeating the more moderate Kresimir Zubak of the New Croatian Initiative). In the election for the Serb member of the Bosnia and Herzegovina Presidency, Sloga candidate Zivko Radisic defeated the incumbent, Momcilo Krajisnik. According to international observers, the election of Mr. Radisic is likely to facilitate the working of the joint institutions and will constitute a dramatic change from his predecessor, Mr. Krajisnik, who was a hardliner and an uncompromising obstructionist.

14. For the RS presidency, the incumbent, Biljana Plavsic, lost to the President of the Serb Radical Party, Nikola Poplasen, by less than 40,000 votes. While some observers believe that Mr. Poplasen's victory may constitute a rejection of "multi-ethnicity" and a return to the past, Mr. Poplasen declared in a public interview with the Bosnian newspaper *Dani* that he "insists on the implementation of Dayton" and that he "will defend Serb national interests without harming those of the Bosniak Muslims or Croats and without harming the other entity". The composition of a new RS government will have an influence on the ability of Mr. Poplasen to carry out his own agenda. The choice of Prime Minister has to be confirmed by a majority of the RS National Assembly, where no single party or coalition of parties obtained sufficient votes to form a majority. It is therefore to be expected that the Sloga coalition parties will have a key role in the designation of the new RS Prime Minister.

15. In the Federation House of Representatives, the main Bosniak party, the Party for Democratic Action (SDA) won 47.9 per cent of the seats and will no longer hold an absolute majority. Similarly, the HDZ lost 8 of its 36 seats and now holds 19.7 per cent, down from 25.3 per cent. In the cantons, the New Croat Initiative party (led by Kresimir Zubak) made some progress in a number of areas as did the Social

Democratic opposition, which considerably increased its presence in some areas.

G. Kosovo refugees

16. Since early March, after the first police operation conducted by the Serb Special Police forces in Kosovo, refugees from Kosovo started arriving in Bosnia and Herzegovina. As of early October, the Office of the United Nations High Commissioner for Refugees (UNHCR) had registered 9,000 refugees (almost exclusively in the Federation). While most of the refugees are either staying with relatives or friends or occupying empty houses, a growing number are being accommodated by UNHCR in collective centres.

17. On 1 October, the Council of Ministers of Bosnia and Herzegovina signed instructions on the temporary admission of refugees from Kosovo, which provide for temporary protection. The instructions regulate, in accordance with international refugee and human rights law, *inter alia*, their admission in safety and protection against refoulement without discrimination, as long as the crisis in the Federal Republic of Yugoslavia continues.

II. Republic of Croatia

A. Right to life and personal security

18. On 3 September, an Italian tourist died as a result of police brutality that caused contusions and haemorrhaging in the brain. According to the Croatian information agency HINA, on 1 September, the police inflicted serious physical injury on the tourist while arresting him. HINA later reported that "on September 2, seven police officers beat up [the Italian tourist] who died from injuries the following day in Split hospital". It remains unclear when exactly the person was subjected to ill-treatment. It is also doubtful whether the victim was given prompt medical treatment, which might have saved his life. The case resulted in the dismissal of three senior police officials from the county where the incident occurred.

B. Right to return

19. Although progress in the implementation of the Government's programme for the return and accommodation of displaced persons, refugees and resettled persons has been

generally uneven, there have been some positive recent developments. In regard to the existing discriminatory legal provisions that impede return and repossession of property, the Government, in a meeting on 21 October with international representatives, provided assurances that it would work with experts of the international community to amend current laws, such as the Law on Areas of Special State Concern, to ensure equal treatment of all those accorded returnee status. Secondly, the Government has begun issuing temporary green cards, valid for one month, to all those returning through the auspices of the Joint Working Group. This temporary returnee status will make it easier for assisted returnees to have access to rights and benefits while they wait for their identification and other documents. Meanwhile, the housing commissions in municipalities are still not implementing the return programme in a satisfactory manner, with the problem appearing to be a lack of clear instructions from national authorities.

20. Since the endorsement by the Croatian Parliament on 26 June 1998 of the return programme, a total of 2,238 persons have returned to Croatia. Of this number, 1,331 returned under the Joint Working Group, and the rest "spontaneously".

C. Administration of justice

21. On 1 October, at the conclusion of controversial disciplinary proceedings, the State Judicial Council (*Drzavno Sudbeno Vijece*) ruled in favour of the final dismissal of the former President of the Supreme Court of Croatia, Krunoslav Olujic, who can now lodge an appeal with the House of Counties. Questions were raised as to whether Mr. Olujic's right to defence had been curtailed.

22. Regarding war crimes, in the ongoing trial of Goran Vusurovic, another hearing, scheduled to take place from 1 to 3 September 1998, was postponed. In the related case of the so-called Sodalovci group, in line with an agreement with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), four defendants were granted a retrial without being subjected to detention – which would normally be mandatory for the charges they are facing. The remaining indictees are still at large. The trial, which began on 10 September, is continuing.

D. Freedom of expression

23. Government control of the electronic media, as well as indirect pressure on press freedom, of both an economic and

a legal nature, remains a major concern. On 19 October, the European Union, OSCE and the United States Embassy in Croatia presented to the Government a “non-paper” on the media. Among the highlighted areas of concern were the following: the need for legal amendments to transform Croatian Radio Television (HRT) into a public service broadcaster; the removal of obstacles to the development of private-sector media, which would include the privatization of the third television channel; the termination of the monopoly on the distribution network for private print media, which has close ties to the ruling party; and the cessation of the use of defamation legislation to silence the media and their journalists.

24. The “non-paper”, whose contents have the support of the Special Rapporteur, emphasizes that the transformation of HRT into a public service broadcaster requires a number of key legal amendments, in line with the recommendations proposed by the experts of the Council of Europe. These include provisions concerning representation on the HRT Council and the appointment procedures; the appointment by the HRT Council – as opposed to the Parliament – of the Managing Director and Supervisory Board; the determination of subscription fees by the HRT Council; the prohibition of personnel in positions of management or editorial responsibility from holding political party office or being candidates for the same; and a possible privatization of the transmission network of HRT.

E. Gender issues

25. Croatia has developed a praiseworthy national policy on the promotion of equality, to be implemented by the Commission for Issues of Equality, established in May 1996, in compliance with the Convention on the Elimination of All Forms of Discrimination against Women. Certain doubts still arise, however, in relation to gender issues.

26. The new Criminal Code, which came into force in 1998, contains provisions that seem inadequate to protect certain rights of women. Specifically, provisions referring to the prosecution of cases of domestic violence, as prescribed in article 102, paragraph 2, of the Code, for the criminal act of inflicting physical injury, and for the criminal act of rape (art. 188, para. 5), state that when perpetrated within the family (except against children) or among partners, these acts will be prosecuted only following a motion by the victim; the former Criminal Code provided for ex officio prosecution for the same crimes. Under the new law neither physicians nor the police are legally obliged to report severe physical injury to the State attorney. These changes in the Criminal Code are

reason for serious concern, especially in the light of information received from women’s non-governmental organizations that domestic violence is on the rise in Croatia.

27. Women face unequal representation in public, political and economic life. Women’s participation in the national Parliament and in regional and municipal political structures has dropped significantly since 1990, a trend that was confirmed in the 1997 municipal, regional and parliamentary elections.

F. Danube region

28. On 15 October, the United Nations Police Support Group ended its mission. The police monitoring role was taken over by OSCE. Both missions have reported an improvement in the overall security situation, although sporadic episodes of ethnically motivated violence still occur.

29. A series of highly publicized incidents of ethnic intolerance have marred the life of schoolchildren in the Danube region. Serb students have been accused of several ethnically coloured abuses against their Croat fellows and of vilification of Croatian symbols. Serbs, on the other hand, complain that the media do not give comparable attention to similar incidents perpetrated by Croats. However, there seems to be unanimity on one point: these incidents reflect what the children are hearing at home, a sad indication that national reconciliation remains a distant goal.

III. Federal Republic of Yugoslavia

30. From August through October 1998 human rights concerns in the Federal Republic of Yugoslavia have focused on the crisis in Kosovo and its effects in other parts of the country. During this period, the Special Rapporteur visited the Federal Republic of Yugoslavia twice. From 10 to 21 September, the Special Rapporteur conducted a comprehensive field mission, during which he travelled through Montenegro, Sandzak and Kosovo. Shortly after the signing of the “Milosevic-Holbrooke” agreement and the agreement with OSCE creating the Kosovo Verification Mission, the Special Rapporteur returned to the country on 21 October and remained there until 29 October, focusing on the rapidly evolving developments in Kosovo and on the situation of the media in Serbia in the wake of government restrictions on independent newspapers and radio stations.

A. Kosovo

31. Of his last 19 days on mission in the Federal Republic, the Special Rapporteur spent over a week in Kosovo, where he met government officials and Kosovo Albanian representatives in Pristina, and travelled to Pec, Decani and Prilep and to the Drenica region. Except in urban Pec, he observed signs of use of heavy weapons against isolated houses and entire villages, as well as clear evidence of looting and post-military-operation destruction of property. Government representatives in Pristina admitted in discussions with the Special Rapporteur that in some places, such as Malisevo, government forces had indeed engaged in deliberate and retaliatory destruction and looting of property owned by ethnic Albanians. The Special Rapporteur accompanied a delivery of humanitarian assistance to internally displaced persons in the Drenica region, where he encountered persons encamped about 1 kilometre outside their village, who acknowledged that, although some had attempted to return, they could not return to destroyed properties and expressed fears for their security.

32. A high proportion of civilian casualties has marked the conflict in Kosovo, a region where 47 per cent of the population is under the age of 18. The population of internally displaced persons is overwhelmingly made up of women and children, and women and children number high among the killed and wounded. In the process of return, which has begun in some measure at this writing, women and children are treated differently. Returnees and government officials have described to the Special Rapporteur large-scale "screening" operations, in which police divide the men from the women and children as they attempt to return to their villages. The men are detained for periods ranging from several hours to several days, subjected to interrogation and paraffin glove tests, and those who are not arrested on site are permitted to return. Returnees and detainees have described indiscriminate beatings and ill-treatment during "screening".

33. Recent months have been marked by more discoveries of concentrations of corpses and evidence of massacres, including the massacre of Serb and Albanian civilians. Serbian authorities announced that, on 27 August, in the village of Klecka, they discovered in a makeshift crematorium what they believe to be the remains of civilians abducted and then killed by the Kosovo Liberation Army (KLA). The exact number, identity, age and sex of the persons who died at Klecka have yet to be determined. Shortly after the discovery of the Klecka site, the remains of at least 39 persons were discovered in nearby Glodjane, where exhumation continues. On 29 September, the bodies of 14 Kosovo Albanians, including six women, six children and two elderly men, were found in a forest near Gornje Obrinje in the Drenica region.

International observers who went to the scene reported that some of the bodies had been heavily mutilated, most had been shot in the head at close range, and their throats had been slit. There are reports that on 26 September another 14 Kosovo Albanian men were killed in Golubovac, near Gornje Obrinje. In early October, police discovered the remains of four persons believed to have been abducted by the KLA in a pit close to the Volujak copper mine near Klina. Two more bodies were found on 4 October near Gremnik.

34. The need for independent investigations into these crimes is urgent. Lately, as a result of efforts by the European Union and other international organizations, including the Office of the United Nations High Commissioner for Human Rights and the International Tribunal for the Former Yugoslavia, and the Government of the Federal Republic of Yugoslavia, some progress has been made to initiate independent investigations into these alleged arbitrary killings. On 20 October, a team of experts from the Institute of Forensic Medicine at Helsinki University arrived in Belgrade, following clarification of the experts' terms of reference in contacts between the Ministries of Foreign Affairs of the two countries.

35. The Special Rapporteur remains concerned about the fate of the Serb, Kosovo Albanian and Roma civilians and Serbian police officers abducted by armed Kosovo Albanians, believed to be the KLA, and has appealed directly for their release. According to information received from the authorities of the Federal Republic of Yugoslavia, 249 civilians and police have been abducted by the KLA. Ninety-two of these persons were released, 9 escaped and 29 have been found dead. The International Committee of the Red Cross reports that it is currently following some 140 cases of abductions. At this writing, the political spokesperson for the KLA has announced that two State news agency journalists abducted in mid-October are alive and being interrogated about their activities.

36. The Special Rapporteur cites the continuing disregard of both domestic and international standards pertaining to police conduct and treatment of detainees, illustrated by a growing number of cases of arbitrary detention and systematic ill-treatment, abuse and torture, including five deaths in custody. These serious violations occur whether persons are held in pre-arraignment custody under the auspices of the Ministry of the Interior, or in investigative detention and after court sentencing under the auspices of the Ministry of Justice. In his discussions with the Serbian Minister of Justice and with local authorities in Pristina, the Special Rapporteur strongly emphasized the urgent need to end impunity for security officials and others responsible for human rights abuses. He regrets that the Serbian Minister of the Interior,

with whom the Special Rapporteur would have liked to discuss these matters, was not available to speak with him in September.

37. The Serbian Ministry of Justice has confirmed to the Special Rapporteur that more than 1,500 persons, including 500 *in absentia*, are currently being investigated under suspicion of involvement in anti-State activities and in activities of the KLA. Trials on criminal charges related to terrorism and anti-State activity began in the district court of Prizren, resulting so far in the conviction and sentencing of all those charged. Starting on 22 October, such trials in Prizren have been scheduled every other weekday through the end of October and into November. The Office of the United Nations High Commissioner for Human Rights monitors these proceedings throughout Kosovo. Court officials, including prosecutors, confirmed to the Special Rapporteur that they have received no instructions on implementation of points 11 and 12, covering amnesty, of the Milosevic-Holbrooke agreement signed on 13 October. Before such provisions can be implemented, court officials observed, those portions of the agreement that relate to criminal prosecution must be reviewed, approved and codified into regulation by the federal Parliament and then published in the official gazette of the Federal Republic of Yugoslavia. The Special Rapporteur also interviewed defence attorneys of persons charged with offences relating to terrorism. They noted that the Serbian Ministry of Justice can issue interim instructions to suspend relevant criminal proceedings until the federal Parliament has taken action. On 20 October, various Yugoslav media reported that the Serbian Minister of Justice had said that he did not know when regulations would be adopted on an amnesty for persons who took part in armed activity in Kosovo.

B. Sandzak

38. In recent months, the situation in Sandzak has been largely overshadowed by events in Kosovo. In September, the Special Rapporteur visited Novi Pazar, where he was briefed on the specific problems of the region by local human rights advocates. All interlocutors pointed to the social and economic consequences of the Kosovo crisis for the local communities, which have received large numbers of displaced persons from Kosovo. Ethnic tensions are also rising and there are concerns about a revival of anti-Islamic sentiments both locally and in the national Serbian media. Government measures, such as the imposition of mandatory rule in Novi Pazar in July 1997, have further contributed to an atmosphere of mistrust and fear, which in turn has led a growing number

of Sandzak Muslims to leave the region for Bosnia and Herzegovina and western Europe. The Special Rapporteur believes that an important step towards rebuilding confidence in Sandzak would be for the Serbian and Yugoslav authorities to investigate the atrocities that took place in the region during the war years 1992–1994. The abductions of mainly Muslim civilians in Strpci, Mioce, Bukovica, Sjeverin and other places in 1992 and 1993 have not been properly investigated and the families of the victims have received no compensation for the suffering and losses they endured. The Special Rapporteur notes that the war crimes trial of N. Ranisavljevic for violations related to abductions and killings in Strpci, which was originally scheduled to resume in September, has still not been rescheduled by the Bijelo Polje court.

C. Montenegro

39. In Montenegro, the Special Rapporteur met in September with the President of the Republic, the Prime Minister and other members of the Government. In Ulcinj and Rozaje, he was briefed by local officials about the situation of internally displaced persons and the economic and social consequences of the Kosovo crisis in these municipalities. Refugees and internally displaced persons now make up 12 per cent of the total population of Montenegro. On 11 September, the Montenegrin government decided that it was no longer in a position to admit internally displaced persons from Kosovo. About 3,000 internally displaced persons were turned back at the border at Plav and were directed across the Albanian border. In the immediate wake of this decision, government officials explained to the Special Rapporteur that resources were exhausted and that a continued influx could pose a threat to the internal security of the Republic. The Special Rapporteur urges Montenegrin authorities to devise a solution to meet the educational needs of internally displaced school-age children who, in some communities, now outnumber the resident children and who, having attended “parallel” schools in Kosovo, cannot be integrated into the State educational system. He also notes that continuation of court proceedings on behalf of the Roma community in Danilovgrad, whose homes were destroyed in riots in April 1995, have not resumed, despite pledges from Montenegrin authorities that the proceedings would resume this summer.

D. Restrictions on Serbian media

40. On 5 October, the Serbian government, under the threat of an attack by the North Atlantic Treaty Organization against the Federal Republic of Yugoslavia, issued a decree which provides that media that transmit foreign news programmes or “disseminate defeatism” may be closed down by the Serbian Ministry of Information. On 14 October, the daily newspaper *Danas* and *Dnevni Telegraph* were closed down by officials of the Ministry assisted by police and private security personnel, acting under the decree. Two days later, the daily newspaper *Nasa Borba* was ordered to cease publication. Earlier in the month, independent radio stations such as Radio Index and Radio Senta were closed down by the authorities. On 20 October, the Serbian parliament adopted a new law on information, which, to a large extent, echoes the provisions of the decree of 5 October in that it limits rebroadcasts of foreign programmes and prohibits the publication of material that “endangers the constitutional order” of the country. Accused violators of the law are tried 24 hours after the complaint is lodged and are obliged themselves to prove the truthfulness of the published information. On 23 October, the Belgrade court of petty offences found the owner and the editor-in-chief of the weekly publication *Evropljanin* guilty of having published material aimed at “destruction of the constitutional order” and fined the publication roughly US\$ 230,000. The law also stipulates that fines must be paid within 24 hours of sentencing. The Special Rapporteur was physically present when, executing garnishment orders, a court bailiff and police removed furniture and equipment of the publication from its offices.

E. Serbian law on universities

41. Under the law on universities adopted in May, all university employees were obliged to sign new employment contracts by 5 August. Many refused to do so, protesting that the law was an attack on the autonomy of the university. Three professors of the Law Faculty were expelled in September, and political-appointee deans are now suspending or removing recalcitrant professors to other posts within the faculties. In the Law Faculty, 10 professors have been suspended and in the Faculty for Philology, 30. The dean of the Electrical Engineering Faculty announced he intended to punish faculty members who accept research grants from the Open Society Fund or “similar organizations”.

F. Update on cases noted by the Special Rapporteur

42. Since the submission of the Special Rapporteur’s report of 11 September 1998 (A/53/322), attorney Destan Rukiqi was transferred to the prison hospital in Belgrade, where he stayed until 22 August when he was released by a decision of the Supreme Court of Serbia, overturning his sentence on procedural grounds. The Court did not enter into the merits of Mr. Rukiqi’s arrest, conviction or treatment during detention, but held that the maximum sentence was unmerited. The Special Rapporteur has spoken with the hospital administrator of the Belgrade prison hospital and with Mr. Rukiqi himself; both attested to Mr. Rukiqi’s medical condition on arrival in Belgrade and that adequate medical treatment had been provided to him in the Belgrade prison hospital.

43. In September, Belgrade court and police officials finally implemented the long-standing court decision in favour of pensioner Vojka Kukulj. In early October, the Serbian Minister of Justice informed the Office of the United Nations High Commissioner for Human Rights that one ethnic Serb and four ethnic Croat detainees in Sombor, who had been variously detained since December 1994 pending finalization of their court judgements, were released into the custody of their families in late September. Both the present Special Rapporteur and his predecessor had, over a period of years, made inquiries into the status of the Sombor detainees.

44. Late in the evening of 27 October, the Ministry of Foreign Affairs, in the name of the President of Serbia, requested the Special Rapporteur to provide the names of all medical and humanitarian personnel charged with terrorism or anti-State activity on whose behalf the Special Rapporteur had appealed earlier in the day.