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BR. 44/91

REPORT

of the

CSCE HUMAN RIGHTS RAPPORTEUR MISSION

TO YUGOSLAVIA

(12-20 December 1991; 7-10 January 1992)

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INTRODUCTION

The CSCE Human Rights Rapporteur Mission, which was established by the fourth meeting of the Committee of Senior Officials in Prague on 22 October 1991 (Annex I), visited Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia - including Kosovo and Vojvodina - and Slovenia between 12 December 1991 and 10 January 1992.

The Mission was led by the representative appointed by the Chairman-in-Office of the CSCE Council of Ministers and was composed of the representatives of CSCE Institutions, of the European Community and of the Conference on Yugoslavia as well as of experts from participating states (List of participants: Annex II).

The program of the visit was prepared in consultation with the Federal Government of Yugoslavia as well as the Governments of each of the above-mentioned Republics, all of which were very helpful in order to facilitate and assist the Mission. For reasons of timing and logistics the visit took place in two separate periods (12-20 December 1991 and 7-10 January 1992).

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

As the Mission had to have a wide range of contacts and to make visits to relevant institutions, the group in some cases split into two or three teams. Because of the very limited time available, priorities had to be set in the selection of those contacts, as meetings with all relevant groups and individuals were not possible. Therefore not all the issues could get the attention they deserved.

During the visits to the Republics and the Autonomous Provinces, the Mission met with members of Governments and Parliaments, with representatives of parties and ethnic or religious groups, with local journalists and foreign observers, as well as with representatives of governmental and non-governmental organizations, especially in the field of human rights. (Program: Annex III).

The Mission collected a fair amount of first-hand information and got a comprehensive picture of the human rights situation including the protection of minorities. It did however leave aside all aspects directly related to the war, as these are dealt with in other fora.

The Mission avoided to make any statement to the press as its terms of reference specifically provided for reporting to the CSCE. In some cases - in particular in Vojvodina and in Kosovo - the local authorities had made arrangements for the press to be present at

the meetings. The Mission could not accept such presence as this would have prevented an open discussion.

The Rapporteur Mission of the CSCE was carried out at the eve of the formal recognition of two of the Republics on behalf of several European States, and while two other Republics formally asked for international recognition. It also took place at a time when a new cease-fire agreement was reached, that foreshadowed the possible deployment of a military peace-keeping force of the United Nations. In some cases the conclusions to which the Mission came after the contacts in the different Republics, had therefore to be adapted to the changing situation.

GENERAL REMARKS

1. Generally speaking, there is a considerable discrepancy between legal rules and norms on the one hand and the actual implementation of such rules and norms on the other hand. Despite official declarations at various levels, human rights are frequently violated in many respects, in some places even systematically.
2. The collapse of the Federal constitutional structure has destroyed the legal system of the Federal State. Therefore the Federal Authorities considering themselves to be responsible for the implementation of international and national commitments in the field of human rights, can no longer meet such responsibility. Consequently protection of human rights now exclusively lies in the hands of the Authorities of the Republics.
3. Though weakening, the influence of the communist system is still strong, since in all Republics the dominant political forces are, in many instances and under various denominations, the heirs to the Communist Party. Administrative and political structures still are widely run by the same persons who were already in power in the past. Although they have changed their political goals, many of them have not basically changed their mentality and their methods.
4. Recent developments in Yugoslavia have led to an upsurge of nationalism. As a consequence, authorities in the Republics in varying degree fail to protect minorities, often discriminate against them and sometimes violate their basic human rights. Most of the grave human rights violations in Yugoslavia are perpetrated against persons belonging to minorities.
5. While world opinion so far has concentrated on human rights violations in the war zone in Croatia, grave violations occur in other areas as well, in particular in Kosovo and Sanjak. The Mission feels that a thorough and lasting improvement of the human rights situation in Yugoslavia does require the same standards to be

applied everywhere and to all ethnic groups. Concepts such as Serbs being a "nationality" while Albanians are a "minority", and therefore subject to a different legal regime, should be dismissed.

6. The Federal Army, which is no longer under any constitutional control, is responsible for human rights violations by drafting young conscripts in Republics, which no longer recognize the legitimacy of the drafting system. Furthermore many Non-Serbian Yugoslavs, particularly in Bosnia-Herzegovina and in Vojvodina, feel intimidated by the dangerous concentration of army units and their threatening behaviour. This makes the already highly volatile situation in Bosnia-Herzegovina even more explosive.
7. Moderating forces from grass-root organizations, free trade unions, NGOs, churches and religious groups are weak. This may explain the virtual absence of effective and influential movements for human rights and peace. Integration of and understanding between different ethnic groups is hampered by the fact that most political parties are actually formed along nationality lines.
8. The increase of nationalism has also led to a war in the media in particular in Serbia and Croatia. Facts are distorted, data falsified and some times atrocities invented in order to contribute to an atmosphere of mutual hatred. Neither the Government of Serbia nor that of Croatia seem to do anything to stop this incitement to ethnic hatred. This kind of nationalistic propaganda has also a negative effect on individual freedom. Anybody who does not agree with the national majority is disciplined by his colleagues and his superiors; any attempt towards moderation is looked at with suspicion.

1. FEDERAL AUTHORITIES OF YUGOSLAVIA

The contacts with Federal Authorities started with a comprehensive and frank discussion on human rights standards in the whole of Yugoslavia with the Deputy Minister of Justice.

The picture that emerged from the discussion indicated that, generally speaking, the respect of human rights in Yugoslavia does not meet CSCE standards. The war that is taking place in Croatia is said to be the main reason, but it is certainly not the only relevant factor. According to our interlocutors the principle of individuality has never taken roots in the region and no tradition of respect for individual rights could be established in 45 years of one-party system.

In fact, while insisting, on one hand, on the necessity of an united Yugoslav State to implement all aspects of democratization and of the rule of law, our counterpart admitted, on the other hand, the practical impossibility of achieving this aim, as the Federal Authorities have no means to enforce the law and to implement the commitments of the CSCE documents in the field of human rights and rights of minorities. Law enforcement is therefore left to the Authorities of the republics, whose functioning now seems to be completely out of control of the Federal State.

Similar concepts were expressed at the Ministry of Foreign Affairs by the Head of the CSCE Office (Minister Loncar had resigned the day before): according to him the "secession" of some of the Republics is to be considered the main problem and the "fight of Yugoslavia against this" is inevitable; the difficulties in implementing human rights have to be seen as temporary, due to a transition period, but implementation of CSCE commitments would be ensured as soon as the unity of Yugoslavia and the authority of Federal structures are restored.

Discussions at the Federal Ministry of Defence were focused on the question of the military Draft, about which a very clear position was taken: four Republics were said to have unilaterally suspended the Federal law on drafting. However it is still considered valid and provides for sanctions against those who resist conscription. Military service is therefore to be considered as a general obligation, with no differences among nationalities.

Conscientious objection is only taken into account for religious reasons: in such cases recruitment takes place, but with no obligation to use weapons.

According to the Federal Authorities the laws establishing military service in Croatia and Slovenia are to be considered illegal; Yugoslav citizens in the national forces of Croatia and Slovenia who evade the Draft are therefore committing a crime and can be prosecuted in every part of the territory of Yugoslavia.

On the question of the legitimacy of the Federal presidency as head of the Army, it was pointed out that the mandate to call the reservists was given when the Federal presidency still enjoyed a full quorum of its members.

In conclusion it may be said that Federal structures have disintegrated, with the exception of the Yugoslav National Army, which is by now out of constitutional control. Even some provisions of the new Constitutions of the different Republics are considered by the Federal Authorities including the Constitutional Court as illegal, which makes the whole constitutional framework dangerously unclear and, in practical terms, ineffective.

2. BOSNIA-HERCEGOVINA

The Authorities of the Republic are desperately trying to keep their country out of the war, but the growing feelings of reciprocal mistrust and fear among the three main nationalities are rapidly growing.

The tensions among the three ethnical groups prevent the Authorities from maintaining or establishing a new constitutional and legal order. Public institutions are therefore unable to give effective protection with regard to human rights. The lack of State authority facilitates the growing power of local illegal structures and increases the feeling of insecurity of individuals.

According to the Authorities commitments on human rights could not be implemented also because of the interference of neighbouring Republics.

The behavior of the Yugoslav National Army in some parts of Bosnia-Herzegovina as well as their acting openly in support of Serbian irregular groups are reported to have created bad feelings among parts of the population both against the Army and against the Serbs. The Mission was told that 2500 persons are summoned for trial because of the Draft. Tension was growing and gross violations of human rights were increasing in the areas where the Government had lost control.

In some areas the Serbian population, which is reported to show a higher degree of assertiveness, has established its own structures, which are in conflict with the legal Authorities: If this situation is going on, devastating consequences are inevitable.

Apart from members of the three main nationalities, the Mission had contacts also with the Party of Yugoslavs. Its representatives pointed out that, despite its limited political weight, the Party of Yugoslavs deserves consideration as it represents an ethnic group, which does not belong to any of the traditional groups and feels "new", both from the ethnical and the cultural points of view. Deep worry was expressed for the effects of disintegration of Yugoslavia as the group, not being considered a specific nationality, which is facing the risk of annihilation or forced assimilation. Although this problem seems to affect a considerable number of Yugoslav citizens, the Mission is of the opinion that lots of those citizens do not feel to be represented by the Party of Yugoslavs.

3. CROATIA

The general situation in Croatia is inevitably affected by the war and the Authorities have admitted that, despite new legislative measures, the degree of respect of human rights does not correspond to that of the legal provisions. But the Government stated that it is prepared to take effective steps against violations of the law and that it has instructed the police accordingly.

Both at the Ministry of Justice and at the Constitutional Court the Mission was told that there is neither a formal state of war nor a formal state of emergency in the Republic: the new Constitution should be therefore normally functioning, except in the territories which have been occupied by JNA and Serbian irregulars. Nevertheless a de facto emergency status exists which, according to art. 17 and art. 101 of the Constitution, gives the President the right to govern through presidential decrees.

The law on minorities gives ethnic groups, which are locally a majority (e.g. more than 50% in a municipality) the right to self-administration, whereas all sizeable minorities are proportionally represented at the national level.

The Mission was told that before the declaration of independence the percentage of Serbs in the Croatian police was very high (70%); it had now decreased drastically (8%) while the total number of police forces had increased substantially, due also to the fact that the police bears now the responsibility of the control of borders and of customs.

Usual criteria - similar to those selected by Slovenia - have been set up by the law in view of acquiring Croatian citizenship either automatically (birth, descent) or through application to the police (living for at least ten years in Croatia). This again gives rise to some doubts about possible discrimination between different nationalities as far as citizenship is concerned.

With regard to self-determination, all Yugoslav citizens living in Croatia had had the right to participate in the referendum; it was pointed out by the Authorities that 94% of the voters were in favour of independence, which means that many Serbs living in Croatia must have voted for an independent Croatia.

According to the authorities there were no problems with regard to either the obligatory Draft or conscientious objections as the armed forces consisted only of volunteers.

The Mission visited a prison, which is the largest in Croatia (1.500 inmates) and appears to be in conformity with international standards. Brief conversations in private were held with some of the detainees.

Freedom of information and freedom of expression are restricted by governmental regulations, in particular television. Zagreb TV daily (late night) re-transmits, however, certain parts of programs of Serbian TV, although selection criteria were not explained.

The media take part in the propaganda war pointing out onesidedly atrocities committed by the opposite side. The few private-owned newspapers do not seem to play a

positive role either. As an example it was mentioned to the Mission, that one big daily paper has published lists of persons who, according to certain rumors and with no evidence available, were said to be "traitors".

By way of conclusion it can be said that the new Constitution and legislation provide a better legal framework for the rule of law and the respect for minorities and for human rights. However the implementation of these rules is seriously hampered by the war situation and democratic institutions are still weak.

4. MACEDONIA

Difficulties in implementing human rights were admitted, as was a certain distance that has still to be covered in order to meet European standards in this field in Macedonia. The Authorities expressed the conviction that human rights situation will soon be improved on the basis of the new Constitution.

All the Authorities met by the Mission, while recognizing that the political development of the Republic was thoroughly conditioned by the problem of minorities, pointed out the increasing difficulties that are being encountered with the Albanian community.

According to the local Authorities Albanians form 20% of the population (but according to Albanian sources they would be 40%), and the representatives of the Albanians wanted the preamble of the Constitution to state that Macedonia be "the country of Macedonians and Albanians". According to the Authorities the Albanians nevertheless boycotted the census, mainly for tax evasion reasons. The Albanians however said that this was due to the fact that the census procedures were unreliable as only Macedonians and no Albanians were appointed to the census commissions.

Although it was not denied that the conditions of Albanians in Macedonia are better than they are in Kosovo, members of the Albanian political parties told the Mission that they were unsatisfied by the new Constitution, which was said to discriminate between ethnic groups instead of ensuring the same rights to all of them. Representation in local structures, especially where Albanians were a majority, were far from being proportional while the presence of Albanians in administration structures as well as in courts is said to be "symbolic" and generally at a very low level. Only 5% of State jobs were said to be taken by Albanians.

The Mission was informed that Macedonians fear that the balance between the two communities will be upset in the near future in favour of the Albanians, due to their higher birth-rate as well as to an increasing immigration particularly from Kosovo. This apparently creates a deep mistrust between the two communities.

The Mission had contacts with representatives of other and smaller minorities in Macedonia: although complaining about some violations of their collective rights especially in the field of education, they all recognized that the situation had improved in recent times. Some of them (the Vlachs and the Gypsies) even underlined their legally good situation.

Generally speaking, the human rights situation, apart from the relationship between the Albanian and Macedonian community is rather satisfactory.

5. MONTENEGRO

The Authorities stated that, despite changes introduced into the Constitution and preparing work for a new constitutional text, Montenegro still believes in Yugoslavia and will respect Federal laws.

Representation of minorities, mainly Albanians and Muslims, was said to be proportional in Parliament, though not in Government and in Administration.

When it came to implementation of human rights provisions, the Mission was told that there were no political prisoners, that reports on police brutality were untrue, that arrests and trials were perfectly lawful, including cases of resistance to military Draft. Muslims of Sanjak were considered a "special case" but were said to have problems only with Serbia.

The Authorities consider the recruiting to be lawful; therefore conscientious objection is pursued as a crime.

Through other contacts it appeared that there is still much to do in the field of rule of law.

It is the impression of the Mission that media are under control of the Authorities and that independence of the judicial system from the ruling party is not fully guaranteed. The influence of the old party system is still dominant.

A special case is that of the Sanjak, a territory with a majority of Muslim population which is situated on both sides of the border between Montenegro and Serbia. The picture that emerged from the contacts with the leaders of the "Democratic Action for Sanjak" is one of grave violations of human rights in many fields. The Muslim community is reported to be continuously harassed by the police (Serbian or Montenegrinian) and to be left with little judicial or administrative protection. The police denied those incriminations.

Local power was said to be in the hands of Serbs, while Muslims were said to be discriminated in various ways, including on economic ground. For instance activities in private sectors, where mostly Muslims are employed, are reported to be heavily hampered by high taxation, while Serbs have priority in public administration services. Reports of tortured and even killed persons as well as of conscripts drafted by force have been brought to the attention of the Mission with some evidence on a number of cases.

6. SERBIA

A. Central Authorities and other contacts

According to Serbian authorities the origin of the present problems - both at Federal and Serbian level - depends on the fact that, in simple words, the minorities "have gone nationalist and separatist", forcing the Republic to react and to reduce the sphere of human rights.

The question of Kosovo was raised with the Minister of Foreign Affairs, according to whom the local political movement towards secession, with disregard to Serbian as well as Federal laws and rules, was the main reason for human rights being "not fully implemented" in that region despite the fact that at present there is no state of emergency in Kosovo.

Answering a question by the Mission on the possibility to send CSCE observers in case of elections in the autonomous provinces, Mr. Jovanovic said that, when elections are held, international observers would be welcome in the autonomous province, though the results of the elections, scheduled for March 1992, would be jeopardized, since the Albanian population would anyhow refrain from voting.

Similar ideas were expressed by the Minister of Justice, the representatives of the Ministry of the Interior and the Head of Police.

Much was said about Yugoslavia having accepted most of the international agreements, including those within the CSCE; such commitments were automatically incorporated in the legal framework of the State and of the Republics and fully implemented both for individuals and for minorities. Answers to questions about the control of such implementation were less satisfactory. In particular, Albanians in Kosovo were said to be simply unwilling to enjoy the many rights (collective as well as individual) that the territorial autonomy granted to them. According to our interlocutors, the Parliament in Kosovo, which had been dissolved by a decision of the Central Republican Authorities in Belgrade, would be re-established as soon as Albanians stopped boycotting the elections and accepted offers for co-operation with the Serbian Authorities; Albanian schools were said to have been closed mainly for technical reasons and TV stations and newspapers in Albanian were suspended, because they "were used only for political propaganda"; people, including doctors, teachers, etc., who were left without their job, allegedly were dismissed because they simply refused to work on the conditions set by the Authorities.

In contacts with both Serbian and Yugoslavian private organizations and individuals as well as with foreign observers, a somewhat different picture emerged. In general, human rights were still being violated in many ways, especially political rights, this having started well before the war. Several Serbian Authorities as well as non-official groups and organizations seemed to share the responsibility for that, while Federal bodies could practically do nothing to prevent it. The war had made things even worse, as radicalization of feelings had made political opposition increasingly difficult. Freedom of

information was seriously violated, as media were fully controlled by Republican structures.

Radio and TV stations, including non-State owned ones, seem to be under heavy pressure since the demonstrations in March 1991. Private stations have in many cases, only local importance and limited influence. The main newspapers maintain a certain freedom, but are increasingly confronting difficulties since, despite the lack of censorship, which is officially abolished, the public sector still holds the monopoly of sources and technical means of information. The Mission could not find foreign newspapers in Belgrade.

There also seems to be a drastic reduction of freedom of movement, as communications are made increasingly difficult.

As far as freedom of association is concerned, any activity not supporting the nationalistic attitude of the Government being in favour of actual implementation of the rule of law is considered as treacherous.

Many intellectuals are now trying to emigrate to avoid the Draft and also because the radicalization of inter-ethnic conflict does not seem likely to come to an end soon.

Owing to war developments, increasing consciousness of anti-war feelings leads to an increasing number of conscientious objectors, who are not considered as such by present legislation and are therefore liable to trial: and there is no guarantee to ensure that trials in Military Courts are fair and correspond to human right standards.

The war of the media, which is developing in an extremely dangerous way, is an obvious example of the lack of implementation of CSCE commitments.

B. Vojvodina

The degree of respect of human rights - both of individuals and minorities - was described by the local authorities in Novi Sad as reaching the "highest European and world standards". Answering a question by the Mission about minority rights having been reduced by the new Serbian Constitution in Vojvodina (and in Kosovo), the representatives of the Vojvodina Administration stated that only the right to autonomy of the provinces have been reduced - not so the individual minority rights - in the sense that Serbia has now set up a centralized judicial court system, as well as only one central Academy of Science and only one central Television System, both with branches for the autonomous provinces.

The meetings with representatives of the main ethnic minorities (Hungarian, Croatian and Slovak) revealed different views. The members of the Hungarian Democratic Party and of the Croatian Democratic Party complained about what they claim to be strong discrimination, especially with regard to drafting and to the use of language, cultural institutions, education system, media, as well as of the lack of proportional representation in public administration. Moreover, in Novi Sad both Hungarians and Croats told the Mission about Serbian pressures to force them out of the country. Several incidents against individuals and churches have been reported, although the Mission had no means to verify them. About 20.000 Hungarians and several thousand Croats have left the province, while

Serbs coming from the war zones immigrate into Vojvodina in great numbers. Croats fear in particular the JNA units, returning from Croatia at the end of the hostilities, might use violence against them.

Both Hungarians and Croats expressed the wish to have international monitors sent to the autonomous province to guarantee respect for human rights.

The Slovak community seems to be in a better position as its representatives only complained about Slovakian schools being abolished and the lack of adequate representation.

In conclusion it seems to the Mission that the effects of the war, the vestiges of the one-party system and the strict control of the Republican Authorities as a result of the reduction of autonomy are the main causes of the deteriorating human rights situation in Vojvodina.

C. Kosovo

The Authorities of the province strongly denied any systematic mistreatment of civilians by the police and declared that the Albanians themselves have weapons and often use them to threaten civilians, committing crimes that they later ascribe to the police. The Head of the Police insisted that the Authorities have the right to enforce the law with regard to Albanians "who do not want to be loyal" by taking all disciplinary and penal measures. As far as the loss of jobs is concerned, the explanation given to the Mission was that the persons concerned did not want to accept the rules and were dismissed because they refused to work.

The situation as described by the leaders of the Albanian opposition groups of Kosovo is a most dramatic one, with thousands of Albanians left jobless, schools and University not functioning and no political representation in any decision-making body. In fact, following the dissolution of the Parliament of the autonomous province and the adoption of the law on "special circumstances" by the Serbian Parliament, about 700.000 Albanians were said to be remained without salary and social security.

Moreover, the Mission was told that the local police systematically arrests, mistreats and even tortures members of the Albanian community throughout the province, treating it like an occupied territory. Private individuals of the Serbian community in Kosovo were said to have been armed in support of police forces.

The Mission visited a prison in Pristina and was told by the director of the prison that there were no political prisoners on the premises. Two prisoners were interviewed.

The main problem for both sides seems to be that of the "trend to secession". Albanians, refusing to accept Serbian rules for political elections, organized a referendum about a future independent Republic of Kosovo. On the question of the relations with Albania and of a possible unification, the answers were unclear, vague and sometimes contradictory. The results of the referendum were reported to be: 87% of the electorate voted; 99% of the voters were in favour of independence. It is obvious that the Serbian

Authorities would by no means be ready to accept the secession, which would mean the loss of what is considered by them to be the historical cradle of Serbia.

The conclusion can be drawn that in Kosovo there is a highly unsatisfactory human rights situation. So far neither a dialogue between the Serbian and the Albanian communities nor any mediating effort take place.

7. SLOVENIA

According to the Authorities, the legal system has been greatly improved by the adoption (on 23 December 1991) of the new Constitution. Yugoslavian criminal and civil law is still in force as well as legislation in the field of criminal procedure, but this will be reviewed and replaced in the future by a new legislation. Some difficulties were reported to be met in the process of the re-habilitation of former political prisoners as well as in that of re-privatization and indemnization for confiscated properties.

Discussions on the law of citizenship were thorough but the issues were somewhat unclear. As basic criteria provide for either automatic citizenship (e.g. birth, descent) or status granted through application to the police, there seems to be some kind of discrimination, at least with regard to non-Slovenian Yugoslavs, who were not born in Slovenia.

A certain degree of discrimination might also be found in the field of the rights of minorities as special rights are granted only to some minorities and not to other. Privileges with regard to Italians and Hungarians are justified by the Authorities on the ground, that they have been living for centuries in some specific areas, while other communities (e.g. the Serbian and the Croatian, which are by far larger than the others) are not mentioned by the Constitution and have so far not even the status of "minority".

Representatives of the Serbian community complained to the Mission about this and expressed their fear for cultural assimilation and lack of protection. According to Slovenian sources, one of the main reasons for Serbian discontent is the loss of former privileges they had enjoyed all over Yugoslavia.

Legislation on media also does not yet appear to be satisfactory, as the control of the Government is still strong, in particular as far as TV is concerned.

Nevertheless the conclusion that can be drawn is that, despite certain shortcomings, the situation of human rights and protection of minorities in Slovenia may be considered rather satisfactory.

CONCLUSIONS

1. The Mission deems it absolutely necessary to pursue with tenacity peace-efforts, since the rule of law cannot be restored as long as hostilities go on. To this end it is recommended to support with all energy the existing peace-initiatives, particularly those of the United Nations and those of the EC in the context of the Conference of Yugoslavia.
2. After the cessation of hostilities, particular attention has to be given to the creation of a climate of reconciliation conducive to the establishment of the rule of law and the respect for human rights and the rights of all ethnic groups. Arrangements to that end could best be made on the basis of the Treaty Provisions for the Convention as proposed by the Conference on Yugoslavia. In this context it is necessary to introduce fair and non-discriminatory laws of citizenship and to establish electoral systems, which give a fair representation to all ethnic groups.
3. Participating states should respond positively to requests of competent authorities to assist them in the field of legislation, judicial administration, education-programs and other fields relevant to the protection of human rights, like the preparation and organization of census. Since human rights seem to be particularly in jeopardy in less developed areas, assistance should also be provided in the economic and social field.
4. The Mission is of the opinion that the human right situation should be kept under constant consideration by the CSCE. Full use should be made of the possibilities offered by the various CSCE mechanisms, in particular of the one contained in the Document of the Moscow meeting of the Conference on the Human Dimension.
5. The Mission feels that the following issues ask for immediate consideration and for consecutive action by the CSCE (where appropriate, in coordination with the United Nations and the European Community):
 - the war in the media,
 - the explosive situation in Bosnia-Herzegovina,
 - the paralysis of public life in Kosovo, in particular of the educational and health systems,
 - ✓ - the human rights problems in Sanjak.

To that end the sending of follow-up missions should be considered, in particular with regard to the media.
6. In addition, the Mission recommends that the CSCE considers means for giving, upon request, its assistance for the preparation and organization of census.

ANNEX I

Decision of the Committee of Senior Officials of the CSCE

CSCE Human Rights Rapporteur Mission to Yugoslavia

Recalling the Moscow Concluding Document, the CSCE Committee of Senior Officials agreed to form a human rights rapporteur mission. The mission will visit Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia at a time to be agreed through consultation with Yugoslavia. It will inform itself of the situation with respect to human rights, including the rights of minorities, and will report to the Committee. Its report will be circulated by the CSCE Secretariat through the CSCE points of contact and will be considered by the Committee at a future meeting. The report will be made available to the Chairman of the Conference on Yugoslavia.

The mission will be led by the designated representative of the Chairman of the CSCE Council of Ministers. A representative from the CSCE Office for Free Elections will serve as secretary for the mission. The mission will also include, inter alia, a representative from the European Community, and a representative of the Chairman of the Conference on Yugoslavia.

Prague, October 22, 1991

ANNEX II

LIST OF PARTICIPANTS

1. Prof. Dr. Thomas Fleiner-Gerster, Director of the Institute of Federalism,
University of Fribourg (designated by the Chairman-in-Office of the
CSCE)
2. Amb. Luchino Cortese, Director of the CSCE Office for Free Elections, Warsaw
3. Prof. Dr. Pieter Hendrik Kooijmans, Faculty of Law, University of Leiden,
(designated by the Presidency of the European Community)
4. Amb. Geert Ahrens, Ministry of Foreign Affairs, Bonn (designated by the
Chairman of the Conference on Yugoslavia)
5. Prof. Dr. Roman Wieruszewski, Polish Academy of Science, Chairman of the
Executive Committee of the Human Right Promotion Foundation, Poznan
6. Dr. Paul Widmer, Head of the CSCE Office, Ministry of Foreign Affairs, Bern

ANNEX III

PROGRAM OF THE VISIT OF THE CSCE RAPPORTEUR MISSION TO YUGOSLAVIA

12 Dec., Belgrade

- 15.00 Deputy Minister of Justice, H.E. Kambovski
 16.30 Ministry of Foreign Affairs, Ambassador Pavicevic
 18.00 Ministry of Defence, General Negovanovic

evening

Ambassador of Switzerland J.-J. Indermühle
 Judith Kumin, UNHCR Belgrade
 Thierry Meyrat, ICRC Belgrade
 Regina Escher, Swiss Embassy

13 Dec., Belgrade

- 09.00 Minister of Foreign Affairs of Serbia, H.E. Jovanovic
 10.00 Minister of Justice of Serbia, H.E. Todorovic
 11.30 Deputy Minister of the Interior of Serbia, H.E. Misic
 14.15 Kathleen Stephens, U.S. Embassy
 15.00 Judge Rajovic, formerly Constitutional Court of Serbia
 16.00 Stevan Niksic, Journalist
 17.00 Tanja Petovar, Lawyer, M. Vasic, Journalist
 18.00 Borivoje Rasno, representative of the Krajina-administration in Belgrade

14 Dec., Novi Sad

- 10.00 Secretary of Foreign Affairs (Vojvodina), Zoran Cetkovic
 Secretary of Information (Vojvodina), Milan Lucic
 Vice-Secretary of Education (Vojvodina), Atila San

- 4.30 Bela Tonkovic, President of the Democratic League of Croats in Vojvodina
 6.00 Representatives of the Democratic League of Hungarians in Vojvodina

14 Dec., Belgrade

- 9.30 Archbishop Franc Perko, Roman-Catholic Church

15 Dec., Belgrade

- 08.00 Dr. Djuro Kovacevic and
 Dr. Lydia Basta, Institute for European Studies
 09.00 Prof. Aleksandar Fira, former president of the Constitutional Court of Yugoslavia
 10.00 Michael Spevak, president of the organization of Czechs and Slovaks in Vojvodina
 ("Matica Czechoslovak")
 14.30 U.S. Ambassador, Warren Zimmermann
 Swiss Ambassador J.-J. Indermühle
 Netherlands Chargé d'Affaires, Dirk Hasselmann

15 Dec., Pristina

evening:

Ibrahim Rugova, president of the Democratic League of Kosovo, with several
 members of the Coordination Committee of the Political Parties in Kosovo

16 Dec., Pristina

- 10.00 Momcilo Traikovic, M.P. for Kosovo in the National Assembly of Serbia
 Secretary of Justice, Mr. Aksic
 Secretary of Education, Mr. Duricic
 12.00 Visit to prison in Pristina

16 Dec., Skopje

18.00 Minister of Foreign Affairs of Macedonia, Dr. Denko Maleski

17 Dec., Skopje

08.30 Minister of Legislation and Administration, Dr. Georgi Naumov

09.45 Minister of the Interior, Jordan Mijalkov

11.00 Albanian Parliamentarians led by Djeladin Murati, Vice-President of the Assembly of Macedonia

12.00 Tomislav Cokrevski, President of Human Rights Forum

12.30 Judges of the Constitutional Court and the Supreme Court

12.45 Visit to MTV (Albanian and Turkish language Editorial Office)

14.00 Editors of the "Flaka e Vlazerimi" (Albanian newspaper) and "Birlik" (Turkish magazine)

16.00- 20.00

The group met with:

Representatives of the macedonian party led by the chairperson of the Foreign Affairs Committee of the Macedonian Parliament
 Prof. Nevzat Halili and other representatives of the Albanian Community
 Representatives of the Democratic Alliance of the Turks in Macedonia
 Prof. Save Cvetanovski,
 Ljubomir Danailov and Giorgi Marianovic, Members of the Human Rights Forum
 Delegation of Vlachs
 Delegation of Roms

18 Dec., Titograd

10.00 Minister of Foreign Affairs, Nikola Samardzic

10.45 Minister of Justice, Momcilo Knezevic

11.45 Minister of Interior, Pavle Bulatovic

15.00 Metropolitan Anfilohija Radovic, Orthodox Church

17.00 Srjan Darmanovic Faculty of Law
 Zoran Ljumovic, Montenegro Democratic Party
 Miodrag Vlahovic Civic Forum for Peace

19 Dec., Sarajevo

11.00 Avdo Hebib, Special Adviser to the Minister of the Interior

12.00 Deputy Minister of Justice, Hajrudin Hadzimuratovic,

14.30 The Deputy Reis ul Ulema, Muslim Community of Yugoslavia

16.00 Mariofil Ljubic Vicepresident of the Parliament of Bosnia-Hercegovina, Croatian Democratic Union

17.00 Dr. Kecmanovic, Party of Yugoslavs

18.00 Serbian Democratic Party (President Karadjic and Prof. Koljevic, member of the Presidency of Bosnia-Hercegovina)

20 Dec., Sarajevo

08.00 Sulejman Ugljanin, President of the Democratic Action Party for Sanjak

09.00 Irfan Ajanovic, Secretary of the Democratic Action Party Vice-President of the Federal Assembly of Yugoslavia

10.00 Prof. Zdravko Grebo, Faculty of Law, University of Sarajevo

7 Jan., Ljubljana

18.00 Rev. Perko Boskovic, Deputy Head of the Serbian Orthodox Church in Slovenia

19.00 Mr. Martin Berishaj, Mr. Fadil Demiri, Mr. Gani Bucinca (Democratic League of Kosovo)

20.00 Dr. Bavcon, President of Council of Human Rights (NGO)

8 Jan., Ljubljana

- 09.00 Minister of Foreign Affairs, Dimitri Rupel
- 10.00 Minister of Justice, Rajko Pimat
- 11.00 Minister of the Interior, Igor Bavcar
- 12.00 President of the Supreme Court, Judge F. Strojnik-Hlastec
- 14.00 Rastko Mocnik, Professor of Sociology
- 15.00 Prof. Anton Perenic, Judge of the Constitutional Court

9 Jan., Zagreb

- 09.00 Minister of the Interior, Ivan Vekic
- 10.00 President of the Constitutional Court, Mr. Jadranko Crnic
- 11.00 Minister of Justice, Bosiljko Misetic
- 12.00 Visit to a prison in Zagreb
- 14.00 Deputy Minister of Foreign Affairs, Bozidar Gagro
- 17.00 Mr. Silvijs Degen, Lawyer
- 18.00 Mr. Milan Djukic, President of the Serbian People's Party
- 19.00 Prof. Smiljko Sokol, Vice-Dean, Faculty of Law, University of Zagreb

10 Jan., Zagreb

- 08.00 Mr. Predrag Haramije, Museum Zagreb, environmentalist
- 09.00 Prof. Zarko Puhovski, University of Zagreb, Faculty of philosophy
- 10.30 EC Monitor Mission to Yugoslavia

20 Decembar , Sarajevo

08. 00 Sulejman Ugljanin, Predsednik Stranke Demokratske Akcije
za Sanjak

09. 00 Irfan Ajanovic Sekretar Stranke Demokratske Akcije, Potp-
redsednik Savezne Skupstine Jugoslavije

10. 00 Prof. Zdravko Grubo, Pravni Fakultet u Sarajevu

Vlasti su izjavile da uprkos promenama ugradjenim u pripremljenom tekstu novog Ustava, Crna Gora jos uvek veruje u Jugoslaviju i da ce ona postovati savezne zakone.

Receno je da su uglavnom Muslimani i Albanci proporcionalno zastupljeni proporcionalno u Parlamentu mada ne i u vladi i administraciji.

U vezi sa primenom odredaba o postovanju ljudskih prava, komisiji je receno da nema politickih zatvorenika, da izvjestaji na racun brutalnosti policije bili netacni i da su hapsenja i sudjenja bila u potpunosti u skladu sa zakonom, ukljucujuci i odbijanje vojnih poziva¹⁾. Muslimane Sanjaka smatraju kao "specifican slucaj" ali receno je da imaju problema samo sa Srbijom.

Vlasti smatraju regrutaciju legalnom : zato se svesno odbijanje goni kao kriminal.

Kroz druge kontakte pojavilo se to da tu jos uvek ima mnogo toga da se poradi na polju vladavine prava.

Utisak komisije je da su mediji pod kontrolom vlasti i da nezavisnost sudskog sistema od strane vladajuce partije nije zagaranovan. Uticaj starog partijskog sistema je jos uvek dominantan.

Specijalan slucaj je taj sa Sanjakom, teritorijom sa vecinskim Muslimanskim stanovnistvom koji se nalazi sa obe strane granice izmedju Crne Gore i Srbije. Slika koja se svorila iz kontakata sa liderima Sranke Demokratske Akcije za Sanjak je takva da pokazuje ozbiljno kršenje ljudskih prava u mnogim oblastima. Muslimanska zajednica izvestava o stlnim maltretiranjima od strane Srpske ili Crnogorske policije i da je ostvljena sas malo pravne ili administrativne zastite.

Lokalna vlast je kaze se u rukama Srba , dok su Muslimani diskriminisani na razne nacine ukljucujuci i ekonomski . Ustvari aktivnosti u privatnom sektoru u kome su vecinom uposleni Muslimani su sputane visokim porezima, dok Srbi imaju prednost u javnim i administrativnim uslugama. Izvjestaji o torturama i o ubijenim licima kao i o onim koji su nasilno odvedeni u vojsku privukli su paznju ove komisije sa evidencijom jednog broja slucajeva.

1) ukljucujuci i ona sudjenja u vezi sa odbijanjem vojnih poziva.

2) poslovima

s

5. Komisija oseca da sledeca pitanja traze brzo razmatranje i redovnu akciju KEBSA (koja se određuje u koordinaciji sa Ujedinjenim Nacijama i Evropskom Zajednicom):

- medijski rat
- eksplozivna situacija u Bosni-Hercegovini
- paraliza javnog zivota na Kosovu, narocito u obrazovanom i zdravstvenom sistemu
- problemi ljudskih prava u Sandjaku

U tom cilju treba razmotriti slanje nove komisije narocito u vezi sa medijima

6. Zatim, Komisija predlaze da KEBS razmotri sredstva (nacine) za pružanje pomoci u pripremi i organizovanju popisa stanovništva, po zahtevu.

Dok je misljenje sveta do sada bilo koncentrisano na ksenije ljud-
skih prava u ratnoj zoni u Hrvatskoj, ozbiljno ksenije ljudskih
prava pojavljuju se i u drugim oblastima, narocito na Kosovu i u
Sanjaku. Komisija oseca da potpuno i trajno poboljsanje situaci-
je ljudskih prava u Jugoslaviji zahteva primenu istih standarda
svuda i na sve etnicke grupe. Koncepti kao sto su oni da su Srbi
"nacija" a Albanci "manjina", te su zbog toga predmet razlicitog
legalnog arsina, treba da se napuste.

6. Savezna Armija, koja vise nije pod nikakvom ustavnom kontro-
lom, je odgovorna za ksenije ljudskih prava, pozivanjem vojnih ob-
veznika iz republika koje vise ne priznaju legitimitet poziva.
Dalje, ~~mnogo~~ ne-Srpski Jugoslaveni, narocito u Bosni i Hercego-
vini i Vojvodini, osecaju se preplasceni opasnom koncentracijom
armijskih jedinica i njihovim pretecih ponasanjem. Ovo cini si-
tuaciju u Bosni i Hercegovini koja je vec dovoljno nesigurna na-
petom i jos eksplozivnijom

1) Dok je paznja sveta BILTA DO SADA USPEDESBEVA NA