

HELSINKI
COMMITTEE

FOR
HUMAN
RIGHTS

IN SERBIA



In

the

Name

of

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Collection of Documents

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Belgrade, November 1996.

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INTRODUCTION

This book documents efforts of Helsinki Committee for Human Rights in Serbia, invested in pursuit of the right answer to one of the most tragic consequences of the war in the territory of former Yugoslavia: large-scale ethnic cleansing. The right to return is the only just solution for the principal victims of this war. It is the only guarantee of peace and security in these lands and a prerequisite for the normalization of life and the relations among the newly-emerged states.

The documents presented here are all authentic, a product of our eighteen month-long daily involvement in the drama of displaced people, who, when everybody else turned their back on them, looked for support in Helsinki Committee.

We hope that this book will be of use to all organisations and governments, faced with refugee problems.

THE DAYTON ACCORDS, HUMAN RIGHTS, REFUGEES AND DISPLACED PERSONS

by Prof. Stevan Lilić, LID

(Communication presented at the meeting *Legal Aspects of Refugee Return*,
Berlin, June 1996 - revised version)

I

The Dayton Accords is an exhaustive and complex political and legal document which comprises, inter alia, numerous provisions on military and civilian aspects of the peace settlement, measures to secure the stability of the region and the manner in which the inter-entity boundaries are to be determined, conditions for elections and the new Constitution of Bosnia-Herzegovina.¹ According to the Concluding Statement by the Participants in the Bosnia Proximity Peace Talks, the Peace Agreement for Bosnia-Herzegovina reached in the US Wright-Patterson Air Force Base in Dayton, Ohio, on 21 November 1995 (and signed in Paris on 14 December), the delegations of the Republic of Bosnia-Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia agreed on the terms for the implementation of what was termed the General Framework Agreement for Peace in Bosnia-Herzegovina and eleven, that is twelve agreements more, constituting an integral part of the Accords as separate annexes.²

The nature of this peace agreement gives rise to numerous controversies and debates, which are perhaps best defined by an American professor of our descent: "a terrible peace after a terrible war".³ Two reasons are principally responsible for this: first, the Dayton Peace Accords were signed by the selfsame persons who held the power in Bosnia-Herzegovina, Croatia and Serbia, that is Yugoslavia, before the armed conflict, during the conflict and after the conclusion of peace; secondly, in view of the status of the so-called entities, the Dayton Accords *de facto* leave open the question of the prospects of Bosnia-Herzegovina as a single state.

Nevertheless, it needs to be pointed out that, although the Dayton Accords specifically address Bosnia, by the very nature of things, they also address Serbia (Yugoslavia) and Croatia for the simple reason that the latter two are also parties to this peace treaty. In other words, in addition to Bosnia-Herzegovina, "the principles of the Dayton Agreement must be incorporated in the system both in Serbia and Croatia (...) the results of the war will be there

even when refugees return, but they will be attenuated. The refugee return will see to yet another thing: it will deny the chance of setting up ethnically pure states."⁴

II

In the General Framework Agreement for Peace in Bosnia⁵ the Parties agreed to conduct their mutual relations in accordance with the principles set forth in the United Nations Charter as well as the Helsinki Final Act and other documents of the Organisation for Security and Cooperation in Europe (Art. 1). To this end, the Parties, among other things, endorse and accept the arrangements envisaged by Annexes 6 and 7 for the establishment of a Commission on Human Rights and a Commission on Refugees and Displaced Persons (Art. 7) and explicitly recognise that the respect for human rights and protection of refugees and displaced persons are of vital importance for a lasting peace and fully agree to honour the provisions of Annex 6 relative to human rights and Annex 7 relative to refugees and displaced persons (Art. 8).⁶

Of numerous questions relating to the implementation of the Dayton Accords, on this occasion we shall address its most important provisions relative to the enjoyment and protection of human rights, notably in the light of the exercise and protection of the rights of refugees and displaced persons and difficulties related to this exercise.

The Agreement on Human Rights (Annex 6)⁷, signed by the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska (the Parties) has 16 articles divided in three chapters: 1. Respect for Human Rights (Art. 1); 2. The Commission on Human Rights (Art. 2-12) and 3. General Provisions (Art. 13-16) as well as a special appendix.

Annex 6 secures to all persons it addresses the highest level of internationally recognized human rights and fundamental freedoms, including the right to life, the right to liberty and security of person, the right to property, the right to liberty of movement and residence etc. To ensure their enjoyment, a Commission on Human Rights will be established, consisting of the Office of Ombudsman and the Human Rights Chamber. The Office of Ombudsman and the Human Rights Chamber shall consider, among other things, violations of human rights and discrimination on any grounds, such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, birth status, property status or other status arising in the enjoyment of any of the rights and freedoms provided for in the international agreements listed in the Appendix to this Annex.

The Office of Ombudsman will be an independent agency made of per-

sons of recognised high moral standing and competent in the field of international human rights. The Office of Ombudsman will be headed by the Ombudsman appointed by the Organization for Security and Cooperation in Europe (OSCE) for a term of five years, who may not be a citizen of Bosnia and Herzegovina or a citizen of any neighbouring state (i.e. Croatia or Yugoslavia).

The Human Rights Chamber will consist of fourteen members, of whom four shall be appointed by the Federation of Bosnia and Herzegovina, two by the Republika Srpska, whilst the remaining members, who may not be nationals of Bosnia and Herzegovina or any neighbouring country, and from among whose number the President of the Chamber shall be designated, will be appointed by the Committee of Ministers of the Council of Europe. The Chamber will receive applications about human rights violations. These applications may be referred to the Chamber by the Ombudsman (on behalf of an applicant), Parties to the Agreement, or persons, non-governmental organizations or groups of individuals claiming to be victims of human rights violations by any of the Parties. The Chamber may attempt to arrive at a so-called amicable solution at any stage of the proceedings on the basis of respect for the rights and freedoms referred to in the Agreement. However, failing that and after the proceedings, the Chamber will take a decision establishing whether a Party violated its obligation to respect human rights and if so, decide what steps this Party is to take to put an end to the human rights violations (e.g. order to cease and desist, indemnification for damage and the like).

Furthermore, Annex 6 envisages that the Parties will promote and encourage the activities of non-governmental and international organisations for the protection and promotion of human rights, noting that full and effective access shall be allowed to non-governmental organisations for purposes of investigation and monitoring human rights conditions.

Annex 6 includes, as an integral part of the Agreement, a special appendix listing 16 international human rights conventions and documents (e.g. European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, 1950; International Covenant on Civil and Political Rights, 1966 etc.).

The Agreement on Refugees and Displaced Persons (Annex 7)⁸ also signed by the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska (Parties) has 18 articles divided in two chapters: 1. Protection of Rights of Refugees and Displaced Persons (Art. 1-6) and 2. Commission for Displaced Persons and Refugees (Art. 7-13).

Annex 7 secures the right of all refugees and displaced persons to freely return to their homes, the right to the restoration of their property of which they were deprived in the course of hostilities since 1991 and right to compensation

of the property that cannot be restored to them. In particular, the Parties undertake to ensure the safe return of refugees and displaced persons, without risk of harassment, intimidation, persecution or discrimination, particularly on account of their ethnic origin, religion or political opinion. Furthermore, the Parties undertake to take necessary measures in their territories to prevent activities which could hinder or impede the safe and voluntary return of refugees and displaced persons and to secure full respect for the human rights and freedoms of persons within their jurisdiction. Particular respect needs to be ensured for the right of individuals or families to freely choose their destination, observing the principle of preservation of the family by, among other things, abstaining from interference in the returnees' choice of destination or pressure on them to remain.

In this regard, Annex 7 envisages that a refugee or a displaced person will not be charged with a crime, that is will be amnestied, except in cases of serious violations of international humanitarian law (as defined in the Statute of the Hague Tribunal for war crimes in the former Yugoslavia).

To ensure the enjoyment of the refugees' and displaced persons' right to return, an independent Commission for Displaced Persons and Refugees will be established, with which all Parties will undertake to cooperate in good faith (*bona fide*). The Commission shall be composed of nine members, of whom four will be designated by the Federation of B-H (two for three-, and two for four-year terms), and two by the Republika Srpska (one for a three-year, and the other for a four-year term). The remaining members will be appointed by the President of the European Court for Human Rights (for a term of five years), of whom one shall be designated as Chairman. The commission will be authorized to receive and decide any claims for real property in B-H, provided the property has not been voluntarily sold or otherwise transferred since 1 April 1992 and the claimant does not enjoy that property now. In addition to return of the property, compensation may also be claimed. The decisions of the Commission are final and any right or obligation established by the Commission shall be recognized as lawful throughout the territory of B-H. Failure of any Party or individual to cooperate with the Commission will not prevent the Commission from making a decision.

Annex 7 envisages also the establishment of a special Refugees and Displaced Persons Fund in the Central Bank of B-H. This fund will be administered by the Commission and will be replenished through the purchase, sale, lease and mortgage of real property to be decided by the Commission. Furthermore, it can be replenished through payments by the Parties, or contributions by States, international and non-governmental organizations.

III

In the light of the difficulties arising with regard to the respect for human rights and the protection of the rights of refugees and displaced persons at this stage of the Dayton Agreement implementation, it is very important for all the Parties to strictly abide by the provisions of the Agreement which they accepted and signed.

Within this context, the enjoyment of human rights in Serbia (Yugoslavia) is rendered more difficult by the fact that the Federal State which, constitutionally speaking, has been in existence for four years, has not adopted yet many of the basic laws indispensable for the functioning of a legally stable state.⁹ The procedure and form in the Yugoslav legal system are, by and large, instruments of manipulation, either when they are insisted upon or circumvented. The most frequent violations of human rights occur due to the slow judicial and administrative procedure. Legal argument has lost any meaning, having ceded its place to a system of connections, lobbies, pressures, interest groups and the like. Categories such as the rule of law and human rights give only rise to scorn and disbelief. A system of values has set in, whereby only those who "have made it" in the legal chaos and lawlessness, enjoy prestige in the society. The State encourages and sustains this state of affairs consciously. Under such circumstances, many citizens and refugees live in a legal vacuum which deprives them even of the minimal protection.¹⁰ The situation did not improve even after the recent adoption of the Yugoslav Citizenship Law, seen as a "law permeated with the police spirit of practically unlimited discretionary powers".¹¹

IV

According to the information accessible to the Helsinki Committee for Human Rights in Serbia (regularly published in its reports for domestic and foreign public) and *Helsinki Povelja Journal*¹², many elements render significantly more difficult the implementation of the Dayton Accords, more particularly in respect of the enjoyment and protection of universally proclaimed human rights on the one hand, and enjoyment and protection of the rights of refugees and displaced persons on the other.¹³

The refugee return is one of the crucial questions in the Dayton Agreement as it is, objectively speaking, the only chance to vacate a considerable portion of the results of the war and ethnic cleansing. Although the Dayton Accords address only Bosnia and Herzegovina, the refugee return is a principle which all three Parties (that is, parties to the war) shall have to abide by. A special place belongs to the amnesty of all individuals involved in military or armed

formations (with certain exceptions), which is a prerequisite for the return of refugees and displaced persons. Thus, under the Dayton Agreement, all refugees or displaced persons need to be amnestied if they return, even if they are accused of committing a crime, except if they are charged with crimes against humanity and international law as defined in the Statute of the International Tribunal in the Hague, or with a crime unrelated to the war itself (e.g. theft, murder, infliction of bodily injuries and the like¹⁴. To this end, in mid-1996, Bosnia and Herzegovina, Croatia and Yugoslavia adopted their amnesty laws. However, whereas the Bosnian-Herzegovinian law can be said to be more or less in line with the letter and spirit of the Dayton Agreement, this does not hold true of the amnesty laws adopted in Croatia¹⁵ and Yugoslavia¹⁶. With respect to amnesty, a problem onto itself is the Republika Srpska, the entity which has not adopted its amnesty act yet, and if one is to judge by media reports, its adoption meets with numerous impediments, including the fact that the Hague Tribunal has filed even the formal indictments against the President, that is the Supreme Commander of this entity's army (R. Karadzic and R. Mladic).¹⁷

As regards the return and free movement of refugees and displaced persons, according to the information available, Muslims cannot return to the entity of the Republika Srpska¹⁸ because, as things stand now, even the rudimentary conditions for their safe return as defined by the Dayton Agreement, are totally lacking. This is also shown by the fact that not even FRY nationals of Muslim descent or even with a Muslim name only, are allowed to enter and travel through the Republika Srpska.¹⁹ On the other hand, individuals of Serb descent can exercise this right without any problems and with an identity card only.

On the other hand, refugees from the Republika Srpska (including Serbs) have no rights in Serbia. They are unable to regulate their refugee status, obtain travel documents, nor shall they be able to enjoy the right to nationality unless they return to their entity, while military conscripts still live in fear that they might be deported to the Republika Srpska and subjected to criminal prosecution for desertion.

V

The return of refugees and displaced persons turns into a highly acute question in the light of forthcoming preparations for elections in Bosnia and Herzegovina, called under the Dayton Agreement for 14 September 1996 and confirmed at the Florence Conference.²⁰ Thus, according to the report of the Helsinki Committee for Human Rights in Serbia: "The registration of refugees from Bosnia and Herzegovina (in Yugoslavia) for electoral rosters clearly indicates the intentions of this regime regarding the future of refugees from the

Federation of Bosnia and Herzegovina and the Republika Srpska. According to reports from various places around Serbia and in Belgrade, and “on-the-spot” findings of Helsinki Committee monitors, it can be concluded that the whole procedure was conducted under very precise instructions. Its objective is to have the least possible number of refugees register for the roster of the Federation of Bosnia and Herzegovina”. The Report then goes on to say that the refugees return envisaged by the peace agreement has not even started yet and that the Serbian and Croatian side are prominent in obstructing it because ‘ethnic engineering’ can be prevented only if the letter and the spirit of Dayton are strictly respected.²¹ This state of affairs was particularly evident in the so-called Drvar case.²²

Nevertheless, talk about return can be heard more and more often of late, and even the Office of the United Nations High Commissioner for Refugees (UNHCR) has taken part, within the refugee return programme, in the settlement of Serbs from Krajina (Croatia), who have opted accordingly, in some parts of the Republika Srpska. They were not returned to places they had fled from and were settled instead in places where there were conditions for it. UNHCR intentions are undoubtedly humane but it remains an open question whether the refugee question can be solved in this manner because, in our view, ‘ethnic settlement’ is at odds with the principle of voluntariness set forth in the Dayton Agreement and goes in favour of the realisation of ethnically pure states.

The above leads to a conclusion that the implementation of the Dayton Agreement presumes the obligation of all those involved in the refugee return programme to make their maximum spiritual and material commitment to solving this humanitarian, moral and political question. Otherwise, not only the “High Contracting” Parties, but the whole international community, will have failed the test in the implementation of the Dayton Accords.

¹ Cf. Proximity Peace Talks - The Dayton Agreement, *Naša Borba*, Belgrade, 1996.

² The Dayton Accords, Concluding Statements by the Participants in the Bosnia Proximity Talks, p. 63.

³ Bogdan Denitch, *A Terrible Peace to End a Terrible War in Bosnia and the Balkans*, TOD Newsletter, Institute for Transition to Democracy, No. 18, July 1996, New York/Belgrade/Zagreb, pp. 1-10.

⁴ Biljana Kovacevic-Vuco, *Živimo u fiktivnom svetu (Living in a Virtual World)*, interview, *Odgovor*, refugee newspaper for politics and culture of the civil society, 2 July 1996.

⁵ The Dayton Accords, pp. 1-2.

⁶ See: Stevan Lilić, *Potpisi koji obavezuju (Binding Signatures) Helsinška Povelja*, May 1996, pp. 9-10.

⁷ The Dayton Accords, pp. 34-39.

⁸ The Dayton Accords, pp. 40-43.

⁹ Cf. Helsinki Committee for Human Rights in Serbia, *Izveštaj o stanju ljudskih prava u Srbiji u 1995. godini (Report on the State of Human Rights in Serbia in 1995)*, Belgrade, December 1995.

¹⁰ Helsinki Committee for Human Rights in Serbia was approached by 32,000 persons desirous of returning to their homes (...) "the number of those who would like to go back to Croatia ranges from 30 to 70 per cent", says Helsinki Committee member Ninko Miric, "and depends on the political climate, reports about killings and harassment of Serbs in the areas they have come from, and their living conditions in Serbia". (*Neither to Go, nor Not to Go: One Year after Krajina's fall, for Krajinians There Is No Place under the Sun; Croatia Does Not Want Them, Serbia Does Not Need Them Any More, Vreme*, Belgrade, 3 August 1996.

¹¹ "The Yugoslav Citizenship Bill presented by the Federal Government reeks with police spirit" - this was concluded yesterday in a public discussion organised by the Social Democratic Union. "A law prescribing that the citizens' loyalty shall be assessed by the police, is a characteristic of police states, and fully reflects the nature of the regime in our country", says Dr Stevan Lilic, professor of administrative law at the Faculty of Law in Belgrade. (...) "The adoption of a citizenship law of this sort affects in particular refugees and expellees as they are requested to submit a proof of their sources of livelihood whilst most of them live in collective centres or in clandestinity". (*Absence of Loyalty - Loss of Nationality, Dnevni Telegraf*, Belgrade 13 July 1996.

¹² *Helsinkiška Povelja (Helsinki Charter)*. Issued by Helsinki Committee for Human Rights in Serbia, Belgrade 11000, Zmaj Jovina 7.

¹³ Cf. Helsinki Committee for Human Rights in Serbia, *Izveštaj o stanju ljudskih prava u Srbiji u 1995. godini (Report on the State of Human Rights in Serbia in 1995)*, Belgrade, December 1995; Helsinki Committee for Human Rights in Serbia, *Izveštaj o nekim aspektima pravnog i politickog sistema januar-maj 1996 (Report on Some Aspects of the Legal and Political System, January-May 1996)*, Belgrade, June 1996 etc.

¹⁴ The Dayton Accords, Annex 7, Article VI: "any returning refugee or displaced person charged with a crime, other than a serious violation of international humanitarian law as defined in the Statute of the International Tribunal for the Former Yugoslavia since January 1991, or a common crime unrelated to the conflict (...)".

¹⁵ "Franjo Tudjman and Mate Granic went to Washington. Two principal question were on the table during the talks about this region: financing and amnesty. They were told in no ambiguous terms that the reintegration depended on the implementation of these two things. For, we cannot get rid of the heavy weaponry without psychologically demilitarising the people, and this means an all-embracing amnesty... said American general Jacques Klein, the UN transition administrator for East Slavonia (Jacques Klein before the Deputies of the East Slavonian Assembly, *Politika*, Belgrade, 5 August 1996).

¹⁶ "The Amnesty Law is only a preliminary condition, rather than a guarantee of the safe return... in none of its parts does this law reflect the substance of the Dayton Accords". (Biljana Kovacevic-Vuco, *The Dayton Substance Missing; Things Left Out in the Recently Adopted Amnesty Law, Naša Borba*, Belgrade, 21 June 1996.

¹⁷ Cf. M. Klarin, *Medjunarodne poternice za Karadžica i Mladića (International Arrest Warrants for Karadžić and Mladić)*, Nasa Borba, Belgrade, 12 July 1996. For the

full text of the indictment, see: *Optuznica (The Indictment)*, *Helsinki Povelja*, July 1996, pp. 16-30.

¹⁸ “The Belgrade Circle, Helsinki Committee for Human Rights in Serbia, Association for B-H, Women in Black, Humanitarian Law Fund and European Movement in Serbia strongly protest and request that an immediate end be put to the racist practices of the Republika Srpska authorities in cooperation with FR Yugoslavia’s authorities, prohibiting the freedom of movement to persons of Muslim descent in the territory of the Republika Srpska. We seize the opportunity to remind that Annex 6 of the Dayton Accords envisages the respect for human rights and obligation of the Parties to secure to all persons within their jurisdiction the highest level of internationally recognised human rights and fundamental freedoms. These rights and freedoms include the right to move freely (...) (*Protest, Helsinki Povelja*, Belgrade, May 1996, p. 4).

¹⁹ Cf. Biljana Kovacevic-Vuco, *Povratak izbeglica u Republiku Srpsku (The Return of Refugees to the Republika Srpska)*, *Helsinki Povelja*, May 1996, pp. 14-15.

²⁰ Cf. *Izbori u Bosni 14. septembra (Elections in Bosnia on September 14)*, *Naša Borba*, Belgrade, 15-16 June 1996.

²¹ Cf. *Usmeravanje glasova u RS (Marshalling Votes Towards RS)*, *Naša Borba*, Belgrade, 5 August 1996.

²² “With Form 1, expelled Drvarans could vote in Serbia, without having to travel; in Belgrade, however, they are offered only Form 2, which orients them towards the polls in the Republika Srpska (Brcko, Srebrenica, Zvornik) and nominees of ‘Serb’ parties”. (*Zašto Drvarčani ne mogu slobodno na izbore u BiH: sa “dvojkom” se ne ide u Drvar - Why Drvarans Can’t Go Freely to the Elections in B-H: With “No. 2” One Does Not Get to Drvar*, *Naša Borba*, Belgrade, 31 July 1996.

REFUGEES IN INTERNATIONAL AND DOMESTIC LAW

by Biljana Kovačević Vučo

I THE LEGAL DEFINITION OF REFUGEES UNDER THE INTERNATIONAL CONVENTION AND IN DOMESTIC LAW

The Convention relating to the Status of Refugees of 1951 and the Protocol of 1967 define as a refugee any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his formal habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. The Refugee Law of the Republic

of Serbia of 4 April 1992 considers as refugees Serbs and members of other ethnic groups who, owing to the pressure of the Croatian authorities or authorities in other republics, threats of genocide, persecution and discrimination due to religious or ethnic membership or political opinion, were forced to leave their residence in these republics and seek refuge in the territory of the Republic of Serbia.

The definitions of refugees in the international convention and the Serbian law are substantively different. The Serbian Refugee Law begins with the word 'Serbs', allowing that persons of a different ethnic descent may also be refugees, evidently as an exception, whilst the Convention considers that refugees are all persons who left other countries owing to their well-grounded fear of persecution and owing to such fear, are unwilling to avail themselves of the protection of the country they left. The Serbian Refugee Law, rather at odds with the habitual practice, specifies in advance the country (Croatia) where persecution can take place, and allows that it can also happen in other Yugoslav republics. It is obvious that the law was tailored for a specific situation, and took no note of the standards set forth in the Convention relating to the Status of Refugees. It transpires from it that only Serbs can be persecuted, and at that, only by the regimes in other Yugoslav republics, unless these are controlled by the Serbs. The result of such legal definition is that most refugees from the Republic Serb Krajina and Republika Srpska could not obtain the refugee status. The reasoned opinion accompanying the Federal Nationality Bill supports this view. It is supplied by the Federal Ministry of the Interior and says that refugees from the territories of the Republic Serb Krajina and Republika Srpska cannot be recognized the Yugoslav nationality for national and security reasons.

The Refugee Law of the Republic of Serbia is thus, due to its definition of a refugee, at complete variance with the international standards set forth by the Convention and moreover, in addition to its discriminatory elements (Serbs and others), it is also a highly politicized instrument.

II THE LEGAL STATUS OF REFUGEES UNDER INTERNATIONAL AND DOMESTIC LAW

The Convention relating to the Status of Refugees explicitly says that the Contracting States shall apply its provisions without discrimination as to race, religion or country of origin. As to the legal status, the personal status is guaranteed as the country of reception shall respect the refugee's previously acquired rights deriving from personal status, and more particularly rights attaching to marriage. In respect of property, the Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than

that accorded to aliens. In respect of the protection of intellectual and industrial property, refugees shall be accorded the status as is accorded to nationals of that country. In respect of the right of association, refugees shall be accorded the most favourable treatment accorded to nationals of a foreign country, excepting associations pursuing political objectives or profits. With regard to the access to courts, refugees shall enjoy the same treatment as nationals in matters pertaining to access to the courts, including legal assistance. As regards the elementary education, refugees shall be accorded the same treatment as nationals. In respect of public relief, refugees shall be accorded the same treatment as nationals of that country. As regards the labour legislation and social security, the Contracting States shall accord to refugees the same treatment as to their own nationals when such matters are governed by laws or are subject to the control of administrative authorities (remuneration, family allowances etc.). If the exercise of a right by a refugee requires the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities or by a national authority, which shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities. The Convention guarantees the freedom of movement by according refugees in its territory the right to choose their place of residence and to move freely within its territory subject to any regulations applicable to aliens generally in the same circumstances. They issue identity papers to any refugee in their territory who does not possess a valid travel document. These states are bound to issue to refugees travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require. The Contracting States shall not impose penalties on refugees who enter their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence. With regard to the movements of such refugees, the countries shall not apply restrictions other than those which are necessary and such restrictions shall only be applied until their status in that country is regularized. The countries may expel a refugee lawfully in their territory only on grounds of national security or public order. The expulsion shall only be in pursuance of a decision reached in accordance with due process of law. Such refugee shall be allowed a reasonable period within which to seek admission into another country. However, no Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. The States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular

make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

The status of refugees in Serbia is governed by the provisions of the Refugee Law. Care for the refugees is the principal concern of this law and the Republic assumes the responsibility for it until conditions are met for their safe return, and/or their lasting social security. The refugee care covers organized reception, interim accommodation, food aid, appropriate health care and financial and other relief. Refugees have the right to employment and education as prescribed by statute and are subject to military, that is work obligation under the same conditions as those applied to nationals of the Republic of Serbia. The Republic of Serbia provides collective protection of personal rights, property rights and other rights and freedoms of refugees and guarantees them international legal protection as accorded to its nationals. Refugees who cannot be accommodated and looked after by families, are provided with collective or individual accommodation in facilities and institutions set aside for the purpose and given relief in food. The Commissariat for Refugees of Serbia decides on the recognition and denial of the refugee status. The appeals are dealt with by the Minister for Relations with Serbs outside Serbia. Following the recognition of the refugee status, the Ministry of the Interior of the Republic of Serbia issues a refugee card which is a public document enabling refugees to exercise their lawful rights. Refugees have the same obligations as Serbian nationals in respect of reporting their residence and domicile. Material and other relief to refugees is cut down in certain cases such as part-time employment and the like. A refugee loses the right to care when he returns to the territory he has left or when he is provided accommodation in another specified place, when he finds a full-time job, acquires real property and founds a company or a shop. A refugee loses his rights if he gives incorrect information about himself, if he fails to report substantial changes in his refugee status, if he refuses to comply with military, labour or other obligation, that is if he fails to report to the relevant military authority and refuses to return to his place of residence when certain conditions are met, and if he refuses certain accommodation, that is transfer or refuses to take permanent or temporary residence in a locality where living conditions have been provided for him.

The status of refugees as defined in the Serbian law and the international convention varies significantly. The Serbian Refugee Law can be said to be in direct contravention of the Convention, primarily because it introduces the work and military obligation, and also because refugee rights can be lost all too easily. A large number of provisions in the Refugee Law spell out strict rules of refugee conduct, rather than take care of their protection. Penal provisions are very strict and it transpires that refugees are a burden to the state and that there is a basic

conflict of interests between the refugees and the State. Unlike the Serbian Refugee Law, the Convention spells out clearly when the status of refugee can cease and envisages no penal sanctions in such cases. The Convention prescribes that it will cease to apply to refugees if they voluntarily re-avail themselves of the protection of the country of their nationality, re-acquire its nationality, acquire new nationality and enjoy the protection of the country of the new nationality, if they voluntarily re-establish themselves in the country which they left, or if the circumstances owing to which they became refugees, cease to exist. This, however, shall not apply to refugees who are able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of their previous residence.

III THE ROLE OF INTERNATIONAL ORGANIZATIONS IN RESOLVING REFUGEE PROBLEMS

Under the Convention, the Contracting States undertake to cooperate with UNHCR, or any other UN agency, and in particular shall facilitate its supervision of the application of the Convention. To enable UNHCR to perform its duty, the States are bound to make reports and supply the required information and statistical data concerning the condition of refugees, the implementation of the Convention and regulations and decrees which are or shall be in force relating to refugees. Any dispute between Parties to the Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

IV THE ROLE OF THE COMMISSARIAT FOR REFUGEES OF THE REPUBLIC OF SERBIA IN SOLVING THE REFUGEE QUESTION

The Commissariat for Refugees is a special organization which enjoys the status of a legal person in matters relative to refugee care. The Commissariat is headed by a commissar appointed by the Government for a four-year term.

The Commissariat for Refugees discharges technical and other affairs relating to refugee care, establishes the refugee status, keeps records, coordinates refugee relief, provides accommodation and transfer of refugees, ensures conditions for refugee return, that is permanent solution of their problem in some other manner. In line with the provisions of international conventions, ratified by Yugoslavia, which govern the status and rights of refugees, the Commissariat

decides on the recognition and loss of the refugee status. The Commissariat initiates the application for international relief from UN agencies and other relief organizations. It cooperates with the Red Cross, humanitarian, religious and other organizations and citizens. The Commissariat keep books of funds raised and is bound, at the request of the Government, but not less than once every 6 months, to report to the Government on the outlay of funds received for refugee care.

V THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

Under the Refugee Law, the Commissariat cooperates with humanitarian, religious and other organizations and citizens. The Convention relating to the Status of Refugees considers that refugees need the assistance of appropriate social services, and particularly the assistance of non-governmental organizations in various moral, material and legal areas, recommends to the governments and inter-governmental institutions to facilitate, encourage and help the efforts of organizations duly authorized for this task.

VI EXPELLEES

After the operation *Storm* and the exodus of Serbs from Croatia, the Government of the Republic of Serbia adopted the Decree on the Care for Expelled Persons (9 November 1995), thereby introducing a new element of discrimination in the refugee population category. Apart from the fact that expellees are a category non-extant in international law, the Decree accords to refugees arrived from Croatia after 1 August 1995 a treatment less favourable than that accorded to other refugees as it denies them the right to be refugees. The expellee status is settled by the above Decree (by-law adopted by the Government) rather than by law as is common practice, which refers to the application of the Refugee Law. In addition to these formal differences, expellees are not recognized the right to employment. The status of an expellee is established by the Commissar for Refugees and the Minister for Relations with Serbs outside Serbia and the expellee card is issued depending on their decision. In practice, this card is very difficult to obtain because the terms are impossible to meet (e.g. statement of a landlord confirming that an expellee is admitted for bed and board for the duration of his expulsion, which has to be certified by municipal authorities, a proof of relationship with the provider of accommodation, recognizing only the next-of-kin).

The Convention relating to the Status of Refugees affirms the principle that human beings should enjoy fundamental rights and freedoms without discrimination. The international Convention respects this principle consistently. Unlike the Convention, the Serbian law and decree treat refugees and expellees as beings who need care, taking no note of their dignity. In practice, refugees and expellees are an object of manipulation, the humanitarian aid is haphazard and inadequate and their hard life is not made easier in any way. To this day, the authorities have not made public their refugee policy nor is there a programme for the solution of the refugee question. Far from encouraging the voluntary return of the refugees, the State directly obstructs it in many different ways. There are very many instances of refugees being forcibly transferred from one place to the other in complete disregard of their interests. In 1993, 1994 and 1995 there were several big waves of unlawful refugee mobilization. Refugees are denied freedom of movement, travel documents were issued contingent on daily political needs, and recently have become completely impossible to obtain.

After the census of refugees and expellees conducted from 15 April to 30 May 1996, even though it was called a voluntary one, the refugees cannot enjoy any of their rights without showing the census card. This is only one more of many recorded refugee manipulations.

SERBIA'S FOREIGN PRIORITIES AND THE REFUGEE QUESTION

by Sonja Biserko

The refugee issue is a humanitarian, political, moral and legal question. Within the present Serbian context, it is also a foreign political question. Correct definition of the refugee problem, governed by the Dayton Agreement, will show whether Serbia is willing to accept norms set forth by this document.

If the current moment in the history of the Serb people is to be understood, it is indispensable to include there the fate of the Serbs from across the Drina. The instrumentalisation of these segments of the Serb people, turned into refugees, from the outset of this war, has brought them to a blind alley. Economically, and even biologically speaking, they barely subsist, living on the brink of extermination, and politically, they are still used for potential deals. Lamentably, the unification of the Serb people is still a goal, manipulated by the regime and opposition alike. For them, the refugee return is unacceptable as it is only through them that they can achieve the consolidation of Serb ethnic lands, thus bringing off at least a part of the Greater Serbia project and expansion of the state north-westward.

The Serb exodus from the so-called Republic Serb Krajina and recently from Sarajevo are indicative of a purposeful resettlement of Serb citizens under threat or by fraud, in pursuit of specific political objectives. Today, forcible resettlement runs counter to fundamental principles of international law, governing the protection of human rights and upheld by the legal system of the United Nations. Even if the decision to move away had been voluntary (which it was not), it is common fact that definitive departure from one's place of residence, which is, more often than not, also the birth place of these individuals and their forefathers, is rather inhumane (notably in the case of rural population).

It is particularly inhumane to forcibly transfer a population to a new state when the living conditions there are such as to conduce to their complete annihilation (unfavourable economic conditions, inability to adjust to the new geographic environment, different mentality, animosity towards newcomers and the like). The Serbian regime has not demonstrated that it had given some consideration to the real effects of the "humane population resettlement". The experience shows that the chief goal of the war policy was to conquer territories, not to unite all Serbs.

There are about half a million refugees in the Federal Republic of Yugoslavia. They can be divided into several categories. The first embraces refugees from Croatia who arrived in 1991 (enjoying the refugee status), followed by refugees from the so-called Republic Serb Krajina who have not been granted the refugee status. Then there are refugees from Bosnia and Herzegovina, that is its parts which were not controlled by Serb forces, who arrived in 1992 (granted the refugee status), and refugees from the RS territory (without the refugee status). The latest refugee wave from the so-called Republic Serb Krajina happened after the operation *Storm* in August 1995 and they are treated as expellees. Following the conclusion of the Dayton Agreement, the exodus (encouraged by Pale) started from territories which the Agreement transferred to the jurisdiction of the Sarajevo authorities (Serbs withdrew from the suburbs and parts of Sarajevo proper) but it was contained to the RS territory.

So far, the Federal Republic of Yugoslavia has not divulged a comprehensive refugee policy. The regime moves are not consistent and fully rationalised, and depend on political needs of the day. Generally speaking, however, there is a noticeable tendency to ethnically consolidate Serb-controlled territories in Croatia, and in particular in Bosnia and Herzegovina. This is especially manifest in East Bosnia. Serbs who were moved out of Sarajevo, now are settled in Bijeljina, Bratunac, Srebrenica, Brčko... The same intention seems to hold true of East Slavonia. The arrival of the American general Jacques Klein, however, does not support such FRY aspirations. Moreover, the US diplomacy voices its full support to the reintegration of the region into Croatia. There are signals showing that the return of Croatian Serbs to Krajina will not enjoy the FRY sup-

port and that their question will be solved by settling them in RS and East Slavonia, or in ethnically-mixed environments in FRY, with a view to altering their ethnic structure. Establishment of diverse return committees, such as the one headed by Borislav Mikelic, serves this end. Fortunately, they do not meet with much backing and trust among refugees.

It needs to be mentioned that FR Yugoslavia is a multi-ethnic state (minorities constitute 35% of the population). The status of minorities will largely depend on the solution of the refugee question. The intention to settle refugees in ethnically-mixed environments, notably Vojvodina, indicates that Serbian authorities persistently try to ensure Serb majority in ethnically-mixed environments, that is domination over all non-Serbs. The unfavourable refugee condition creates, and will continue to create tension in these milieus. It will inevitably conduce to conflicts, which could spill over the FR Yugoslavia, s boundaries.

In view of the commitments undertaken by FR Yugoslavia in the Dayton Agreement, such conduct of the regime - and a large part of the opposition - is far from the expected, and calls into question assistance promised in case of consistent implementation of the provisions of the Dayton Agreement, notably Annex 7.

In the light of the international environment, and indicated determination of the international community to solve the Balkan question governed by OSCE principles and within that organisation, a consensus in Serbia about possible directions of the Serbian policy as a whole, including its foreign priorities seems advisable. In this regard, the refugee question requires a clear position:

- full and consistent implementation of Annex 7 of the Dayton Agreement, based on the principle of voluntariness;
- effort, through international factors, to provide conditions indispensable for the refugee return;
- provision of conditions for the return of all non-Serb and Serb nationals to FRY, which presumes the adoption of necessary measures and laws, such as the Amnesty Law;
- provision of conditions for the reintegration in FR Yugoslavia of all those who do not want to return to their homes;
- equal refugee and FR Yugoslav nationals rights, as a rule or generally.

Only such approach will meet with refugees trust and show that this is a responsible state. It will also demonstrate to the international community that FR Yugoslavia has embraced standards and values of civilised societies and that it is willing to continue as a multi-ethnic state. At the same time, assistance to Serb refugees to return to Croatia and Bosnia and Herzegovina will give assurance to the public that this state has relinquished its Greater Serbian project, with territorial aspirations pursued by force. It would show, moreover, that it does not endorse such projects elsewhere.

EXODUS OF REFUGEES

In early August 1995, after the Croatian military operation Storm, entire Serb population of the self-proclaimed "Republic Serb Krajina" left their homes. After a week-long journey through Bosnia and Herzegovina, in columns hundreds of kilometers long, on foot or by tractors and horse-driven carts, 150,000 - 200,000 people (a similar inflow was registered in May) arrived in Serbia.

This exodus, a veritable humanitarian tragedy, is traced through Helsinki Committee press releases and reports published in this book. The Committee followed with equal attention the trials and tribulations of the deceived Serb population and ethnic Croat population, particularly in Vojvodina, who unwittingly became the victims of the expellees' disappointment and anger.

PRESS RELEASE

In view of the developments in Western Slavonia and media campaigns mounted on all sides, the Helsinki Committee Affirms with full responsibility that at the moment nobody knows the exact toll of the killed, wounded and missing. As there were obviously civilian casualties among them, the Helsinki Committee supports activities of all international organisations whose task is to establish the toll. We think that by manipulating the number of casualties various sides are trying to sow panic among the population and force them into exile. Helsinki Committee also condemns treatment of refugees from Western Slavonia by Yugoslav authorities, namely their humiliating deportation to Eastern Slavonia.

We warn that the ethnic-cleansing campaign mounted in line with political objectives and strategic goals on one side, generates a chain reaction on all the other sides, and that there are, therefore, the primary and secondary form of ethnic-cleansing. All of this casts serious doubts on "voluntary" emigration. Current emigration is caused by fear and despair, and is also a result of the systematic implementation of a policy which is prohibited and punishable by international law.

It is sheer nonsense to define this policy as "humane resettlement of population", as this category is non-existent in international law.

Belgrade, 23 May 1995

Sonja Biserko, Chairperson

PRESS RELEASE

The Helsinki Committee warns humanitarian organisations, Serbian public and authorities that at FRY borders refugees are subjected to humiliating treatment.

Long refugee columns are left without water, food, adequate medical care and assistance. Unscrupulous persons charge them DM 5 for each sandwich and a Coca Cola.

Helsinki Committee appeals to all the institutions to do their job and help alleviate this situation.

Belgrade, 7 August 1996

Sonja Biserko, Chairperson

PRESS RELEASE

The outcome of the war, which we are witnessing, could have been expected from the very beginning of the conflicts. The regime in Serbia and the masterminds of the Greater Serbia project should assume full responsibility for it. However, this would not entirely exculpate the authorities of the Republic of Croatia. Why should Serbs pay with exodus for any state's irresponsible policy? All citizens, irrespective of their ethnicity, are entitled to their homes and property. Croatian authorities are duty-bound to vouchsafe their return and guarantee them security and all civil rights.

Helsinki Committee strongly protests against renewed manipulations of civilian refugees and measures taken to prevent them from entering Yugoslavia. We are of the opinion that they should decide themselves whether they want to come to Yugoslavia or go back to Croatia.

Helsinki Committee appeals to all relevant international organisations and institutions, and particularly to Yugoslav and Croatian authorities to enable the return of all the civilians to their domiciles and to guarantee their security.

Belgrade, 7 August 1995

Sonja Biserko, Chairperson

APEAL TO THE INTERNATIONAL COMMUNITY

Already more than four years long humanitarian tragedy in a large part of the former Yugoslavia is approaching its culmination and acquiring awesome proportions with unforeseeable consequences. The exodus of thousands of helpless civilians from Krajina and before that from Srebrenica, Zepa, West Slavonia... is only the latest example of the suffering inflicted on the population.

Once again their plight is due to inadmissible ethnic cleansing witnessed in these parts so many times already. Victimized in the name of national projects out of tune with modern times, people on the run, forsaking all they ever had, are now left without the present or the future.

If the proclaimed human rights and principles governing them were supported by action, giving evidence of true belief in them, this human tragedy would not be taking place before the eyes of us all, including the international community which is reduced to an impotent observer, belatedly reacting to the effects of the ruthless policy of *fait accompli*.

We call for resolute and urgent steps to save the innocent victims of the persecution. They must be helped to survive and regain their self-confidence and

confidence in others. This will be possible only if they are genuinely promised and ensured the return to their homes.

We are sending out this distress signal in the hope that you will use it to prevail upon all the relevant individuals and institutions to come to rescue. Unless the conscience of the humankind is awakened, there shall be no solution to the Yugoslav drama in the conceivable future.

Belgrade, 8 August 1996

Sonja Biserko, Chairperson

PRESS RELEASE

The Helsinki Committee for Human Rights in Serbia learns that the refugees arriving in Serbia break into houses of the indigenous population, Croats in particular, in order to throw them out.

The report on such cases in Novi Banovci, also mentions scenes similar to the ones in Hrtkovci witnessed early in the war, murders of five women unwilling to let refugees into their houses, and intervention of special units of the Ministry of Internal Affairs of the Republic of Serbia to protect Kukujevcı population.

The Helsinki Committee appeals to all nationals of Serbia to protect their neighbours, who could be in danger. It also appeals that all refugees in Serbia be given all the necessary assistance, in a legal and acceptable way.

Belgrade, 10 August 1995

Sonja Biserko, Chairperson

ON THE FIELD

(These are excerpts from the daily reports that were sent to us by our members on the field.)

With journalists from *Naša Borba* daily we visited the village of Novi Banovci, in Nova Pazova Municipality, to check the rumours about Croat locals being forced out of their homes.

First, we contacted a team of radio amateurs transmitting messages of refugees and displaced persons. They confirmed that there was a lot of tension in the village due to the presence of Krajina refugees (about 2,000, mainly from the Knin area). Groups of them walk around and look for houses. They have lists of all non-Serb households. It was observed that they were accompanied by individuals from Batajnica.

The President of the local community told us that the situation was tense, and that acts of aggression were committed by refugees. He offered to take us around the village.

There were 17 police patrols in the village and we met the Police Commander.

Refugees are drunk and aggressively walk around the village.

We visited 4 households of Croat villagers and 1 Serb household.

Two refugee families have already moved into a single-person household (middle aged woman) in Saint Sava, the main street, called Marshal Tito street by non-Serbs. They wanted the owner to leave the house, but after the intervention of local authorities, it was agreed that she could stay. She was in tears and seemed very frightened. Her Serb neighbours were keeping her company. She feared that eventually she would have to move out if another family moved in.

Then we visited the household of M. K. in Železnička Street No. 11, who told us that a family consisting of a father, mother and daughter had visited him. The father, a Krajina policeman, wanted M. K. to move out as soon as possible. He declined, and then the policeman's wife threatened that she would throw a bomb on the house. The host then said that they could stay until they found other accommodation, but their minor daughter retorted that she did not want to live in the same house with Croats. They left the house, but threatened once again that they would throw bombs at the house if M. K. did not move out.

We also visited a household of a woman living across the street. She was also threatened by Krajina refugees.

A visit was also paid to the household of J. Š., located in the main street. Refugees put a knife to his throat and threatened that they would kill him if he did not move out.

The police have not identified any of the perpetrators or taken legal measures against them.

Both non-Serb locals and local authorities fear that the situation can get out of hand if a larger number of refugees arrives during the night or tomorrow (12 August 1996).

The phone number of Helsinki Committee was given to persons who could be trusted and they were told that they could call at any time if the situation got worse.

The situation is conducive to a complete take over by the incoming refugees, if their number increases and the number of policemen is reduced.

(10 August 1995)

Georgije Marić

Novi Banovci: Krajina banner is hoisted in the vicinity of the Roman Catholic church, in Vojvodjanska Street, groups of five people are making rounds and marking the houses to be seized; a number of people have been moved out; there are no police units in sight; a van with VU licence plate is slowly circling the village and scanning houses to be marked.

Surčin: Z. J. calls to say that armed people came, threatened to throw them out of their houses; he asks for help since the police are not intervening.

Kukujevci: Mirko Gaspari of the American Embassy calls to say that Bela Tonković called him from the village of Kukujevci to say that local Croats are being evicted and that 12 Croats in Subotica asked for help.

Zemun: Father Ante Kolarevic calls from Zemun to say that refugees have a list of Croat locals and that they are moving into their houses. He adds that a priest and his mother have been thrown out of their house. He indicated that the worst situation was in Surčin.

Letters to President Milošević, Ministry of the Interior of the Republic of Serbia, Boutros Boutros Ghali, Sadako Ogata, Tadeusz Mazowiecki and Richard Goldstone were sent.

11 August 1995

IN THE OFFICE...

Friday, 11 August 1995
around 15:00

A friend of S. Č. and M. Č. called (S. is a Croat, M. is a Serb): they live in Batajnica. They are elderly people, and he has a heart ailment. Last night they were threatened and told to move out within 24 hours. They reported it to the police but were told to call back if something more serious happened. There are rumours in Batajnica that police is not reacting even to more serious offences. He knew about similar cases, but had concrete evidence only for this one.

at 16.45

P. R. called to say that he was told by his relatives that in Sremski Karlovci refugees were forcibly moving into Croat houses, marked with a Nazi cross.

at 16 00

L. Š. (refugee from Krajina, our case) heard through her aunt living in Belgrade (but originally from Trebinje), that there is an evacuation campaign under way in Trebinje and Gacko. She did not give more details.

Saturday, 12 August 1995
around 11:00

E. T. calls: A five member family was forced out of their house in Surčin, by a group of refugees, but they managed to move back into it when they accepted to host another family, whom they have known for years. They do not know what to do, whether to go to Croatia or stay. They do not know what they would do in Croatia since they have no relatives there. She says that her next door neighbours pointed at her house and another house in a street where Croat families live. She fears the worst, as there are only two Croat houses in the street. She believes that the whole campaign is well organised by the Radical Party. According to the story which she heard from people living in her house, it seems that the whole Krajina exodus was staged to destabilise Serbia. The family staying in her house want to go back to Krajina as their village was not destroyed. They do not want to stay in Serbia too long, and she fears they might be forced out as well, because they are deemed politically unsuitable (although the father took part in this war).

We are to call her back in a couple of days time. If anything else happens, she will call.

A LETTER TO THE SERBIAN AND YUGOSLAV MINISTERS OF THE INTERIOR

Public order and peace in Serbia, particularly in Zemun, Surčin, Stari Slankamen, Novi Banovci, Sremska Mitrovica, Kukujevcı, Golubinci, have been drastically disturbed by the presence of a large number of refugees from Krajina.

According to available information, refugees are forcibly moving into the homes of indigenous population of Serbia, namely into houses of local Croats. It is obvious that they have lists of addresses and numbers of phones of such persons. On the houses which have been taken over, flags of Republic Serb Krajina are hoisted and this causes fear among other villagers.

We were informed by the villagers that the police did not intervene in such cases, thus disregarding their legal duty to protect the lives, physical integri-

ty and property of citizens of FR Yugoslavia.

We demand that in all the places with a large concentration of refugees public order and peace be restored;

to prevent organised groups of refugees to usurp the power in villages of the Republic of Serbia and FR. Yugoslavia;

to send additional police force to make obvious the presence of the state authorities;

to instruct your field officials to fulfill their duty by protecting property and physical integrity of citizens of FR Yugoslavia;

to facilitate the return of forced out citizens to their homes.

cc: Mr. Slobadan Milošević, President of the Republic of Serbia

Belgrade, 11 August 1995

*Yours sincerely,
Sonja Biserko*

LETTER TO THE EMBASSIES IN BELGRADE

Recent developments in the territory of the former Yugoslavia, Western Slavonia, Gorazde, Zepa and Krajina, have brought about only new suffering of the civilian population and threaten to generate a similar exodus of the population from the areas not affected by the war so far.

The exodus of Serbs from Krajina, a tragedy onto its own, generates new tensions in Serbia and triggers the exodus of Croats and other non-Serb groups from Serbia. Unfortunately, the sweeping action in Krajina generates anger, hatred and fear among people who fled from that region, thus bringing in a new wave of brutality towards innocent people here, including Serbs who try to protect their non-Serb neighbours.

According to the UNHCR Office in Osijek, 50 Croats from Serbia have already taken refuge in Croatia, informing local authorities about 800 others who are ready for a similar move.

As a prevention to possible exodus of non-Serb population from Serbia (about 35 % of the entire population), the Helsinki Committee for Human Rights in Serbia appeals to the UN Centre for Human Rights, and you personally, to take decisive measures for the safety of refugees from Krajina and their safe return to their homes. Safe return to their homes is not only what refugees wish, but also the only way to prevent the looming demographic catastrophe. Yesterday's Security Council resolution gives us hope that such an action will take place immediately.

The Helsinki Committee begs you to take urgent action..

The Helsinki Committee is at your disposal for any cooperation and help on these issues.

Belgrade, 11 August 1995

*Yours sincerely,
Sonja Biserko, Chairperson*

A LETTER TO PRESIDENT MILOŠEVIĆ

Dear Mr President,

The latest developments in the Krajina region and the mass flight of refugees from these areas threaten to seriously destabilise the situation in the Republic of Serbia. According to the information which we receive daily, refugees are brutally forcing out all Croats, indigenous in Serbia, from their homes. Considering the way in which the action of "cleansing" is carried out, it is obvious that refugees have lists of addresses and phone-numbers of such persons. Also, police officers react rarely or do not react at all to help these nationals of Serbia. According to our information, the most critical situation is in Zemun, Surčin, Slankamen, Novi Banovci, Sremska Mitrovica and Kukujevcı. In places and houses which have already been seized, flags and other signs of the Republic Serb Krajina are hoisted up, which provokes fear of other citizens of Serbia.

Having in mind all the above mentioned, as well as the possibility of further escalation of such behaviour, we ask you to take all necessary measures to prevent violence in the Republic of Serbia, and the intimidation of all other non-Serb groups living in this state.

Helsinki Committee demands that you secure the functioning of the rule of law and respect of the principles of national equality of citizens of Serbia, which you yourself publicly uphold.

We are asking you to take measures in order to urgently secure an adequate accommodation of refugees, but also to work towards their urgent return to their homes in the Republic of Croatia.

We demand that a broad international action be launched in accordance with the UN Security Council Resolution of 10 August 1995.

Belgrade, 11 August 1995

*Yours sincerely,
Sonja Biserko*

HELSINKI COMMITTEE REPORT ON BREAK INS TO CROATIAN FLATS AND HOUSES

At the invitation of inhabitants of Surčin, Zemun and Novi Banovci, the Helsinki Committee team visited these places to take stock of the situation.

We talked to the local priest, Father Antun Kolarević and his guest, Slankamen priest, Father Eduard Španović.

As he was threatened when he came out of the church on Saturday evening (5 August 1995), Eduard Španović left Slankamen the following day. His mother, who stayed, is under constant threats. On Thursday, 10 August 1995 a group of five refugees, looking for the priest, broke into his residence and started harassing the 70 year-old woman. After this first incident she called the police, but was told that those people had to stay somewhere. Then another refugee group broke in, saying that they were authorised to talk to the priest. They told her to pass him the following ultimatum: either he will tell the Croats to vacate their houses and leave Slankamen, or his throat will be cut. After the second incident, his mother fled to Zemun, and a group of refugees have been waiting for him to return in front of his residence since then.

Similar incidents were reported in Golubinci and Banovci. In Banovci 10 refugees broke into the priest's residence and threw out the priest. Jozo Duspara, Golubinci priest, was also evicted from his flat and a group of refugees moved into it. In Kukujevci the Roman Catholic church was demolished, the priest's residence was looted, and refugees stopped Berislav Petrovic who was trying to leave Kukujevci, took his car and threw out all religious appurtenances. He managed to get away by hiding in the fields.

Father Kolarević told us that refugees in Zemun threatened that they would first move into Croat houses and then into their flats.

Citizens and the priest told us that August 5 was a local religious holiday (celebrated only in Srem since the Turkish defeat in 1717), but that refugees thought that the celebration was due to the Croat triumph over the fall of Knin. Various incidents were reported that day. In Petrovaradin, in the night of August 5, a group of refugees threatened to throw a bomb on a group of Roman Catholics.

On August 8, in Hrtkovci, a group of refugees broke into the priest's residence and demolished it. That same night, a group of younger people broke into the church, before the service, threw out 10 persons, and forbade the priest to continue the service.

On August 9 in Kukujevci and Gibarac the police and army troops threw out a group of non-Serbs from their houses and accommodated refugees there.

Following the evening service in the Roman Catholic church in Novi Slankamen on August 5, several Catholics were maltreated and some even beaten. Several houses were set on fire and some forcibly vacated.

There are also break-ins in Batajnica, Ruma, Sremski Karlovci and Sremska Mitrovica.

A more or less similar pattern precedes such incidents: first there are phone threats at night-time (it is generally suspected that some local inhabitants identify Croat houses to refugees. Majority of those threatened are convinced that the accomplices are not the local Serbs, but rather Serbs settled in 1991). Then direct and open threats are voiced, sometime bombs or guns are shown. Houses are marked in red paint - TAKEN- and name and address written on them; and finally houses are broken into, mostly during the night.

In Surčin, Croats have been living in harmony with Serbs for over 250 years. Serb neighbours are protecting local Croats even now. Following a citizen's call, the police, as promised, sent reinforcements to protect him. The police have also put a stop to break-ins and threw out those who had moved in forcibly. There are 700 Roman Catholics, predominantly Croats, in Surčin. They live in two streets: Vojvodjanska, so called Šokački Šor and Baštovanska. Threats began early this morning, when people were told to move out by midday, and then bigger groups broke into the yards or houses, ordering people to move out. Refugees sometimes had small fire-arms (in ladies' purses) and sometimes donned camouflage uniforms with black scarves round their heads. It bears mentioning that all of them are young and able-bodied. Police threw them out of two houses which they had taken, but they later returned to one of them. Fifteen persons broke into the flat of the Surčin priest and ordered him to leave within an hour. Then they marked the house as reserved for a priest. Sometimes they first ordered local inhabitants to immediately leave their houses and then told them they would sit in front of their houses until Croats went to their deserted houses in Zadar and Benkovac. Sometimes they indicated by hand gestures how they would kill them. A young man was held at gun-point by a refugee until he handed the house keys, and once a gun was forced into a woman's mouth.

The striking feature of all the incidents is that refugees choose new and big houses and that they all have lists of houses (the latter indicates that there is an organisation behind all this, for example, Committee for Refugees of Ruma, as frequently mentioned). They also use telephone directories: before breaking into the house of a local inhabitant, they called and asked to talk to his father, who had died five years ago. It also bears mentioning that they mostly contact mixed marriages, frequently hosting other refugees in their houses. Such couples are willing to help, but do not want to move out.

On the basis of this field report, and the previous reports, the Helsinki

Committee team concluded that the incidents were provoked by persons who had left the refugee column, disregarding the instructions of the Serbian authorities, who were directing all the columns to the reception centre in Niš.

All people interviewed by the Helsinki Committee team stressed that they were loyal citizens, that many of them had been mobilised during the war, and that many hosted refugees. They also stressed that their Serb neighbours protected them as much as they could, as they also feared for their lives. All non-Serbs feared the night hours, as refugees threatened they would come back during the night. How serious these threats are is best indicated by the following example: a citizen from Surčin called us while we were writing this report (21:00) to tell us that he had just received a threatening phone call. He was told that both he and his family would be slaughtered that night, because the police had already thrown out of his house three refugees in camouflage uniforms.

Belgrade, 11 August 1995

REPORT ON REFUGEE COLUMNS ON BOSANSKA RAČA-KUZMIN ROAD

Today three members of Helsinki Committee went by car to Bosanska Rača. We crossed the Bosnian border and observed a refugee column on the Bosnian side, and then on our way back, in Bosut village, on the Yugoslav territory. Almost all refugees are travelling by tractors and horse-carts, which means that they are mostly farmers who lived in rural areas. Some families are transporting cows. In the column there are also horse driven cars left without petrol.

We noticed that most refugees were around 50 and older, and underage children of both sexes.

We did not interview them in journalistic manner, but rather gave them information about Helsinki Committee including the ways it could help them. They were told that HC renders legal assistance and that in the next period it would take actions geared toward their return to Croatia. On that occasion HC calling cards were distributed.

In the village of Bosut, in a cafe near the road, there was a telephone which the refugees were allowed to use. The owner of the cafe agreed to place a board with HC office address and telephone numbers there. We left a number of calling cards there too.

The majority of the refugees had no idea where they were going to, nor how they would organise their lives in the future. When asked if they would go

back to their places, majority of them said-yes.

It can be concluded that permanent accommodation of these persons in the territory of Serbia will be a difficult and complicated process, because most of them are farmers and there is very little free and available farming land in Serbia.

We think that the Helsinki Committee must put pressure through its actions on governments of Yugoslavia, Serbia, Croatia, and the Contact Group States to establish a procedure enabling an organised return of refugees to their domiciles.

15 August 1995

Elena Popović
Obrad Savić
Georgije Marić

II ACTION FOR RETURN OF REFUGEES

Throughout 1996, Helsinki Committee focused its efforts on daily communication with refugees. Thousands of people, mainly those who fled Croatia following the military operations Lightning and Storm, turned to the Committee for support and assistance in their desire to return. As Helsinki Committee holds that the return of refugees is not only the key humanitarian issue, but also a politically useful one, as it would obliterate the results of the recent pervasive ethnic cleansing, it has increasingly urged the solution to this issue. Its efforts to that end are presented in this chapter comprising a collection of appeals, press releases, comments, complaints and reports sent to all relevant governments, non-governmental international organizations and institutions.

APPEAL FOR THE RETURN OF THE REFUGEES

It seems that the human tragedy that has been taking place in a large part of former Yugoslavia over the past four years, has entered, this summer, its final phase. After the expulsions of the Croat population from Krajina and parts of Slavonija and Baranja, and Bosniaks and Croats from large parts of Bosnia-Herzegovina, we are now witnessing a mass exodus of Serbs from Krajina and western Slavonija, the remaining Bosniaks and Croats from Banja Luka and western Bosnia and the ethnic cleansing of Srebrenica and Žepa. This is the final realisation of the ominous concept of ethnically pure states. All three neighbouring nations are experiencing demographic catastrophe and instability, forming the basis for future armed conflicts and other forms of ethnic intolerance. The situation makes it difficult and even impossible to establish any of the three states on democratic, multiethnic and civilised standards and it undermines the efforts to develop an open civil society.

Current tragic circumstances, as well as future dangers, may be alleviated only by **the guaranteed right to return for all the expelled and all victims of forced migrations**, applied equally to the members of all three nations.

We, therefore, consider that **the right to return** for all refugees must be part of all future agreements on bilateral recognition and other peace arrangements between states on the territory of former Yugoslavia, especially Bosnia-Herzegovina, Croatia and FR Yugoslavia.

We urge the governments concerned:

- to do everything in their power to prevent any further ethnic cleansing and to prevent robbery and destruction of the property left by the expelled and the refugees;

- to pass necessary laws and regulations, and to establish special departments in order to ensure adequate administrative, security, economic, welfare, organisational and technical conditions for the voluntary return of all refugees.

We appeal to the international community, the international institutions and the governments of all countries in a position to influence overall action for the return of refugees to take appropriate steps, thus most effectively contributing to the long term stability in the region.

We propose to the European and North American governments to sponsor the voluntary return of individual groups of displaced persons to their coun-

tries. In case of governments in this region which have formally declared their readiness to accept the returning refugees, this should involve facilitating the administrative procedure, transportation and settlement, as well as overseeing the returning refugees, applying pressure on these governments to first revise their declared policies, and then sponsoring individual groups of refugees in their voluntary return.

We invite all persons, including those from Bosnia-Herzegovina, Croatia, Serbia and Montenegro to join us in signing this Appeal. A democratic, internationally recognised and free state cannot be built on the misfortune of others. Therefore, let us join together in our effort to create states in which everyone will be able to live with dignity and full human rights.

Signed by Lady Margaret Thatcher, Tadeusz Mazowiecki, Paul Lendvay

From Croatia: Krsto Cviić, Slavko Goldštajn, Vlado Gotovac, Zvonko Juzbašić, Ivan Lovrenović, Predrag Matvejević, Drago Pilsel, Vladimir Primorac, Vesna Pusić, Velimir Visković, Ozren Žunac.

From Serbia: Ljubivoje Aćimović, Sonja Biserko, Ivan Čolović, Filip David, Gordana Logar, Mirjana Miočinović, Aleksandar Nenadović, Latinka Perović, Novak Pribičević, Grujica Spasović, Mirko Tepavac.

REQUEST OF THE HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA TO THE PEACE CONFERENCE ON THE FORMER YUGOSLAVIA

Helsinki Committee for Human Rights in Serbia approaches the Conference on the Former Yugoslavia wishing to contribute towards the proper treatment and proper solution of the pressing problem of the refugees in the former Yugoslavia, at the meeting which will be of vital significance for the future of all peoples in the region.

The refugee return should be perceived as a fundamental part of the solution devised for the crisis in the former Yugoslavia and incorporated as such in the final act of the Conference. This is as important for humanitarian as for political reasons because it would unambiguously show that the international community repudiates and denounces the policy and practice of violent creation of ethnically pure state entities. Moreover, it would set an important precedent in international law practice: the responsibility and the obligation of the states of domicile to do their utmost to remove the effects of the policy and practice of

ethnic persecution of minorities, and the mandate of the international community to supervise and help the repatriation of refugees.

It also means taking efficient measures to enable the refugees to return to their homeland as soon as possible; safe and peaceful life there with fully guaranteed human rights and fundamental freedoms; restitution of their destroyed, seized or abandoned property and adequate indemnification. To this end, the states which are directly responsible as well as the international community should undertake to do all within their power to help these unfortunate people to enjoy their inalienable right to return to their homes.

The refugee rights and the obligations of the states responsible for them must be defined, as an integral part of the peace treaty, precisely, specifically and explicitly, and their realization must be efficiently ensured. Any omission to comply with these obligations should mean the violation of one of the fundamental postulates of the future peace treaty and entail serious consequences for the state which violates them.

Even as the cessation of hostilities, negotiations and peace treaty among the parties to the conflict do not seem possible without the direct intervention of the international community, so it is quite evident that without its help the provisions bearing on the solution of the refugee problem cannot be successfully enforced. It is, therefore, necessary that the international community - embodied, above all, in the United Nations and the Organization for Security and Cooperation in Europe - provides full assistance and support to their enforcement, drawing also on the significant potential of other regional organizations and special follow-up bodies to be set up by the Conference.

An efficient international mechanism to control the implementation of the assumed obligations is also indispensable; it should include on-sight monitoring so as to prevent any attempt at non-compliance with the treaty. The obligations regarding the refugees need to stand on their own and be complied with directly, independently of any other conditions, be it reciprocity or anything else, and their dodging and distortion through legal sophistry or political acrobatics, as has often been the case so far, may not be allowed. These commitments must be spelled out and complied with rigorously and strictly.

The effects of ethnic cleansing and genocide must be removed as radically as possible. Otherwise, the international community will be sanctioning a state created by crime. Numerous victims of this crime are placing all their hopes in the international community's will and determination to prevent it and see that justice is served.

Falling short of these hopes and expectations of several million victims, will mean that the international community has fallen short of one of the basic principles of the United Nations order: the respect of human rights and funda-

mental freedoms, set forth by the United Nations Charter, codified and further elaborated in the International Covenants on Human Rights, The European Convention on Human Rights and Fundamental Freedoms, the Helsinki Final Act, Paris Charter for a New Europe and all the other relevant OSCE documents.

This is the biggest test in human rights and fundamental freedoms which the international community will have to take in the post-bloc era. The practice after the Conference will show whether it has passed it. Let us hope that the solution will be in the interests of man and human rights.

ANNEX TO THE STATEMENT OF REQUEST

OPERATIONAL PROPOSALS:

A) Domicile States of the Displaced Population

1. The governments or the parliaments of the domicile states should adopt and make public political declarations condemning and rejecting the policy of establishing ethnically pure communities (including so called humane resettlement or population exchange), and inviting the displaced, i.e. escaped population to return to their homeland, while guaranteeing them safety and all the necessary help.

2. Consistent with this declaration and in order to provide for the return of their citizens, the native states should undertake all the necessary measures, to wit:

a) decisions by legislative and executive authorities invalidating all changes, i.e. the new situation emerged as a result of ethnic persecution and violence, as running counter to law;

b) legislative acts whereby the refugees and national minorities in general are strictly guaranteed equality before law, their personal and property rights, including the right to work, social and health care, all human rights and fundamental freedoms in keeping with positive international law and valid OSCE standards;

c) measures effectively guaranteeing personal security of repatriates and national minorities in general;

d) economic and financial support measures in order to facilitate the reconstruction of the refugees' homes and restoration of normal life in those areas, and to this end, establishment of special (ear-marked) funds financed from budgets, donations by physical and legal entities from the native and other states;

e) appropriate social and humanitarian measures in order to care for the repatriates immediately upon their return (especially children, elderly, sick and

all those in need of special care) and emergency relief in solving vital problems of these people and their re-integration in their former environment as well as free legal aid;

f) administrative formalities and the whole procedure concerning the return of the refugees to their homeland need to be simplified as much as possible.

B) States Temporarily Receiving Refugees

The states in which the refugees have found temporary shelter and from which they are returning home should - on the basis of bilateral and international guarantees - encourage and support the return of the refugees to their native land and extend to them all the necessary help: information, advisory, technical, financial and organisational, and last but not least, in the regulation of their status and travel documents.

C) Bilateral Co-operation

To this end, the native state and the state which has received the refugees, should establish efficient bilateral co-operation without delay, including a certain amount of its institutionalisation (joint commissions, bilateral co-ordinating bodies and the like).

D) United Nations and OSCE

World-wide and European regional organisations should monitor and assist the refugee return, and especially the enforcement of the decisions of the Conference on the Former Yugoslavia. However, they should begin to take the first steps immediately, even before the Conference, because the problem is too pressing to suffer any delay.

E) Non-Governmental Organisations - National and International

A special place belongs to NGOs which can and should play an important role in initiating, encouraging, supervising and helping this effort, depending on their terms of reference, field of activity and nature. It is also very important to establish co-operation and co-ordinate efforts among national NGOs of a given native state and the state which has temporarily received the refugees. On the other hand, international NGOs can and need to play an important role in enlisting the help of international public for the refugee return, influencing and

helping relevant international fora (including the Conference on the Former Yugoslavia), and exerting moral and political pressure on the governments of the native states. Be that as it may, it is of utmost importance to establish necessary co-ordination and co-operation among NGOs at all levels.

TO THE LONDON MEETING OF THE PEACE CONFERENCE FOR FORMER YUGOSLAVIA

The Helsinki Committees for Human Rights in Sarajevo and Belgrade note with satisfaction the results of the negotiations conducted in Dayton on Bosnia-Herzegovina and those in Erdut on West Srem, East Slavonia and Baranja in November 1995 and are appreciative of the efforts and resolve of the international community to establish stable peace and help remove the grave consequences of this cruel war, and restore normal life in the territory of the former Yugoslavia.

In our numerous contacts with refugees and displaced persons we could see that the agreements, especially in the part directly bearing upon their status and their future, gave them new courage and hope.

It will depend largely on the London Conference whether the agreements will be translated into life and whether the hope of these unfortunate people to return home and live a life worthy of man, will not be spurned.

In their name, we call upon the London Conference to address this grave and pressing problem with all the attention and priority it deserves, to adopt concrete, operational and binding decisions to efficiently help these people to survive through the hard time of homelessness, and provide conditions for their rapid and safe repatriation and renewal of peaceful life in their homeland, which they were forced to leave temporarily.

These hundreds of thousands of people, victims of the cruellest war imaginable, need urgent, effective and major help if they are to enjoy their elementary human rights. We appeal to the Conference to do its utmost towards the mobilisation of all the available international resources for this purpose and to bind the parties directly concerned to strictly comply with their commitments.

Hoping that the Conference will not fall short of the expectations, the two Helsinki Committees, express their readiness to fully contribute to the implementation of the peace agreement in the field of human rights in general, and the rights of refugees and displaced persons in particular.

Belgrade, 5 December 1995

REFUGEE RETURN - THE TASK OF THE INTERNATIONAL COMMUNITY

The Dayton "rapprochement" of Presidents of Croatia, Bosnia and Herzegovina and Serbia, was reminiscent of the Hague Conference when optimum solution was offered to all sides, and was rejected by the President of this country, as he was then convinced of his many advantages, and particularly his military advantage over other parties. After four years of destruction, the President of this country glorifies his first peace victory and acts as a Nobel Prize candidate.

The Dayton agreement offers good prospects that through the dictum of international community this region will be civilised. The Deployment of NATO troops in Bosnia and Herzegovina is tantamount to the establishment of a military administration, as it is the only guarantee that the activities of extremist groups and nationalists will be curbed. The other two sides will be under close surveillance, particularly in human rights field, more specifically, in the field of human rights of those people who are least welcome in their environments. In Croatia it concerns the Serbs, and in Serbia it concerns primarily the Albanians, and also the Muslims, Croats, Hungarians... 30-35% of the total population.

Binding provisions of the Dayton Accords related to refugees and displaced persons as well as the co-operation with the Hague Tribunal, are the most important provisions of the Accords, from the moral standpoint, as they nullify the objectives of this war - the formation of ethnically pure states. The results of aggression, ethnic cleansing and genocide, over the Muslim people in particular, are also invalidated. All Parties to the Peace Agreement committed themselves to fully comply with the aforementioned provisions.

Meanwhile, despite its verbal pledges to peace, this regime has not revealed its position toward the refugee issue yet. Unfortunately, there are still no signs of a consistent policy in line with Annex 7 of the Dayton Accords. Perhaps it is too early to talk about it, but judging by the atmosphere in some parts of this country, nothing indicates that the concept of an ethnically pure Serbia has been relinquished.

The defeat of the anachronistic national project has deeply traumatised the people. Not only is there an all-pervasive distrust, but xenophobia and ethnic discrimination are also on the rise.

During the last couple of months the regime, pressurised by the international community, has tried to re-launch the old concept of coexistence of all the peoples and ethnic communities in FRY, through the Associated Yugoslav Left. But having lost its Serbian foothold, the regime is increasingly trying to enlist minorities support. However, the voices of those who were defeated are still

heard, as they send clear messages to refugees and non-Serbs that their return is hampered by many difficulties, their houses are burnt down and that they themselves are not welcome. Such concerns “obviously” indicate that refugees are taken good care of, but also seem to imply that ethnically pure Serbia is still very much at their heart.

It seems that Balkan “rascals in our ranks” think there is still room for manoeuvring, and the refugees are obviously the most suitable group for this. Any attempt at articulating their wish to return is seen as the betrayal of the Serb cause. Despite the growing animosity towards refugees and total indifference toward their fate, their wish to go back to Croatia is accepted with difficulty. That is why the refugees are denied documents enabling them to leave this country and go back to their “hearths”. On the other hand, the Croatian side, at all levels, prefers only individual returns or family reunions in Western Slavonia. It openly expresses its dissatisfaction with the Erdut Agreement and links the return of the refugees to its amendment. Meanwhile, it calls on the Croats in diaspora to come back to Croatia and settle in deserted Krajina.

United Sarajevo is the biggest Serb defeat. Sarajevo symbolises the principle of multiethnic and multicultural togetherness. The war lobby prevents the Serbs from remaining in Sarajevo and does its utmost to change the Dayton arrangement. This lobby faces big difficulties. The survival of Sarajevo means that they will go to the Hague. Only division of Sarajevo can promote them into national and mythical heroes.

The human rights situation in Serbia is exasperating. The defeat of war policy brings back to the fore a series of other, suppressed issues, such as Kosovo, Sandžak and Vojvodina as well as the issue of democratisation. Serbia is once again at the starting line, but under conditions not particularly conducive to any change. The regime’s inability to start a genuine dialogue with Albanians, who are the largest ethnic group in Serbia, as well as with other minorities, brings into question the regime’s commitment to the provisions of the Dayton Accords.

Europe insists upon some special rights for Serbs in Sarajevo, but this in turn raises the issue of equal treatment of Muslims and Croats in other towns, which will be under the “Serb administration”. The London Conference will play a decisive role in the further implementation of the Dayton Accords. It will indicate the readiness and resolve of the international community, and in particular the European Union, to insist on the implementation of its declared objectives and thus resist the concept of ethnically-pure fascist creations.

Sonja Biserko

TO ALL THOSE RESPONSIBLE AND THOSE WHO CAN HELP THE REFUGEE RETURN

I.

This action is directed at the highest state authorities of the countries from which the refugees have fled (state of domicile) and the countries where the refugees have found temporary shelter (recipient states) and at the international community, notably the United Nations (Security Council and Secretary General and their specialised agencies), Organisation for Security and Co-operation in Europe and the Contact Group member-states as well as relevant international and national non-governmental organisations, engaging in the protection of human rights and humanitarian aid.

Measures that governments and non-governmental organisations need to take - domestically and internationally - to ensure the return of refugees to their homes include political, legal (legislative and administrative), security, economic, social welfare and humanitarian efforts.

The action needs to begin NOW.

II.

A) *Domicile States of the Displaced Population*

1. The governments or the parliaments of domicile states should adopt and make public political declarations condemning and rejecting the policy of establishing ethnically pure communities (including so called humane resettlement or exchange of population), and inviting the displaced, i.e. escaped population to return to their homeland, while guaranteeing them safety and all necessary help.

2. Consistent with this declaration and in order to provide for the return of their citizens, the native states should undertake necessary measures:

a) decisions by legislative and executive authorities invalidating all changes, i.e. the new situation emerged as a result of ethnic persecution and violence, as running counter to law;

b) legislative acts whereby refugees and national minorities in general are strictly guaranteed equality before law, their personal and property rights, including the right to work, social and health care, all human rights and fundamental freedoms in keeping with positive international law and valid OSCE standards;

c) measures effectively guaranteeing personal security of repatriates and

national minorities in general;

d) economic and financial support measures in order to facilitate the reconstruction of refugees' homes and restoration of normal life in those areas, and to this end, establishment of special (ear-marked) funds financed from budgets, donations by physical and legal entities from the native and other states;

e) appropriate social and humanitarian measures in order to care for the repatriates immediately upon their return (especially children, elderly, sick and all those in need of special care) and emergency relief in solving vital problems of these people and their re-integration in their former environment as well as free legal aid;

f) administrative formalities and the whole procedure concerning the return of the refugees to their native land needs to be simplified as much as possible.

B) States Temporarily Receiving Refugees

The states in which the refugees have found temporary shelter and from which they are returning home, should - through bilateral and international guarantees - encourage and support the return of refugees to their native places and extend to them all the necessary help: information, advisory, technical, financial and organisational, and last but not least, they need to regulate their status and travel documents.

C) Bilateral Co-operation

To this end, the native state and the state which has received the refugees should establish efficient bilateral co-operation without delay, including a certain amount of its institutionalisation (joint commission, bilateral co-ordinating bodies and the like).

D) International Community

1. The International Conference for the Former Yugoslavia

The repatriation of refugees should be one of the crucial components of the solution of the crisis in the territory of the former Yugoslavia and an integral part of the final act of the forthcoming international conference for the former Yugoslavia. This is important not only from the humanitarian, but also from the political point of view, as it would explicitly show that the international community rejects and condemns the policy and practice of establishing ethnically pure communities by force. Moreover, it would constitute a significant precedent in

international law as it would make the native state responsible and bound to do its utmost to remove the consequences of the policy and practice of ethnic persecution of minority populations and indicate that the international community is entitled to supervise and assist the repatriation.

2. United Nations and OSCE

The world and the European regional organisations should monitor and assist the refugee return, and especially the enforcement of the decisions of the conference for the former Yugoslavia. However, they should begin to take the first steps immediately, even before the Conference, because the problem is too pressing to suffer any delay.

E) Non-Governmental Organisations - National and International

A special place belongs to NGOs which can, and should, play an important role in initiating, encouraging, supervising and helping in this effort, depending on their terms of reference, field of activity and nature. It is also very important to establish co-operation and co-ordinate efforts among national NGOs of a given native state and the state which has temporarily received the refugees. On the other hand, international NGOs can and need to play an important role in enlisting the help of international public for the return of the refugees, influence, help in relevant international fora (including the Conference for the Former Yugoslavia), and exert moral and political pressure on the governments of the native states. Be that as it may, it is of utmost importance to establish the necessary co-ordination and co-operation among NGOs at all levels.

F) The Government of the Federal Republic of Yugoslavia

It is necessary that FR Yugoslavia announces comprehensive policy for refugees taking into account all status and humanitarian problems. This comprises full freedom of movement of refugees and issue of travel documents and passports of FRY. As the question of their citizenship is not resolved, either in FRY or the Republic of Croatia, the dominant criterion for granting citizenship should be based on their freedom of choice. At the same time, the FRY Government should, through the international community, undertake efforts for the creation of the environment for the soonest possible and safe return of refugees to their homes if they wish to do so.

The FRY Government should not speculate and obstruct the resolution of their status in any case or on any grounds.

A LETTER TO MR. NIKICA VALENTIĆ, PRIME MINISTER OF THE REPUBLIC OF CROATIA

Dear Mr. Prime Minister,

Helsinki Committee for Human Rights in Serbia has been approached by a large number of citizens of the Republic of Croatia who temporarily abandoned their homes following the recent military operation *Storm*, and are currently in Serbia.

The main problem encountered by these individuals is the practical impossibility to get the basic documents from Croatia, (i.e., birth certificates, marriage certificates, school documents, retirement or disability certificates). Another big problem for people who wish to enter Croatia is the requirement to obtain a certificate from their local municipal office proving that they are listed in the registry. The same certificates serve as a legal document for the Croatian visa. The closest relatives of individuals concerned, who reside in Croatia, are also unable to obtain these certificates in their name. For this reason, the question arises as to how to obtain the latter documents. Among other things, this question is particularly burning because the authorisation certified by legal authorities in Serbia, are not recognised in the Republic of Croatia.

Consequently, we are kindly asking you to reply at your earliest convenience and as precisely as possible to the following question **what are the necessary legal requirements to be fulfilled, and how does one approach a relevant municipal office in order to obtain the above documents.** The Office of the Government of the Republic of Croatia in Belgrade informed us that they do not have consular powers, and therefore, can be of no help to us in this regard.

Moreover, we should like to be informed **what are visa requirements for Croatian nationals who do not possess the documents of the Republic of Croatia.**

Is it possible, and if yes, how can a national of the Republic of Croatia authorise lawyers in their places of permanent residence in Croatia to represent their interests in matters arising from the Decree of the Government of the Republic of Croatia on the Temporary TakeOver and Management of Certain Property (due to the above mentioned reasons Croatian citizens are not able to personally come to Croatia, within the deadline of 30 days entitling them to take their property back and continue using it.)

The Helsinki Committee for Human Rights in Serbia needs answers to these questions because it is approached by a large number of Croatian nationals

who wish to return and live in their homeland. If it is at all possible to authorise somebody, could such proxy obtain certificates of citizenship and other documents needed for the return to Croatia. It needs to be noted that these citizens currently in Serbia do not have the refugee status, nor are they able to obtain any documents from the Republic of Serbia as they are not its citizens. We think that these people should not be prisoners of the present circumstances, and that, therefore, somebody, i.e. their homeland, should take the responsibility for them.

The Helsinki Committee for Human Rights in Serbia addresses these questions to you, sincerely believing that there is the rule of law in the Republic of Croatia. Since the Croatian Constitution and the laws of Croatia guarantee all rights to the Croatian nationals, and therefore those about whose status we are inquiring, we are kindly asking you to inform us if there are any obstacles that we do not know about.

We should like to use this opportunity to thank you in advance for your reply, and to express our most sincere regards.

Belgrade, 19 August 1996

Sonja Biserko, Chairperson

cc.: Croatian Helsinki Committee for Human Rights
Antiwar Campaign of Croatia
Office of the Government of the Republic of Croatia in Belgrade
International Helsinki Federation for Human Rights, Vienna
Council of Europe - Directorate for Human Rights

RETURN

by Ninko Mirić

(Helsinki Charter, February 1996)

The Helsinki Committee for Human Rights in Serbia calls upon all refugees who want to return to fill the forms. All those who cannot come to Belgrade, can ask the Helsinki Committee personnel to come to their places of residence and bring them the forms.

It is a common fact that currently there is only one legal way for refugees and expellees to return to Croatia: they can do that only if the purpose of their return is so-called family reunion, upon which the Croatian government insists, in lieu of the collective return.

Every refugee or expellee who has next-of-kin in Croatia (father, mother, child, husband) should request from them the following documents: certified

photocopy of citizenship certificate, birth certificate indicating the relationship with the refugee, and the statement certified with notary that the next of kin will be accommodated and taken care of .

All these documents should be submitted to the Helsinki Committee for Human Rights in Serbia, Belgrade, Zmaj Jovina 7/III. Helsinki Committee will then arrange for an interview at the Office of the Republic of Croatia in Belgrade. After processing and verification of the documents, the Office grants permission for free entry into Croatia.

In addition to the above, the relative in Croatia should inform the Refugee Office in Zagreb that his/her next-of-kin wants to visit him/her.

Another way is the organised collective return, upon which the Helsinki Committee has been insisting since the arrival of the first refugees. In line with this, the international community is urged to put pressure on the Parties to the Dayton Accords to create conditions for the safe return of all those who want to go back. In an effort to ensure all civic rights of refugees as well as their personal and property security under the patronage of the international community, the Helsinki Committee keeps record of such wishes in the shape of forms filled by refugees.

III MOBILISATION OF REFUGEES

The long forcible mobilisation campaign in Serbia is one of the most drastic examples of refugee misuses in the Federal Republic of Yugoslavia. It was frequently orchestrated by the regime as a massive "man-hunt" and included direct involvement of notorious paramilitary formations. This chapter shows not only how brutally the mobilization campaigns were mounted, but also the cruel treatment and humiliation which people "destined for the front" experienced. A compilation of protests, press releases and reports of Helsinki Committee for Human Rights in Serbia in this chapter testify to this as well as to the assistance and protection rendered to those in need of both.

**A LETTER TO THE MINISTRY OF THE INTERIOR OF
THE REPUBLIC OF SERBIA**

Dear Sir,

A group of women from Svilajnac asked the Helsinki Committee to intercede on their behalf with the Ministry of the Interior in respect of the registration and return of their husbands from Bosnia and Herzegovina, where they were forcibly taken on 20 June 1995. All of them are now in Han Pijesak.

They are, as follows:

1. **Ratko Georgijevski**, resident of Svilajnac, Director of *Napredak Co.* His ID and passport were both issued by the Ministry of the Interior of the Republic of Serbia, although he is a **national of the Republic of Macedonia** (there is a certificate). As Mr. Georgijevski is nor a military conscript either of FR Yugoslavia, or of the so-called Republika Srpska, we kindly ask you to resolve the problem of a wrongly deported foreign national and bring him back to his place of residence. (Complete documentation is attached.)

2. **Nedeljko Popović**, resident of Svilajnac, an employee of *Evropa Catering and Hostelry Company*. Registered in Army District, Svilajnac Department, and **national of the Republic of Montenegro and FR Yugoslavia** (there is a certificate). Please intercede for the return of this FRY national. (Complete documentation is attached.)

3. **Boban Janić**, resident of Svilajnac, works in Svilajnac. He is a **national of the Republic of Serbia and FR Yugoslavia** (there is a certificate). Please intercede for the return of this FRY national. (Citizenship Certificate is attached).

Belgrade, 18 July 1995

Sonja Biserko
Chairperson

**A LETTER TO SLOBODAN MILOŠEVIĆ, PRESIDENT OF
THE REPUBLIC OF SERBIA**

Re: Mobilisation of Yugoslav national Momčilo Jovanović

Dear Mr. President,

As you have been already informed, the Helsinki Committee for Human Rights was asked by Gordana Jovanović (born Cvetković) from Niš to render assistance regarding the case of her brother, **Momčilo Milan Cvetković**, natio-

nal of the Republic of Serbia and FRY, mobilised on 21 June 1995 in Aleksinac. He contacted his parents from Grahovo on 25 June 1995, Sunday. The latest information about him was received on 27 July 1995, showing that he was still in Grahovo on the front-line.

Momčilo Milan Jovanović was born on 17 May 1949. He has certificates of Serbian and FRY nationality.

He worked in Bosnia from 1987 to 1992, when he returned to Aleksinac, Serbia to take care of his elderly parents (father born in 1911, mother in 1920) and their farm. He was registered in the Army District of Niš on 04 June 1993 (he has regular documentation).

He suffers from a cardiac disease. (Among the documents, there are also medical findings.)

His family has submitted all the relevant documentation to the Ministry of the Interior and the authorities of the Republika Srpska. Since they have not received any reply from either of them, they decided to ask us to intercede.

Mrs. Cvetković would like to talk to you personally, as she is convinced that only your reputation could help in this case.

In the meantime, the Helsinki Committee in Belgrade has learnt that Mr. Jovanović was taken from the Second Krajina Corps in Drvar to the local in-patient clinic, for treatment of angina pectoris. His doctor is Dr. Bajić.

We kindly ask you to do your best to help resolve the case of this seriously ill citizen of FRY to mutual satisfaction.

Belgrade, 31 July 1995

*Yours sincerely,
Elena Popović
Secretary General*

A LETTER TO NGOS AND POLITICAL PARTIES

In view of the illegal deportation of refugees from Bosnia and Herzegovina and Croatia, as well as those from Yugoslavia and Serbia, Helsinki Committee for Human Rights invites you to jointly raise our voice against such brutal violation of human rights.

Helsinki Committee believes that re-integration of refugees is possible only if conditions for their normal life in their earlier domiciles are fully provided for. This is what both international conventions and our Constitution and the Refugee Act guarantee them.

Forcible deportation of refugees to war zones has nothing to do with the

above mentioned reintegration. The way in which this action is conducted raises suspicions as to the motives of those who ordered it.

Belgrade, 10 August 1995

Sonja Biserko, Chairperson

PRESS RELEASE

REFUGEES MOBILISED AGAIN

The Helsinki Committee for Human Rights in Serbia receives numerous reports about the ongoing forcible mobilisation, notably of refugees from Croatia, who are then sent to the so-called Serb Krajina. The Helsinki Committee with deep concern draws the attention of the domestic and international public to the illegality of this action, since, under all international conventions, refugees are not subject to conscription. Moreover, this actions brings into question the announced peace policy of the Serbian and Yugoslav authorities, especially since the mobilisation is conducted with the help of the Serbian police and the Yugoslav Army. Furthermore, this action further discredits Serbia in the eyes of the international community and jeopardises its national interest. Namely, the involvement of Serbia in the war in Croatia and Bosnia-Herzegovina is constantly denied, but this mobilisation indicates the contrary.

For the Helsinki Committee

*Sonja Biserko
Chairperson*

A LETTER TO MR. SLOBODAN MILOŠEVIĆ, PRESIDENT OF THE REPUBLIC OF SERBIA

Dear Mr. President,

Helsinki Committee was asked by Mrs. Djurdjica Subotić Ličina to assist in the case of her husband, lawyer Branko Ličina, who was mobilised in his house by four Indjija members of the Ministry of the Interior on 20 June 1995. The family Ličina has been living in Serbia since 1991.

Branko Ličina is a national of both Serbia and Yugoslavia, and he has all the pertinent documentation.

Branko Ličina was registered with the military authorities of the garrison 6095/15 and had not been mobilised before.

His wife asked us to arrange a meeting with you. Her husband was mobilised on Tuesday 20 June 1995, by four Indjija policemen and taken to the Bihać pocket in the Republika Srpska. Immediately upon his arrival, he called his wife from the airport Željava in Plješevica. His last call was to his underage daughter, from Korenica, on Monday, 31 July. According to information from his colleagues who had returned from the front (and who had also been forcibly mobilised), he was taken prisoner by the Vth Corps of Army of Bosnia and Herzegovina on 6 or 7 August 1995.

Mrs. Ličina would like to talk to you personally as she is convinced that only you could help her find and bring back her husband.

Belgrade, 12 August 1995

*Yours sincerely,
Sonja Biserko
Chairperson*

COMPLAINT TO STATE AUTHORITIES

Abductions of Croatian and Bosnian nationals, as well as those from FRY, under the guise of mobilisation, continue unabated, despite a series of public appeals and protests. So far, the authorities have not explained the motives for this action which has caused great public distress. The conduct of the authorities enhances general confusion, as they have not denied the story reported in the state-controlled media that mobilisation is being carried out in co-operation with the Yugoslav authorities. On the other hand, there are papers which deny that there is any such action under way, despite evidence to the contrary.

Under the Refugee Act, the Republic of Serbia is bound to provide for collective protection of individual, property and other rights and to guarantee their international and legal protection. The Serbian Commissioner for Refugees is accordingly duty-bound to deal with matters related to the accommodation of refugees, their safe return to the areas which they abandoned, and international conventions ratified by Yugoslavia. The Commissioner's office, however, does little to comply with these duties and springs to action only when it applies for international aid from the UN agencies and other humanitarian organisations.

By keeping such a low profile in this dramatic situation, namely by not publicly addressing the issue of refugee protection, which is under its jurisdiction, the Commissariat is blatantly disregarding its commitments and obligations.

In terms of Article 44 of the FRY Constitution, Helsinki Committee

lodges the above complaint and demands answers to the following questions:

1. What is the attitude of the state authorities of the Republic of Serbia and FR Yugoslavia in respect of this "mobilisation"?
2. What are the state authorities doing in order to stop this illegal and anticonstitutional action?
3. Are any measures taken against the persons responsible for this illegal action?
4. In which way does the Commissariat protect refugee interests under the present circumstances?

*For Helsinki Committee
Sonja Biserko*

PRESS RELEASE

In the last ten days the forced mobilisation of refugees in the territory of Serbia has intensified. Parents, children and relatives of those who were forcibly mobilised are turning to Helsinki Committee for Human Rights in Serbia. What is particularly disturbing, is that those who are mobilised, are citizens who came to the territory of FRY with the latest large wave of refugees from Krajina.

The authorities not only refuse to legally regulate their status in Serbia, but they also expose them to a new kind of harassment, oblivious of the sufferings these people experienced and from which they escaped.

Unlawful arrests of these citizens are performed by the Serbian Ministry of the Interior (police), in a familiar way. People are picked up in the streets, restaurants, houses, their temporary dwellings, cars in the streets, and even from the public transport.

Their relatives hardly ever do know where these people are taken, and some of them have learned that their relatives are somewhere in Bosnia.

The Helsinki Committee for Human Rights in Serbia warns the public about these unlawful actions of the government and demands that the appropriate authorities in Serbia and FRY provide urgent, official and complete information about this matter.

The Helsinki Committee for Human Rights in Serbia strongly demands a minimum of security and conditions for peaceful life of all refugees, who sought shelter in this territory.

Belgrade, 9 October 1995

*For Helsinki Committee
Sonja Biserko*

REPORT ON THE MOBILISATION OF REFUGEES

In June 1995 the third massive mobilisation took place. The public was informed about it through a host of NGO reports. However, the decision of the Commissariat for Refugees of Serbia of 13 August 1995 to ban entry of all male conscripts following the *Storm* operation, raised once again the issue of refugee mobilisation. The decision was met with a major disapproval by refugees, particularly wives, mothers and sisters of military able men, who refused to enter FRY without them. In view of the dramatic situation, the Government caved in, but only temporarily. Military able men were allowed to enter the country, but only to accommodate their families and then leave it. All military able men were registered upon entering the FRY, as witnessed by a Helsinki Committee team at Sremska Rača border crossing.

And then the persecution of military able Krajinians began. Helsinki Committee took note of cases when, in early morning hours, military entered houses hosting refugees (cars with Krajina licence plates were parked in front of them), and took men away. According to witness statements, many mobilised refugees were taken to Eastern Slavonia. Some were even ordered to get off their tractors in the column and come to the police station for a discussion about their status, or were taken by buses first to Loznica and Zvornik, and then to Bosnia and Herzegovina. Those who managed to return to the Serbian border, were denied entry. Some witnesses told how Arkan's "Tigers" kept provoking and threatening them when they took away 20 people. Among the mobilised were even men who were not fit for service.

There are no data on the number of the "kidnapped", because, according to scant press reactions, this problem does not exist. The Deputy Information Minister stated that he was unaware of the ongoing mobilisation, hinting that, perhaps, a kind of legal assistance was at work, namely, that the Ministry of the Interior of Serbia was simply meeting the request of Government of the Republic Serb Krajina to return all able-bodied men on the basis of lists they provided.

According to mobilised men and their families, the largest number of military able men from the Republic Serb Krajina were mobilised (of 40,000 military able men, 20,000 were mobilised forcibly). According to the same sources, they had only a paper with their name and surname, stating "forcibly mobilised" on its back, while in radio broadcasts they were referred to as "volunteers".

Of late, this mobilisation has gained momentum. Police are picking men up everywhere. They are taken away from public places or their homes, first sent to Zvezdara (Volga Street) and then transported to a "training centre" in Erdut.

According to all the testimonies compiled so far by Helsinki Committee, the treatment of these men in Erdut gives cause for serious concern. All of them

are subjected to unprecedented torture, insults and humiliations. After such "treatment" they are sent to the front-line in Bosnia and Herzegovina. International media highlight stories about Arkan units inhuman treatment of BH population and Krajina combatants.

The Helsinki Committee is concerned about the claims of most witnesses that the Serbian and Yugoslav Red Cross, the only organisations with a thorough insight into the refugee situation, allowed the police access their documentation. This deepens the distrust of the refugees, who are afraid to give their exact personal data to the authorities, and thereby relinquish refugee rights.

The Helsinki Committee learns that there are three categories of mobilised men: Yugoslav nationals, persons with recognised refugee status, and persons without that status. However, this fact does not alter the essence of this problem, but rather adds a political dimension to it when Yugoslavs are mobilized.

This is clearly a grave breach of the Refugee Convention, recognised also by FRY. Under Article 31 of the Convention, the states which ratified the Convention are bound to comply with the following provision: "The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorisation, provided they present themselves without delay to the authorities...". Since refugees from Krajina were registered at the border itself, it was expected that they would be given a reasonable period of time to effect their plans to go to other countries and not to return to the one from which they have fled. In addition to that, Articles 32 and 33 say that "The Contracting States shall not expel a refugee..." and "No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion".

The Refugee Act of Serbia (*Official Gazette* 18/92), Article 2, paragraph 2, stipulates that "refugees are subject to military, that is labour obligation under the same conditions as nationals of FRY." This provision is contrary to the refugee status itself, international common law and the Convention. This part of the Refugee Act is also contrary to the FRY Constitution which foresees the military obligation only for FRY nationals, and the Army Act. But the current campaign defies even such incomplete legislation, for these persons are deported.

In the light of the above developments, the Helsinki Committee :

- demands that the Government of the Republic of Serbia takes an urgent action to prevent such treatment of refugees on the territory of Serbia;
- demands that the Government of the Republic of Serbia provides for the return and legal protection of persons expelled from the territory of FRY in

this manner;

- requests that relevant Prosecution Offices initiate criminal proceedings against the perpetrators of this action;
- requests that the relevant authorities re-examine the constitutionality of the Refugee Act;
- requests that the President of Serbia, Slobodan Milosevic, stops the persecution and harassment campaign of Arkan's units in the Banja Luka region;
- requests that the Government of Serbia instructs the Serbian and Yugoslav Red Cross to act in accordance with principles and standards accepted by humanitarian organisations world-wide.

Belgrade, 13 October 1995

**A LETTER TO MR. ZORAN SOKOLOVIĆ, MINISTRY OF
THE INTERIOR OF THE REPUBLIC OF SERBIA**

Dear Mr. Sokolović,

Re: Return of citizens of the Republic of Serbia, mobilised in June 1995, from the so-called Republika Srpska

As you already know, the Helsinki Committee for Human Rights in Serbia has already approached relevant republican agencies (including your office) to protect citizens of the Republic of Serbia from forcible and illegal mobilisation, designed to meet the needs of the Serb army in Bosnia and Herzegovina, and conducted in June this year. As a result of this appeal, only a small number of the "erroneously" mobilised returned to FR Yugoslavia, while a large number of them are still forced to stay in a foreign state.

According to the information which we have received to date, the mobilised nationals of FRY need the permission of General Mladic to take a leave of absence. Considering that these citizens of the Republic of Serbia do not wish to serve in the army of a foreign state, Helsinki Committee requests from you to inform us as to how such persons could be protected from any similar mobilisations in the future.

According to our information, about thirty nationals of FR Yugoslavia and the Republic of Serbia are serving in the 3rd Sarajevo Infantry Brigade of Bosnian Serbs. They are not allowed to go back to their country. They are also pressurised and blackmailed to take their residence in the area around Sarajevo and bring their families from Yugoslavia.

The Helsinki Committee lodges this complaint and demands prompt intervention by the authorised ministry, to ensure the immediate return of Serbian citizens to their country.

Belgrade, 22 November 1995

*Yours sincerely,
Sonja Biserko, Chairperson*

STATEMENT OF THE HELSINKI COMMITTEE

The Helsinki Committee for Human Rights in Serbia warns that the authorities of FR Yugoslavia and Serbia are implementing the decision on the systematic and forced resettlement of refugees from the entity of the Republika Srpska (RS) and the former "Republic Serb Krajina" (RSK) to eastern Slavonia. The organised resettlement of refugees in collective centres in Vojvodina and Belgrade's "Pionirski Grad" began on Sunday and this forcible resettlement continues, according to many refugees who came to the Helsinki Committee asking for help.

These refugees also claim that the authorities of FR Yugoslavia and Serbia forbid the return of all refugees who have in the past few days lived in the territory of Serbia legally and temporarily. The resettlement of refugees in the Belgrade-based "Pionirski Grad" is carried out on the basis of the decision of the Fourth Municipal Court in New Belgrade. The resettlement procedure is co-ordinated by the managers of collective refugee centres.

Sonja Biserko, Chairperson

IV. RELATION OF YUGOSLAV AND CROATIAN AUTHORITIES TOWARDS REFUGEES

Refugees and expellees, whose suffering undoubtedly represents the most dramatic chapter of the war, have been an object of manipulation by the regimes concerned since its outset. Namely, due to the lack of sincere wish to resolve their status, the authorities have not adopted a consistent refugee policy. It was above all manifest that they intended to use this tragedy as a vehicle for attaining their political goals (which in FR Yugoslavia changed time and time again during the crisis). Refugees thus became stateless persons whose human rights are continuously violated (freedom of residence, freedom of movement, right to own property, right to personal documents, etc.).

To best illustrate this situation, this chapter includes relevant legal documents and accompanying comments from both FRY and Croatia.

FRY TREATMENT OF REFUGEES FROM KRAJINA

1. The Government of FR Yugoslavia does not have a consistent policy towards Serbs from Krajina, which is best seen through their inconsistent treatment of their status and humanitarian problems.

2. Pursuing only the daily political considerations and still dwelling over the implementation of megalomaniac concepts of the state is in a constant conflict with such a delicate and complicated question. The authorities still refuse to face the failure of their project which has now undergone the first phase of the defeat. The question of refugees now becomes the central political and moral question and it will have to be dealt with during the following twenty years. However, the FRY Government still manipulates its own defeat, personified in the refugees.

3. The exodus of Serbs from Krajina was obviously organised in Belgrade, as a reaction to the announced Croatian offensive and the impossibility of FRY to engage in a direct conflict with the Croatian Army. Regardless of the form in which it is done, the Serbs from Krajina are still under the strict control of the FRY authorities. Their entry into FRY is strictly controlled by the Ministry for Internal Affairs, they are deliberately divided in smaller groups and directed into parts of Vojvodina, southern Serbia and, with less success, Kosovo. Only those who have relatives in Belgrade, can enter this city.

4. Such a mass flight of people from Krajina within only two days has left a painful picture in the eyes of the international and national public. FRY regime is now using the tragedy of these people to extort lifting of the sanctions. During the first days there was loud talk about their reintegration in Serbia and provision of all necessary conditions for their normal life. Both the regime and the opposition have used the tragedy of these people for their further political assertion without much commitment and sympathy for their real problems.

5. The Serb Radical Party, through the alleged Committee for Refugees in Ruma and its own members, offered houses and flats of Croats and other non-Serbs. The lists with their names and addresses were provided to refugees. It soon brought about raids of Croat houses in Surčin, Novi Banovci, Slankamen, Ruma, Batajnica, Sremska Mitrovica, Sremski Karlovci and Kukujevcı. Parish priests in all larger Croatian communities were forced out of their flats under threats and were prevented from doing their Sunday religious services. However, the regime reacted fast, due to various pressures, and through the Ministry for

Internal Affairs stopped the spread of these raids. It is obvious that at this moment all attempts to expel non-Serbs can only destabilise Serbia.

6. The Serbs from Krajina have not been granted the refugee status and are now left without any possibility to freely move outside this country. They are not issued passports or other travel documents which would enable them free movement. The new Proposal of the Citizenship Act is discriminatory for this category of refugees.

7. Humanitarian aid is minimal. The visit of Emma Bonino, the EU Commissioner for Humanitarian Aid, was aimed at identifying the needs and quantity of aid for the latest inflow of refugees. However, the regime refused to talk to her directly, which is unacceptable, especially at the moment when the European Union offers direct financial aid necessary for refugees. The statement of Bratislava Morina that the best humanitarian aid for FRY is the lifting of the sanctions, is illustrative enough. The humanitarian tragedy of refugees is once again used for political purposes, just as in the case of liberation of UN hostages on Pale.

8. In their attempts to solve their problems, the refugees have usually been turning to the Office of the Government of the Republic of Croatia in Belgrade (especially those who want to return), UNHCR and non-governmental organisations. Unfortunately, the UNHCR has not shown enough flexibility and readiness to solve these problems, especially those related to the status. According to their claims, the UNHCR is authorised only to take care and protect refugees, giving excuses that due to insufficient capacities they are not able to deal with the problem of return in this phase. At the same time their argument was that they were not entitled, under the Convention on Refugees, to issue travel documents to persons who had personally expressed the wish to return to Croatia, since they considered Croatia not a safe country for the return of any refugees (they quoted the arrest of three Croats as an example). Such a claim is especially absurd, as at this moment most men capable for military service are under the threat of mobilisation.

9. This mobilisation is actually a direct kidnapping of refugees capable for military service and all those who have some links with Krajina. This is the third large wave of mobilisation in the last year and a half. This action is directed at reinforcing the army of Bosnian Serbs, which is obviously about to fall apart. It should be mentioned that the mobilisation in FRY was never successful and that this is an attempt that Serbs from Krajina be once more instrumentalised to boost the military strength in Bosnia and Eastern Slavonia. They will obviously serve as a shield against a possible attack of the Croatian Army, especially

in Eastern Slavonia. They are sacrificed in advance, for the third time in this war.

It is obvious that this regime still protects its army and that it will use the human potential from Bosnia and Krajina until the end. These people at the same time serve as an alibi to show that FRY was not at war. It is indicative that this mobilisation is carried out by the para-military formation called "Tigers" and that the authorities again try to avoid direct involvement in such actions.

Several refugees have turned to Helsinki Committee reporting such cases of mobilisation. Some of these cases are:

- immediately after coming from Krajina husband and son of a woman were taken from Banovci. It is known only that her husband returned in a difficult psychological condition, claiming that he saw his son there but was not allowed to communicate with him, so he did not know where his son is now.

- from Stara Pazova a person was taken by fraud, during his attempt to find out in the police station if he could exchange his house in Croatia. This was reported by his father, who had already lost one son and who was present when his son was arrested and who was then physically maltreated;

- two men were taken from Bor immediately after arriving at the station in Bor;

- four men from Krajina and one with long-term refugee status were taken from Sopot by the police. This was reported by father whose son has been a refugee for three years. The police came to the house and took away all men who were present;

- three men from Krajina were taken from the bus in Jagodina.

In all cases the men are taken by members of the Ministry for Internal Affairs (police) without any explanation. In some cases, it is known that those men are in Erdut and Vukovar and are held by Arkan's Guard.

10. Bearing in mind all the above mentioned, Helsinki Committee for Human Rights in Serbia requests from the FRY regime:

- a) to immediately announce a comprehensive refugee policy;
- b) to secure full freedom of movement to refugees, which includes issuing travel documents and passports of FRY;
- c) to undertake international action to create conditions for the soonest possible and safe return of refugees to their homes.

Belgrade, 25 August 1995

R E P O R T
ON THE STATUS OF REFUGEES IN THE FRY AND THE SITUATION
REGARDING THEIR RETURN TO CROATIA

I. Introduction:

1. In consequence of the Croatian offensive in the formerly Serb-occupied territory of Krajina which began on 5 August 1995, more than 100,000 Serbs fled to Serb-controlled areas of Bosnia and Herzegovina and the Federal Republic of Yugoslavia. This exodus of Serbs constituted one of the largest movements of people since the war began in 1991. In the aftermath of this aggression, the Croatian Government insisted that it would welcome back the Croatian Serbs. The Government of the Federal Republic of Yugoslavia also insists that it would like to see a return of the Serbs to Croatia. However, the actions of both the Croatian Government and the Government of the FRY with respect to these refugees do not support such statements.

2. The International Helsinki Federation (IHF), in its report of 25 August 1995, documented numerous violations of human rights and humanitarian law by the Croatian Army, Special Police Units and the Civilian Police which occurred during Operation Storm (5-6 August). Continuing reports received from NGOs and journalists who visited the region provide evidence of continuing looting and burning of homes and killings in the region. These actions obviously threaten the safety and security of individuals who might wish to return and are incompatible with the Croatian Government's assertions that Serbs are welcome to return. Moreover, new Croatian Government requirements for proving nationality and its new "Decree of the Government of the Republic of Croatia on the Temporary Take-Over and Management of Certain Property" which is located in the "formerly occupied and now liberated territories of the Republic of Croatia" place unsurmountable bureaucratic obstacles in the path of the Serb return to Croatia and seriously undermine the sincerity of the Croatian Government's claim.

3. For its part, the FRY Government has not taken reasonable steps within its control to grant the refugee status to these individuals, which would guarantee them certain rights in FRY. Neither has it taken steps which would facilitate their return to Croatia, such as issuing them travel documents to enable them to leave Serbia. According to the Ministry of Information of Serbia, the Government of FRY considers the return of Serbs to Croatia to be the responsibility of the Croatian Government and the international community and NGOs and does not believe it has a role to play in facilitating their return.

Over a period of several weeks, the Helsinki Committee for Human

Rights in Serbia has gathered information from numerous sources on the status of the refugees in Serbia and the position of the Croatian Government, the Government of FRY, humanitarian organisations etc. regarding their present status and return to Croatia. We found that while statements from all sides indicated a consensus that the refugees should return to Croatia, including the refugees' own desire to return, political manoeuvrings continue.

II. Present Situation of Refugees in FR Yugoslavia

4. The exodus of Serbs from Krajina started on August 6 and lasted until August 18. During that time 154,804 arrivals were registered officially. They were not all fleeing from Krajina, for many were living in Serb-held parts of Bosnia and Herzegovina, and some refugees from that region also joined the convoys. According to the Yugoslav Red Cross, the majority was accommodated in Vojvodina (over 80,000), some 30,000 in Belgrade, 10,000 in Nis, 10,000 in Kragujevac, 4,000 in Zajecar, while some 6,000 were sent to Kosovo, although the Government announced on August 27 that it had provided accommodation in Kosovo for 12,000 refugees, as well as some job posts and some land. On August 26-27, the daily *Naša Borba*, reported that the Government position was not to tolerate fussy refugees. Therefore, a Minister in the Government of Serbia, Andra Milosavljevic, ordered some hundred refugees to continue to seek accommodation on their own, for they refused to go to two locations in Kosovo and Timocka Krajina.

5. According to their testimonies, they were not aware of where they were going when they left their homes. Majority thought they were moving to a shelter for a couple of days until the shelling was over. While on the move, they were not informed about their destination. Consistent policy with regard to this influx did not exist. On August 6, Serbian Commissioner for Refugees, Bratislava Morina, visited Banja Luka and stated that Serbia was not able to host all these refugees at the moment. However, parallel to that statement and after it, refugees were allowed entry in FRY, notably in Serbia. Their entry in FRY was strictly controlled by the Ministry for Internal Affairs and they were deliberately divided into smaller groups and directed towards parts of Vojvodina, southern Serbia and, with less success, Kosovo. Only those who had relatives in Belgrade, could enter this city. A week later the Government decided not to allow entry to refugees from the Republika Srpska (Bosnia and Herzegovina) and to able-bodied men from the Republic Serb Krajina. After women protested by lying down on the ground and stopping the convoy, men were admitted into Serbia but only to settle their families. At the border able-bodied men were registered. Many of them were sent back across the border after the regular checking of identity documents.

6. According to the police of the Republika Srpska, food, fuel, medical aid and water were provided all along the corridor. The Yugoslav Red Cross organised humanitarian assistance on the border and along the main roads refugees used.

None of the refugees from the August influx were accorded the refugee status. The Serbian Law on Refugees provides for a restrictive definition of refugees in its Article 1. One can get the refugee status if he/she abandoned his/her previous place of residence under following conditions a) pressure by the Croatian authorities; b) pressure by the authorities in other republics; c) threat of genocide; d) persecution and discrimination because of their religious and ethnic affiliation.

Many who tried to get the refugee status in Belgrade, were faced with the following obstacles: a) they could seek the status in Belgrade only if they had next-of-kin or once removed kin in Belgrade; b) proof of kinship; c) personal statement from the host; d) document proving hosts ownership of a house or a flat where the refugee would reside, and e) written application seeking refugee status.

Even though obviously prepared, the procedure for granting refugee status was postponed for an indefinite period of time.

7. Refugees from the August wave registered with the Yugoslav Red Cross which enabled them to receive humanitarian aid. The humanitarian aid was minimal. The visit of Emma Bonino, the EU Commissioner for Humanitarian Aid, was aimed at identifying the needs and quantity of aid for the latest inflow of refugees. However, the regime refused to directly talk to her, which is unacceptable, especially at a moment when the European Union offers direct financial aid for refugees. The statement of Bratislava Morina that the best humanitarian aid for FRY is the lifting of the sanctions, is illustrative enough.

8. Trying to solve their problems, the refugees have usually been turning to the Office of the Government of the Republic of Croatia in Belgrade (especially those who want to return), UNHCR and non-governmental organisations. Unfortunately, the UNHCR has not shown enough flexibility and readiness to solve these problems, especially those related to their status. The UNHCR claims that it is authorised only to take care and protect of refugees, giving excuses that due to insufficient capacities they are not able to deal with the problem of return in this phase. At the same time their argument was that they did not have the right, under the Convention on Refugees, to issue travel documents to persons who had personally expressed the wish to return to Croatia, since they considered Croatia not a safe country for the return of any refugees (they quoted the arrest of three Croats as an example). Such a claim is especially absurd, as at this moment most men capable of military service are under the threat of mobilisation.

9. The Serbian Refugee Law regulates both military and work obligation for refugees in the same manner as for FRY nationals, i. e. in the Army of Yugoslavia (Articles 2 and 18). Although these articles are in contravention of the Convention, the practice went a step further and is in contravention of the Law itself, for drafted men ended across the border, and not in the Army of Yugoslavia. The mobilisation actually means nothing but abduction of refugees fit for military service and all those who have some links with Krajina. This is the third large wave of mobilisation in the last year and a half. It is indicative that this mobilisation is carried out by the para-military formation called "Tigers" and that the authorities again try to avoid direct involvement in such actions.

10. Several refugees have turned to Helsinki Committee reporting such cases of mobilisation. Some of these cases are: a) Immediately after arrival from Krajina, husband and son of a woman were taken away from Banovci. It is known only that her husband returned in a bad psychological condition claiming that he had seen his son there, but was not allowed to communicate with him, and he did not know where his son was now; b) from Stara Pazova a person was taken by fraud, when he tried to find out in the police station if he could exchange his house in Croatia. This was reported by his father, who had already lost one son and who was present when his son was arrested and who was then physically maltreated; c) two men were taken from Bor immediately after arriving at the station in Bor; d) four men from Krajina and one with long-term refugee status were taken from Sopot by the police. This was reported by a father whose son had been a refugee for three years. The police came to the house and took away all men who were present; e) three men from Krajina were taken off the bus in Jagodina. Men are invariably taken away by members of the Ministry for Internal Affairs (police) without any explanation. In some cases, it is known that those men are in Erdut and Vukovar and held by Arkan's Guard

11. Attempted evictions: The Serb Radical Party, through the alleged Committee for Refugees in Ruma and its own members, offered houses and flats of Croats and other non-Serbs. The lists with their names and addresses were provided to refugees. It soon brought about raids into Croatian houses in Surcin, Novi Banovci, Slankamen, Ruma, Batajnica, Sremska Mitrovica, Sremski Karlovci and Kukujevci. Parish priests in all larger Croatian communities were being forced out of their flats under threats and were prevented from officiating at their Sunday masses. However, the regime reacted fast, due to various pressures, and through the Ministry for Internal Affairs stopped these raids from spreading further.

III. The Position of the Serbian Government:

12. On 8 September 1995 the Deputy Minister of Information Rade Drobac put forward several explanations regarding the Serbian Government's official policy on the status of the refugees from Krajina in Serbia and on their return to Croatia. According to Mr. Drobac, the Government of Serbia has made the Ministry of Information responsible for all inquiries regarding refugees. We were, therefore, denied access to governmental agencies which deal directly with refugees such as the Commission on Refugees.

It was indicated that Yugoslavia hosted 400,000 refugees prior to August 1995 with very little help from abroad and being under the sanctions all the time. All governmental agencies have teams and bodies which deal with refugees, including the Red Cross. Additional 154,804 persons from Krajina were registered as of September 7th 1995.

Regarding the decision-making process on the accommodation of refugees, it was stated that the Government's settlement of refugees in parts of FRY depended on the local authorities' judgement of their ability to accept a certain number of refugees. Individuals were relocated from time to time because it was still not clear what would be their future status. Those with relatives in Serbia, especially in the region of Vojvodina, were accommodated with them.

Regarding the reports that refugees were being sent to Kosovo against their will, several things were stressed. First, the Serbian government had the right to decide where to send these people, and Kosovo was part of Serbia. Secondly, local conditions in Kosovo highly influenced their decision. Thirdly, as Serbia was the state of its citizens, there should be no reason why Serbs could not be sent to Kosovo. Finally, refugees were not being sent only to Kosovo.

Mr. Drobac was unable to provide figures on the present distribution of refugees in FRY because of their continuous movement around Serbia. He did state that the majority were in Vojvodina, because of its proximity to the border and its rich soils.

He expressed belief that these people should have the refugee status because Croatia had committed an aggression and that he saw no reason for not according the refugee status to persons who had managed to escape from this aggression. He admitted that they might not have been granted the refugee status yet because the Government had many problems and not enough time.

Regarding the return of refugees to Croatia it was stressed that it was the responsibility of the international community. It was said that these territories were inhabited by Serbs and, therefore, the international community should ensure the return of these Serbs. Concern was expressed about the possibility of their return in the near future because of the nationalistic and fascist policy in

Croatia. However, it is believed that they all would like to go back. The Government of Serbia would like to see them return since 200,000 people are an additional burden.

The problem of refugee travel documents has not been addressed yet.

With respect to men of military age, it was stated that the Ministry was not aware of a policy forbidding entry in FRY to men of military age or cases when such men were sent back across the border. However, if there are such cases, they are voluntary. It was also true that the RSK authorities in East Slavonia were trying to force Krajina Serbs to comply with their military duties. Thus, it was affirmed that there was probably a legal request from Krajina officials for lists of people who should be sent back.

In view of the sanctions imposed on FRY, the Government was not able to provide for the necessary humanitarian aid to refugees. According to him, only 15% of the humanitarian aid was received from abroad. The Yugoslav Government sent an appeal to all humanitarian agencies to lift the sanctions during the first week of the influx of refugees from Krajina. It was also mentioned that many of the refugees had stayed in Banja Luka.

With respect to the Decree issued by the Croatian Government, it was mentioned that the Government did not have any comments yet, but that it was obvious that the Croatian Government did not want these people to return. It was underlined that the government had stopped the expulsion of local Croats by Krajina Serbs in the early days of the influx because Serbia was an open and democratic state.

IV. Position of the Croatian Government

13. The Decree on the Temporary Take-Over and Management of Certain Property was adopted on 31 August 1995 by the Government of the Republic of Croatia. The Decree is to take effect on the day of its publication in the official Croatian Government paper *Narodne novine*. The Decree provides a legal basis for the confiscation by the Government of the Republic of Croatia of property left behind by Serbs who left Croatia, including Krajina, after August 17, 1990, unless certain conditions are met. The Decree does not provide reasonable means to enable Serbs, currently not living in the territory of Croatia, to claim their property. The Decree is contrary to the government of Croatia's policy of return of refugees, for it deprives them of the fundamental basis for their return.

The property at issue, as defined in Article 2, is property a) located in "the formerly occupied, and now liberated territories of the Republic of Croatia which their owners abandoned and do not use"; and b) "located in the territory of the Republic of Croatia, and owned by individuals who left Croatia after 17

August 1990, or reside in the occupied territory of Croatia (Eastern Slavonia), and/or in the Federal Republic of Yugoslavia, or the occupied territory of the Republic of Bosnia and Herzegovina, if the individuals in question have not personally used their property after abandoning it”.

Furthermore, Article 3 defines the “abandoned” property in question as both real property: buildings, houses, and land, and movable property, including furniture, vehicles, animals, etc., but excluding property that is owned jointly with a national of Croatia.

Pursuant to Article 5, a committee, established by district authorities or the City of Zagreb, is authorised to turn the property over to the Croatian Government. The property can thereafter be assigned by the committee to people in exile, refugees, people whose property was either damaged or destroyed during the war, disabled veterans, people whose family members either died or disappeared during the war, and to all citizens who perform duties necessary for the security, reconstruction, and development of the formerly occupied territories. Appeals against these decisions are lodged with the Croatian Ministry of Justice. The filing of an appeal, however, will not delay the implementation of the decision.

The owner claiming property within the formerly occupied, and now liberated territory of the Republic of Croatia, must WITHIN 30 DAYS FROM THE DAY WHEN THE DECREE TAKES EFFECT a) RETURN TO CROATIA, AND b) CLAIM OWNERSHIP AND USE OF THE PROPERTY WHICH WAS TAKEN OVER. If both conditions are fulfilled, the decision of the Committee on assigning the property will be reversed. HOWEVER, THE NEW BENEFICIARY OF THE PROPERTY CANNOT BE FORCED TO LEAVE UNTIL ANOTHER SIMILAR PROPERTY IS SECURED FOR HIS USE.

The right to private ownership is guaranteed by Article 48 of the Constitution of Croatia as a fundamental human right. Under Article 88, the regulation of private ownership is under the absolute jurisdiction of the Croatian Assembly. Although the Decree refers to the temporary take-over and management of certain property, it *de facto* regulates private ownership (as it limits the right of private ownership). Moreover, the Constitution of Croatia specifies that the right to private ownership can be limited or taken away only by law, and with appropriate reimbursement. For this reason, the Government of Croatia does not have the jurisdiction over these questions, because they concern fundamental human rights and freedoms.

There is no legal ground to place the property of citizens who are currently outside the territory of Croatia under the temporary management of the Republic of Croatia, since the Decree is based on the false postulate that the property in question is deserted. Since this property was “deserted” under specific cir-

cumstances, it is clear that the element of volition is highly doubtful.

The time-limit within which one must return to Croatia and claim the property is not reasonable, given the unavailability of travel documents and insecurity regarding their return. While the Decree seemingly provides for the return of property, it is evident at first glance that this is out of the question. Those few who will succeed, in spite of the difficulties, to overcome all the obstacles of the Decree of the Government of Croatia, are left with a long and uncertain procedure of the implementation and protection of their property rights.

The Decree represents an act of discrimination against the nationals of Croatia in the light of the Universal Declaration of Human Rights (Article 13) and the International Covenant on Civil and Political Rights (Article 12), which were acceded to by the Republic of Croatia. These documents spell out explicitly that "everyone has the right to leave any country, including his own, and to return to his country".

Moreover, the Republic of Croatia has acceded to all international treaties which had been concluded by the Socialist Federal Republic of Yugoslavia (SFRY). According to these documents and the Universal Declaration of Human Rights, the right to property must be protected in every legal system. In case of a change of sovereignty, these rights survive. Property acquired during the existence of SFRY is considered the property acquired by its national. The fact that some citizens later changed their nationality, does not change the rights they had already gained.

The Decree *de facto* implements the confiscation of property and is a violation of numerous international standards, notably Article 17 of the Universal Declaration of Human Rights which foresees that "everyone has the right to own property" and that "no one shall be arbitrarily deprived of his property". Moreover, the Decree applies the discrimination on national and ethnic grounds in the purest form and legalises ethnic cleansing, which had been carried out previously.

Furthermore, according to the Office of the Government of the Republic of Croatia, authorisation obtained before the FRY courts or a Hungarian public notary is not sufficient to dispose of property in accordance with Article 8, paragraph 2 of the Decree - Transfer of ownership to a Croatian national or an ethnic Croat.

This attitude of the Croatian Government represents an obstacle for the return of refugees because necessary papers cannot be obtained from Croatian authorities without an authorisation. These refugees have no travel documents to enable them to go to Budapest and sign such authorisation at the Embassy of the Republic of Croatia.

According to refugees who arrived in Serbia with UNCRO convoy on

September 16, 1995, harassment of Serbs who remained in the region, goes on.

V. UNHCR

16. According to UNHCR, people coming from Krajina are refugees and should be accorded the refugee status by the Serbian government. Currently, they are in a legal vacuum. According to UNHCR, the fact that they may be still moving around the country is of no consequence, as they can be given temporary refugee status. The first step is registration and granting of all refugee rights until their applications for the refugee status are processed. At present, they have only been registered with the Red Cross.

UNHCR field officers have witnessed mobilisation of men of military age being carried out with the help of Yugoslav authorities - either civilian or military police - in co-operation with RSK and RS. UNHCR puts the number of those who have been refouled or deported to Bijeljina at 1,000. The number has now dwindled to 500 who are still in Bijeljina. They were collected by Yugoslav and RSK authorities and taken to Bijeljina. Many are said to have "volunteered" for the RSK Army.

Voluntary repatriation cannot be done with the assistance of UNHCR unless they can return in safety and dignity. The UNHCR in Zagreb must show to the UNHCR in Belgrade that there is Croatian government assurance of the following: a) their rights are guaranteed; b) they can return to their homes - not a collection centre; c) their safety needs to be ensured through more than just verbal assurances; d) no charges, e.g. war crime charges will be brought against them, to which end an amnesty law needs to be adopted

According to UNHCR, the Serbian government has a role to play in returning refugees as well. The refugees need permission from the Serbian government to leave the country. As many of them do not have travel documents, the Serbian government must issue travel documents to the refugees.

The priority issue for the UNHCR is the provision of appropriate conditions for the return of the refugees. The UNHCR in Zagreb also raises the question of their homes, as most of them were burned and looted. According to the UNHCR in Zagreb, the protection of Serbs in Krajina is a major concern.

Regarding the Croatian Decree, the reaction among many in the refugee population is that they want to either register or return so as to preserve their property. The UNHCR will not return refugees unless and until the above conditions are met for their safe return.

VI. Travel documents

17. Most of people who fled the Krajina region during the Croatian offensive, had no time to collect their belongings and thus many do not have identity documents. This prevents them from obtaining the necessary travel documents which would enable them to leave FRY territory and travel to either Croatia or some other country. Even when they did manage to bring them, the Government of Croatia refuses to recognise them as they were issued by the government of the so called "Republic Serb Krajina".

Most refugees have families and own property in the Republic of Croatia. According to surveys done by independent media 57% of them have already expressed their wish to return provided they can return safely. Without travel documents, however, they are unable to do so.

However, there are several ways in which travel documents can be acquired. The refugee status would enable these persons to obtain refugee travel documents. So far, however, the Government of FRY has not accorded them the refugee status. Special permission, issued by the Office of the Government of the Republic Serb Krajina, is required if a person does not have the refugee status.

Another possibility is to get a travelling document for aliens (*laissez-passer*). Currently, there are 26,000 requests for *laissez-passer* pending with the Government of FRY, Ministry of the Interior. However, given the statement by the Federal Minister of the Interior Vukašin Jokanović of July 25, 1995, concerning the Aliens Bill, which stipulates that nationals of the former Yugoslavia can be neither aliens nor refugees until the Yugoslav crisis is solved, it is questionable whether they can satisfy the conditions for obtaining a *laissez passer*.

With respect to men of military age, a travel document is not sufficient to enable them to move freely outside the boundaries of FRY. These men must obtain a special permission from the Office of the Government of the Republic Serb Krajina.

In addition to travel documents to leave FRY, which can only be issued by the Government of FRY, the Government of the Republic of Croatia requires that the refugees also obtain a document issued by Croatian authorities in order to enter Croatia. This document must state that the person at issue has domicile in, and nationality of Croatia and that the document is being issued for the purpose of their return. However, in some cases in which such a document was requested, its issue was denied on grounds that proper authorisation had not been obtained. The authorisation cannot be obtained at the Office of the Government of the Republic of Croatia in Belgrade which has no mandate over it, but only in a consulate, that is in another country. Since these individuals have no travel documents, they are not able to go to the nearest consulate located in another coun-

try to get the proper authorisation. It should be stressed that prior to Operation Storm, the Office of the Government of the Republic of Croatia had some consular competences, if not *de iure*, then certainly *de facto*.

According to the UNHCR office in Belgrade, it has no mandate to issue provisional travel documents to these persons.

VII. Recommendations

Considering the above mentioned obstacles on both sides, in Croatia and the FRY, the Helsinki Committee for Human Rights in Serbia recommends as follows:

To the Government of the Republic of Croatia :

1. The government or the parliament should publicly invite the displaced, i.e. the escaped population to return to their homeland while guaranteeing them safety and all necessary help;

2. Consistent with this declaration and in order to provide for the return of its nationals, the Government of Croatia should undertake the necessary measures:

a) decisions by legislative and executive authorities invalidating all changes, i.e. the new situation emerged as a result of ethnic persecution and violence, as running counter to law;

b) legislative acts whereby the refugees and national minorities in general are strictly guaranteed equality before law, their personal and property rights, including the right to work, social and health care, all human rights and fundamental freedoms in keeping with positive international law and valid OSCE standards. In this respect, the Croatian government should annul the Decree on the Temporary Take-Over of Certain Property;

c) measures effectively guaranteeing personal security of repatriates and national minorities in general. An abolition and amnesty law for all who took part in the armed conflict, save war criminals.

d) economic and financial support measures in order to facilitate the reconstruction of the refugees' homes and restoration of normal life in those areas, and to this end, establishment of special (ear-marked) funds financed from the budget, donations by physical and legal entities from the native and other states;

e) appropriate social and humanitarian measures in order to care for the repatriates immediately upon their return (especially children, elderly, sick and all those in need of special care) and emergency relief to solve vital problems of

these people and their re-integration in their former environment;

f) administrative formalities and the whole procedure concerning the return of the refugees to their native land need to be simplified as much as possible, and free legal aid should be provided.

To the Government of FRY:

1. To announce a comprehensive refugee policy taking into account all status and human problems;

2. This comprises full freedom of movement of refugees and issue of travel documents;

3. FRY should undertake efforts together with the international community to create the environment for the quickest possible and safe return of refugees to their homes respecting their will;

4. The Government of FRY should not speculate and obstruct resolution of their status in any case or on any ground.

To this end, the Republic of Croatia and the FRY should establish efficient bilateral co-operation without delay, including even certain institutionalisation (joint commission, bilateral co-ordinating bodies and the like).

To the Contact Group:

To make the repatriation of the refugees one of the crucial components of the solution of the crisis in the territory of the former Yugoslavia and an integral part of the final act of the forthcoming international conference for the former Yugoslavia.

To the United Nations and OSCE:

International organisations, such as UNHCR and European intergovernmental organisations should monitor and assist the return of refugees.

To NGOs:

1. NGOs should play an important role in initiating, encouraging, supervising and helping this effort, depending on their specific mandate, field of activity and nature;

2. Co-operation should be established and efforts should be co-ordinated between NGOs in Croatia and FRY.

3. International NGOs should play an important role in enlisting the help

of the international community for the return of refugees, influencing and helping in relevant international fora (including the Conference for the former Yugoslavia), and exerting moral and political pressure on the governments of their native states.

**A LETTER TO THE DEPARTMENT FOR ALIENS OF
THE MINISTRY OF THE INTERIOR**

Dear Sir,

Re: Issue of travel documents for aliens

A large number of nationals of the Republic of Bosnia and Herzegovina living in the territory controlled by Bosnian Serb forces have turned for help to Helsinki Committee for Human Rights in Serbia. These persons are of Croat ethnic background. They come with enquiries about the conditions under which travel documents are issued to aliens.

These persons do not have any papers, nor have they been granted the refugee status in Serbia, owing to the decision of the Commissariat for Refugees of the Republic of Serbia that persons from the territory controlled by Bosnian Serb forces shall not be accorded this status. They have families and property in the Republic of Croatia and they have secured the necessary papers from the authorities of the Republic of Croatia to enter Croatia and regulate their status there. However, they cannot avail themselves of it, because they do not have travel documents.

The Helsinki Committee for Human Rights in Serbia has contacted lawyers from the Department for Aliens of the Ministry of Internal Affairs on several occasions. According to their explanation, to obtain a travel document, it is necessary to meet the following conditions:

- application in writing,
- two photographs,
- reasons of the applicant's current residence in FRY, and
- payment of the administrative tax,

and that the procedure takes thirty days. As most of these persons escaped to FRY under well-known circumstances, Helsinki Committee has asked for the explanation of the third condition. The answer of the lawyer from the Department for Aliens was that the procedure was identical, but longer, as the data needed to be verified.

In view of this legal explanation, the Helsinki Committee for Human

Rights in Serbia directed citizens to the Ministry of Internal Affairs - Department for Aliens.

Most persons who turned to the Department for Aliens following the advice of the Helsinki Committee, were faced with hostility, and the data verification actually meant establishing the ethnic background. After this verification, responsible officers refused to admit the documents necessary for the issue of travel documents and to start the legal procedure, some saying even that they would never get such a document in FRY.

Pursuant to Article 48 of the Constitution of the Republic of Serbia, the Helsinki Committee for Human Rights in Serbia demands that the explanation in writing be given of the following:

1. which local agencies are authorised to issue travel documents to aliens in the territory of FRY and on what grounds;
2. are there foreign nationals not covered by the term "alien", and if not, what does the term "alien" imply in the matter of travel documents;
3. which are the conditions for the issue of travel documents to persons who do not reside in FRY;
4. what the data verification consists of in the case of persons who entered the territory of FRY illegally.

Helsinki Committee for Human Rights in Serbia warns that the refusal to issue travel documents to aliens violates their freedom of movement, guaranteed not only by international standards (Article 13 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Civil and Political Rights), but also by the Constitution of FRY (Article 30) and the Constitution of the Republic of Serbia (Article 17).

Pursuant to Article 48 of the Constitution of the Republic of Serbia, the Helsinki Committee demands an answer to this petition. In its absence, the Helsinki Committee for Human Rights in Serbia will resort not only to the constitutional appeal, as foreseen in the Constitution of FRY, but also to the media in order to publicly demand the answer to these questions.

Belgrade, 22 August 1996

Yours sincerely,
Sonja Biserko
Chairperson

**A LEGAL ANALYSIS OF THE DECREE OF
THE GOVERNMENT OF THE REPUBLIC OF CROATIA
ON THE TEMPORARY TAKE-OVER AND MANAGEMENT
OF CERTAIN PROPERTY**

The Decree on the Temporary Take-Over and Management of Certain Property was adopted on 31 August 1995 by the Government of the Republic of Croatia. The Decree entered into force on the day of its publication in the official paper of the Government of the Republic of Croatia *Narodne Novine* on September 4, 1995.

I

Pursuant to Article 1, paragraph 1, the Government of the Republic of Croatia is authorised to regulate some questions within the competence of the House of Representatives of the Assembly of the Republic of Croatia, by its decrees. According to above Decree, the temporary take-over, use, management of, and supervision over the property of physical persons defined by the Decree **FOR THE PURPOSE OF ITS PROTECTION AND SECURITY OF CREDITOR CLAIMS, ARISING IN RELATION TO THIS PROPERTY** “ (Article 1).

The property placed under the special protection of the Croatian State is as follows (Article 2)

a) property located in the formerly occupied, and now liberated territories of the Republic of Croatia which was abandoned and is not used by its owner in person

b) property located in the territory of the Republic of Croatia, which belongs to persons who left Croatia after 17 August 1990 (so-called Log Revolution), or who reside in the occupied territory of Croatia (Eastern Slavonia), the Federal Republic of Yugoslavia or in the occupied territory of the Republic of Bosnia and Herzegovina, if they have not been using their property in person after abandoning it

c) property located in the territory of the Republic of Croatia, which belongs to nationals of the Federal Republic of Yugoslavia, if they do not use this property in person. This largely applies to owners of summer cottages and any other property located in Croatia, who lived in Serbia or Montenegro.

Article 3 specifies that the property covered by the Decree means all movable and real property, in particular buildings, residential houses, land, including furniture, means of transportation, livestock, etc. In other words, all abandoned property, except the property owned jointly with nationals of Croatia.

Article 4 sets forth that this property shall be under the jurisdiction and

management of the municipality, in the territory of which it is located, and the City of Zagreb.

A commission established by municipal authorities, i. e. the City of Zagreb (Article 5), may allocate this property for possession and use to expellees, refugees, returnees whose property was damaged or destroyed in the war, disabled veterans, families whose members were killed or disappeared during the war, and other citizens who discharge activities indispensable for the security, reconstruction, and development of the formerly occupied territories. Appeals against this decision should be filed with the Ministry of Justice. However, the appeal does not delay the enforcement of the decision.

Persons to whom this property is allocated for possession and use, enjoy all ownership rights in relations with third parties. However, they may not freely dispose of real property (i. e. sell, exchange, lease...); they are entitled to dispose of means of transportation and livestock, but only upon the consent of the Commission (Article 7). All other movable property, not specified in this Article of the Decree, may be freely disposed of by them, which also means that such property becomes the property of persons to whom it was allocated by the Commission. Furthermore, owners (Serbs who abandoned their property, and nationals of Yugoslavia) may not dispose of their property (i. e. sell, exchange, lease...) as long as this property is managed by Croatia. The Croatian Government also may exempt some property from this prohibition if in the outcome of legal proceedings, the property is acquired by a Croatian national or MEMBER OF THE CROAT PEOPLE for humanitarian and other justified reasons (Article 8).

If the owner of property placed under the temporary control of Croatia (but only if that property is in the formerly occupied, and now liberated territory of the Republic of Croatia a) RETURNS TO CROATIA, AND b) REQUESTS THE RETURN AND USE OF THE PROPERTY WITHIN 30 DAYS FROM THE DAY OF THE ENTRY OF THE DECREE INTO FORCE, the decision of the Commission on the allocation of that property will be vacated, BUT THE BENEFICIARY OF THE PROPERTY MAY NOT BE DEPRIVED OF HIS OWNERSHIP RIGHTS UNTIL ANOTHER SIMILAR PROPERTY IS SECURED FOR HIS FURTHER USE.

The Decree specifies that THE TITLE TO PROPERTY WHICH HAS NOT BEEN RETURNED TO THE OWNER FOR POSSESSION AND USE, SHALL BE REGULATED by a special law (Article 14).

II

1. Although the Decree of the Croatian Government speaks of the temporary take-over and management of certain property, it regulates, *de facto*, pro-

erty relations (because it restricts and to all intents and purposes, takes away private property), which fall under the exclusive jurisdiction of the Assembly of Croatia. The right to own property is guaranteed by the Croatian Constitution (Article 48) as a fundamental human right, and pursuant to Article 88, it is under the absolute jurisdiction of the Croatian Assembly and powers for decision-making in this area may not be delegated to the Government. Moreover, the Constitution of the Republic of Croatia sets forth that the right to own property may be restricted or taken away only by *law*, and with an appropriate reimbursement. The Government of Croatia, therefore, may not be empowered to regulate these questions, as they concern established human rights and freedoms.

The adoption of a law which will definitively resolve property questions (Article 14), will only fix the relations already regulated by this Decree. For this reason, their provisional nature, which the Decree makes reference to, means nothing, for *temporary* signifies something that will revert to its original state, which is, evidently, not the case here.

2. There is no legal ground to turn the property of persons who are currently outside the territory of Croatia (Article 2) to the Republic of Croatia for temporary management, as the Decree is based on an erroneous postulate: that the property in question is *abandoned*. Namely, to define an object as abandoned, it is necessary that its owner expresses unambiguously his/her will not to keep it any more. Since this property was "abandoned" under specific circumstances, due to the disintegration of Yugoslavia and flight from the armed conflicts, it is clear that such unambiguously expressed will is not extant. Quite the reverse: people were compelled to leave their property and are prevented from using it.

There is also no legal ground for the take-over, management and use of property of nationals of FR Yugoslavia (Serbia and Montenegro) who had, before the outbreak of the war, acquired property in Croatia. The right to own property means complete freedom in the disposal thereof, including the right not to use it. The condition stated in the Decree that their property will be put under temporary management only because it is not personally *used* by them is legally unacceptable.

It is obvious that this Decree *de facto* inaugurates the confiscation of property in the spirit of revolutionary law. This is not only an abuse of basic institutes of property law, in pursuit of chauvinistic policies and legalisation of ethnic cleansing, which had been carried out previously, but is also a product of the allegedly rejected tradition of "50-year experience". An act of a general nature deprives all Serbs currently living outside the territory of Croatia of their property, even if, formally speaking, the ownership question is not addressed.

3. The property of FRY (Serbia and Montenegro) nationals is virtually seized, and conditions under which its owners could get it back are not specified,

save for a vague indication that the title to property will be regulated by a special law.

With regard to the owners of property in the “formerly occupied, and now liberated territories”, property can be returned for possession and use, if, within 30 days after the entry of the Decree into force, the owner comes back to the territory of Croatia and requests the return of the property. After this time-limit, the owner loses the right to claim the return of his/her property. Moreover, the owner can get his own property back only if the new beneficiary (to whom the Croatian Committee had given the property for use) is provided with other similar property.

To set a preclusive time-limit, after which one loses the right to claim one’s own property, with the additional condition which is obviously impossible to fulfill at present (under the circumstances the return is impossible), would be a legal nonsense unworthy of any legal analysis, if its consequences were not so dramatic. This solution formally offers the possibility of the return of property, but at the same time it is amply and *prima facie* clear that in reality this is unfeasible. From the formal legal point - there is a kind of offer; in substance, it is absolutely unfeasible and therefore non-extant. The regulations of Article 10 of the Decree represent, therefore, an insulting make-believe for all Serbs, owners of property, who left the territory of the Republic of Croatia. Those few who will succeed, against all odds, to do the impossible and overcome all the obstacles of the Decree of the Government of Croatia, face a long and uncertain procedure for the enjoyment and protection of their property rights.

4. The Decree of the Government of the Republic of Croatia is an act of discrimination toward Croatian nationals, as the Universal Declaration of Human Rights (Article 13) and the International Covenant on Civil and Political Rights (Article 12), explicitly foresee that “everyone has the right to leave any country, including his own, and to return to his country”.

5. Additionally, among the legal acts which the Croatian State adopted after the proclamation of independence, there is also a declaration, stating that Croatia accedes to all international treaties, concluded by the Socialist Federal Republic of Yugoslavia (SFRY). According to these documents, and the Universal Declaration of Human Rights, human rights, comprising the right to own property, right to inheritance, right to a nationality, rights deriving from marriage and family shall be protected in every legal system. In case of a change of sovereignty these rights remain, surviving the change of the state sovereignty. The property acquired during the existence of SFRY is considered the property acquired by its national. The fact that some national changed their nationality subsequently, does not affect in any way the rights they had already gained.

Bearing in mind all the above, *Helsinki Committee for Human Rights in Serbia* holds that the Decree evidently does not regulate the disposal of the property on legal grounds, but rather that it is a unilateral act whereby the State seizes property in a way which can best be likened to confiscation. This Decree is in breach of numerous international conventions, notably Article 17 of the Universal Declaration of Human Rights, envisaging that "everyone has the right to own property" and that "no one shall be arbitrarily deprived of his property". Moreover, the Decree applies discrimination on national and ethnic grounds in its purest form. The Decree is also in contravention of the Constitution of the Republic of Croatia itself, and Croatia is, therefore, duty-bound to vacate the Decree without delay.

PRESS RELEASE

The Helsinki Committee for Human Rights in Serbia strongly protests against the latest Decree of the Government of the Republic of Croatia on the Temporary Take-over and Management of Certain Property. Under this decree, both *de iure* and *de facto* all property belonging to Serbs, who are either nationals of Croatia or nationals of FRY, and who own property in Croatia, will be taken over. Evidently, this is not the manner in which the Serbian question can be resolved. Only a good-will gesture of the Croatian Government will open the way to the satisfactory resolution of this problem.

The Government of Croatia overrode the authority of the Croatian Assembly, and by doing so it acted against the Croatian Constitution.

By the above mentioned actions, the Government of Croatia legalised ethnic cleansing since it deprived the Serbs from Croatia of their basic human right - the right to property, and at the same time made it impossible for them to return home. The citizens of FRY are also discriminated against because the property they own in Croatia, was practically placed under the same legal regime.

The Helsinki Committee for Human Rights in Serbia requests from the government of FRY to use all lawful means to find a solution to this problem, including proceedings before international fora. It also requests an answer as to what Mr Branimir Ivkovic - the Minister of Relations with Serbs outside Serbia did, and what he intends to do about this question.

Belgrade, 5 September 1995

*For Helsinki Committee
Sonja Biserko*

PRESS RELEASE

Federal authorities make promises to the refugees from the Republic of Croatia that they will act as a proxy in the protection of their property rights. At the same time, they warn them not to hire specialised attorneys and agencies to assist them in the protection of those rights.

We think that this must be a blunder of the state authorities, as they are not authorised to represent foreign nationals in the protection of their rights before the state whose nationals they are, even if they have not formally regulated their citizenship status. We warn the refugees from the Republic of Croatia that they can realise their rights in the Republic of Croatia, including their right to property, only personally or through their proxies and solely before the authorities of that state.

The Federal Government can best help the refugees if it represents their interests in the course of the Dayton peace negotiations, for which it does not need the authorisation of refugees from Croatia.

Protection of refugees' property rights, like that of other citizens who do not have Croatian nationality, but have property in Croatia, by the FRY authorities, will be possible only after the mutual recognition of FRY and Croatia before international institutions.

Belgrade, 9 November 1995

Sonja Biserko, Chairperson

**A LETTER TO MR ZLATKO MATEŠA, PRIME MINISTER OF
THE REPUBLIC OF CROATIA**

Dear Mr Prime Minister,

The issue of refugees from the Republic of Croatia has gained great political and humanitarian importance. Unfortunately, it has not been adequately dealt with by the authorities of the FRY, the Republic of Croatia and relevant international organisations, notably the UNHCR.

The Helsinki Committee for Human Rights in Serbia, as an NGO, has launched an action in order to detect real problems of refugees and expellees, and encourage ways conducive to their solution. We organised the compilation of data related to their wish to either stay or go, and regulate the question of their property.

You probably know that the status of a number of refugees has not been regulated, which prevents them from leaving the country. On the other hand, as

the Office of the Government of the Republic of Croatia is not authorised to deal with consular matters, refugees cannot settle their personal and property matters in a legal way. UNHCR seems to be paralysed in this new situation, and does not help them at all, or helps them in an inadequate way. Helsinki Committee expects that the situation will greatly improve following the Dayton Agreement and particularly after the normalisation of relations between the Republic of Croatia and FRY.

Notwithstanding legal matters still pending resolution, the Helsinki Committee expects that the Office of the Government of the Republic of Croatia will be authorised shortly to deal with the permanent solution of the refugees from the Republic of Croatia.

We are enclosing a part of the documentation related to 6,000 Croatian nationals which we have compiled for your processing. Together with a previous batch of 4,000 applications for return, which was forwarded to Mr. N. Valentić, the total forwarded to the Croatian government is 10,000 applications. We are also enclosing 2,500 property statements related to the Act on Interim Property Take Over and Management. Together with statements previously sent this makes up a total of 5,000 statements.

Belgrade, 22 November 1996

Yours sincerely,
Sonja Biserko
Chairperson

A LETTER TO MRS. BRATISLAVA MORINA, COMMISSIONER FOR REFUGEES OF THE REPUBLIC OF SERBIA

Dear Mrs. Morina,

The Helsinki Committee for Human Rights in Serbia was contacted by a group of refugees accommodated in the collective centre "Zvezdani Gaj". Your decision dated 12 January 1996 deprives 52 refugees of different age groups and with regulated refugee status of their right to accommodation in that collective centre.

You justify your decision by the status revision, which took place on 11 September 1995, even though it related only to secondary school pupils and students accommodated in this centre. However, persons not covered by this revision (persons with children under age, elderly, entire families) are now also being moved out. Only a few were offered temporary accommodation outside Belgrade, while the rest seem to have been left without any accommodation.

Helsinki Committee for Human Rights strongly protests against such conduct of the Commissariat for Refugees of the Republic of Serbia and demands that the decision be rescinded. We should like to inform you that this case has been reported to the media and that we shall report it also to the UNHCR, unless your decision is withdrawn.

Belgrade, 18 January 1996

*Yours sincerely,
Sonja Biserko
Chairperson*

**A LETTER TO PRIME MINISTER OF SERBIA, MINISTER FOR
RELATIONS WITH SERBS OUTSIDE SERBIA, COMMISSIONER FOR
REFUGEES OF SERBIA AND MINISTER FOR HUMAN RIGHTS OF FRY**

The Helsinki Committee for Human Rights lodges this complaint and public criticism, and pursuant to Article 48 of the Constitution of Serbia, and Article 44 of the Constitution of FRY, demands an answer.

A group of 142 refugees provisionally accommodated in the sports hall of a primary school in Kula (Vojvodina) turned for help to Helsinki Committee. On 23 January 1996 they were all told that together with their families they should move out from their temporary lodgings and within 5 days resettle in Suva Reka (Kosovo) and Novi Pazar (Sandžak). They were not told whom to contact and when to do that. They were only told that this had to do with relieving Vojvodina of a burden, and that the sports hall was needed for its primary purpose. On the other hand, they knew there were other empty and available facilities in Kula (*Milan Gvozdić Hall*, dairy restaurant hall, Youth Centre next to the Red Cross offices, *Crnogorski Youth Centre*).

In early January refugees from Beška (Vojvodina) were told to submit to the Commissariat for Refugees by 31 January 1996 statements of persons who would take care of them until the final solution to their problem is found. Those without such statements would be sent to Kosovo. All those who refused to go there, pursuant to Article 18, paragraph 1, point 5 of the Refugee Act of Serbia would lose all their guaranteed rights (among others, they would be most affected by the loss of health insurance and right to children education.)

Unfortunately, the Helsinki Committee has been increasingly dealing with similar cases.

Under the above mentioned article, a refugee loses rights guaranteed by it article if he/she refuses offered accommodation, that is, resettlement. However, Article 26 of the 1951 Convention on the Refugee Status (ratified on 29 09 1959)

guarantees freedom of movement to refugees. Every Contracting Party is bound to grant refugees the right to choose the place of residence and move freely in the country under the same conditions as aliens. That is why we think that the provision in Article 18 is contrary to Article 26 of the Convention. As Article 12, paragraph 2. of the FRY Constitution stipulates that all international treaties and conventions ratified and published in line with the Constitution are an integral part of the internal legal order, we suggest that the constitutional validity of the provision be examined.

Bearing in mind that the government of the Republic of Serbia has not yet made public its refugee programme which would clearly indicate the authorities' stand on refugees and expellees, the Helsinki Committee deems that such actions affect adversely the solution of the refugee issue. Such actions also create the impression that the authorities, despite their possibly positive motivation, sometimes act arbitrarily in their decision-making process. Considering the political situation in Serbia, such actions also create unnecessary political tensions and leave room for political manipulations in the country and abroad.

The Helsinki Committee deems that the refugee issue cannot be solved through suspension of the right of choice. It requires an agreement between the authorities and refugees in accordance with international conventions and peace agreements. We therefore advise an urgent adoption of a comprehensive refugee programme and immediate termination of refugee resettlement to other areas.

Belgrade, 24 January 1996

Sonja Biserko
Chairperson

TO ALL PARLIAMENTARY POLITICAL PARTIES IN SERBIA

The Helsinki Committee for Human Rights in Serbia urges all political parties in the Republic of Serbia to bring pressure on the authorities to stop the forcible re-settlement of refugees from Croatia, currently accommodated in the sports centre of Primary School *Šandor Petefi* in Kula.

On 23 January 1996, the Commissariat ruled that the refugees had to leave the centre within five days and be resettled in Novi Pazar. This was a blatantly inhumane decision, contrary to humanitarian principles, as it did not pay any heed to the fact that it would mean the separation of families and that there were no secondary schools in those new areas. Refugees from the collective centre are not against the resettlement in principle, but not during the school-year, or to places deemed potential hot spots of ethnic conflict. On 28 January 1996 the Commissariat representatives came to Kula and tried to effect the decision. 19

refugees left Kula, but 124 refused to go and thus faced the legal possibility of losing their refugee status. Today, February 2, power was cut off in the hall and we learnt that they have received no food in the last five days.

The Helsinki Committee for Human Rights in Serbia, as an NGO, has appealed to the public and sent complaints to authorities, hoping that a stop would be put to such Commissariat actions. As our efforts have not borne fruit, we appeal to the political parties to stop the forcible resettlement scheduled for tomorrow, February 3 at 6:00 a.m.

This appeal will be also transmitted to UNHCR and media.

Belgrade, 2 February 1996

*Yours sincerely,
Sonja Biserko
Chairperson*

A LETTER TO JUSTICE RICHARD GOLDSTONE, PROSECUTOR OF THE INTERNATIONAL WAR CRIMES TRIBUNAL

Dear Mr. Goldstone,

As you already know, after the operation "Storm" in August 1995 more than 100,000 refugees left Croatia and came to FR Yugoslavia. In the beginning, this influx to Yugoslavia was followed by a significant media attention, which you were informed about in time. However, the treatment of these people in FR Yugoslavia has been quite scandalous from the very beginning, and even their existence is endangered. Only a few war profiteers have succeeded in getting rich and their behaviour generates even bigger animosity towards refugees in general. It can be said that refugees are an object of general hatred. On one hand, the state declaratively upholds their rights, mentions the return and integration in this society, and on the other, it throws them out of collective centres, which look more like detention camps, and deprives them of the already granted refugee status, which does not guarantee any security anyway. It can be concluded, therefore, that these people are exposed to a form of torture.

Considering that the crime of genocide relates only to members of other groups, a question arises as to whether this group of refugees can be regarded as "other" group, as their way of life and difference bear the elements of race, as defined in international documents.

At the same time, this group of refugees is instrumentalised by the authorities of both Croatia and Yugoslavia, and serves for "trade" between the two states. Such schemes can be prevented only by international pressure. Until

then, members of this group will have an undefined status and will be unprotected.

Bearing in mind not only the political circumstances, but also the atmosphere of intolerance, lack of solidarity and indifference of the state and even the UNHCR, the Helsinki Committee for Human Rights in Serbia warns that this group is also in biological danger. This is confirmed by a high mortality rate among this population, as a consequence of stress and bad living conditions.

Therefore, the Helsinki Committee for Human Rights in Serbia requests you to investigate whether there are elements of genocide in these acts; and ensure at least minimal conditions for the survival of these people until they return to their homes.

We should like to emphasise that it is necessary to apply all available forms of pressure in order to prevent further biological destruction of this population. We are of the opinion that this group of refugees, for reasons mentioned above, should be accorded priority regarding the return to their homes.

Belgrade, 7 February 1996

*Yours sincerely,
Sonja Biserko
Chairperson*

PRESS RELEASE

According to information received by the Helsinki Committee today, four refugees-members of a group of 142 persons who had been evicted from the refugee centre in Kula, returned there yesterday (9 February). Under the Commissariat for Refugees plan, they were sent to a sanatorium, which could not accommodate them as there was only one bed there. Upon their return, they spent the night in front of the sports hall.

It is reported from Kula that others also plan to return there, as they are dissatisfied with the new, much more inferior accommodation provided by the Commissariat (children cannot go to school, either because the nearest school is kilometres away, or because there are no secondary schools in the area).

Belgrade, 10 February 1996

*For Helsinki Committee
Sonja Biserko
Chairperson*

**A LETTER TO MS MARGIT SAVOVIĆ, FEDERAL MINISTER
FOR HUMAN RIGHTS**

Dear Ms Savović,

The Helsinki Committee was contacted by a group of refugees accommodated in *Pionirski Grad* in Belgrade. Unfortunately, their situation is legally quite clear, thanks to the Refugee Act of the Republic of Serbia. Namely, they lost their status when they refused to be resettled and decided to stay in *Pionirski Grad*. It bears mentioning that they themselves managed to find food and meet other basic necessities. The Helsinki Committee has repeatedly drawn attention to the unconstitutionality of the provisions envisaging the loss of status if offered accommodation is rejected, but to no avail. But, leaving all legal reasons aside, this time we kindly urge you to intercede on moral and humane grounds. These refugees, 68 of them, lost their refugee status in 1993. They were allowed to stay in *Pionirski Grad*, but now they have to leave (the first group is scheduled for resettlement on 12 March 1996). These people know that they have to move out because *Pionirski Grad* serves other purposes, but they can neither find other accommodation nor return to their homes. Hence we appeal to you to help them, in view of the humanitarian character of your organisation and your personal humane stances, to help them. It is also our duty to call your attention to the fact that, according to the information available, they are not willing to go to Kosovo and Sandzak.

Belgrade, 28 February 1996

*Yours sincerely,
Sonja Biserko*

PRESS RELEASE

Refugee census conducted under the auspices of the UNHCR and the Commissariat for Refugees is not yielding the expected results, as a large number of refugees, particularly the able-bodied men, fear that their personal data could be misused. In addition to that, the Helsinki Committee has received a number of complaints concerning various manipulations during the census. These complaints most frequently concern census-takers who misuse their mission by crossing off the answers or persuading refugees not to go back.

Persons in charge of the census often put pressure on refugees to declare their unwillingness to return, so that people who are already distressed, let the municipal staff fill in their forms. The authorities which announced that 700,000

refugees would take part in the census, now have officially registered less than 200,000 of them. They are still trying to make people register by various threats, including that they will lose their humanitarian aid if they do not register. But, the distrust of refugees seems to be so big, that even such blackmail does not make them respond to the census-taking action.

Upon receiving relevant information from the UNHCR, the Helsinki Committee can claim with full responsibility that the data given by the refugees will not be abused, and that options regarding their future will not be binding. In addition to that refugees are not bound to fill all the columns, particularly those that they think might be misused.

The Helsinki Committee calls on all the refugees and expellees to respond to this census, in order to avoid any future manipulation of their number and their status.

Belgrade, 16 May 1996

Sonja Biserko, Chairperson

THE NATIONALITY ACT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA

by Biljana Kovačević -Vučo

Nationality is an important political instrument, and also a fundamental human right. By specifying the conditions for the acquisition and loss of nationality, the state shows whether it is democratic or undemocratic, that is whether it respects or does not respect human rights. As aliens usually do not enjoy any political rights, contrary to nationals who enjoy all the rights guaranteed by law, and by the same token are legally-bound to comply with their duties, the nationality, in fact, determines the legal status of individuals residing in the territory of any given state. In the present circumstances in FRY, the attitude which the state takes towards the acquisition of citizenship by refugees, indicates, in fact, its attitude towards the resolution of the whole refugee issue.

The Nationality Act of FR Yugoslavia has not entered effect yet. The Federal Ministry of the Interior, that is the Federal Government has submitted the Citizenship Bill, which includes a provision addressing the refugees' right to nationality, to the Federal Assembly.

Since the Federal Republic of Yugoslavia has lastingly committed itself to protect all nationals of the former Yugoslavia, who sought refuge in the FRY territory because they were threatened on ethnic or religious grounds and committed to the respect of human rights and freedoms, the reasoned opinion sup-

porting the Bill stipulates that all such persons can become Yugoslav nationals without any difficulty, simply by applying for it to competent authorities, if such acquisition does not endanger the security, defence or international position of FR Yugoslavia. This is called "the admission to nationality" and is regulated by the provisions of Article 47.

Pursuant to Article 47, all nationals of SFRY, who sought refuge in the FRY territory because they were threatened on ethnic or religious grounds or committed to the respect of human rights and freedoms as well as SFRY nationals residing abroad as stateless persons, may be admitted to Yugoslav nationality.

To be admitted to Yugoslav nationality, one "only" needs to apply to the Federal Ministry of the Interior. However, the application must also include: circumstances and reasons indicating persecution, place of residence in Yugoslavia, sources of income, and if the applicant is a stateless person, a statement that he/she is not a foreign national. The statement which nationality (which republic) is sought and the statement that the applicant is not a foreign national or has renounced foreign nationality need to be attached to the application. The application for a child is submitted by one or both parents.

The Federal Ministry of the Interior decides whether a refugee meets the conditions to be admitted to the Yugoslav nationality, as it "assesses the justifiability of reasons stated in the application, mindful of the interests of security, defence and international position of Yugoslavia".

At first glance, the Nationality Act seems to respect the fundamental principles of human rights as it urges that all those who came to the FRY territory due to the above mentioned reasons be admitted to the citizenship. However, whether a person became a refugee for justified reasons is assessed by the Federal Ministry of the Interior, which has the discretionary powers to rule on such matters, without clearly identified criteria, "related to the interests of security, defence and international position of Yugoslavia".

In their explanation of the "justifiability of reasons and interests of Yugoslavia", the authors of the Bill specify categories of refugees entitled to the admission to nationality: "If a refugee is a national of SFRY ... who escaped for reasons of ethnicity or religion... if they came from the territories of Bosnia and Herzegovina and Croatia after the outbreak of the war. These conditions are not fulfilled by refugees who live in the territories of the Republika Srpska and the Republic Serb Krajina, or under the effective control of these two states. On the contrary, the national and state interests require that refugees from these areas return to the places of their former residence. Moreover, these refugees also have the nationality they acquired under relevant RS and RSK laws."

Conditions thus defined are in violation not only of fundamental human

and refugee rights, but also of the Constitution of FRY and numerous international conventions. Under the Refugee Act of Serbia (there is no Yugoslav law) and the International Convention relating to the Status of Refugees, normal living conditions must be ensured for refugees returning to their former places of residence, that is reintegration in the areas they escaped from. "National and state interests" are accorded priority and refugees from RS and RSK are told to go back to their former places of residence, heedless of their reasons for leaving. As RSK does not exist any more, it is clear that such a policy should apply only to RS refugees, which means that they will be encouraged to go back or even be deported, even if they may be persecuted there. The argument that these refugees are RS or RSK nationals has no ground, as refugees from other parts of SFRY are likewise nationals of other republics of the former Yugoslavia.

Refugees from these territories are *a priori* denied the right to be victims of human rights violations and that they fled because of their ethnicity or religion. In the light of such an attitude towards refugees one can understand better the ongoing action (as of June 1995) called "organised control of persons". By cleansing Serbia of Serbs from the other side of the Drina, the authorities have alleviated the "citizenship pressure" of the refugees. One could say that this action inaugurated forcible enforcement of the Nationality Act.

Nothing justifies the request to state one's sources of income in the application. This regulation is discriminatory considering that at present a large number of refugees in Yugoslavia accommodated in collective centres depend on welfare. The Bill does not specify whether a refugee who cannot earn a living will, or will not, be denied admission to nationality, but it can be assumed that only those who have devised some ways and means of earning their livelihood, will be eligible. On the other hand, many refugees who are the true victims of this war, might lose their nationality on the aforementioned grounds.

The "admission to nationality" as regulated by the Federal Nationality Bill, indicates the discrimination of refugees, giving them no chance to solve their vital problem. And lastly, the reasons allowing the "admission to nationality", and talk about the concern for refugees, sound more like the argument for granting asylum, rather than citizenship. This fact also raises suspicions.

Legally speaking, such Bill does not solve much. On the contrary, it raises new issues. The acquisition of the Yugoslav nationality needs to be solved in accordance with the Universal Declaration of Human Rights (1948), Constitution of Yugoslavia and, first and foremost, in must be governed by justice, on the basis of the following principles:

- all persons related to a Yugoslav national by marriage or blood, are eligible for Yugoslav nationality, irrespective of whether they are nationals of one of the republics of the former Yugoslavia;

- admission to nationality should not depend on the relinquishment of the nationality of some other former Yugoslav republic;
- all nationals of one of the former Yugoslav republics, residing in the territory of Yugoslavia, who have not accepted FRY nationality, may not be deported to other republics;
- the Yugoslav citizenship must be granted to all refugees opting for it;
- no person should be left without citizenship (stateless person);
- ethnicity may not be a condition of nationality.

EDITORIAL

by Sonja Biserko

(Helsinki Charter, February 1996)

Serbian authorities have been manipulating the refugee issue since the beginning of the armed conflicts. Refugees from the first wave (1991) were treated as national heroes and enjoyed the support of both the regime and public in Serbia. Refugees were used as evidence that “we cannot live together”. But, as the number of refugees increased, and the national programme became less feasible, the treatment of refugees got worse.

The Refugee Act is not in line with international standards, notably its provisions related to the military obligatory service and obligation and freedom of movement. Generally speaking, the Act does not treat the refugees as asylum-seekers looking for protection in Serbia, but rather as social cases to be taken care of by the state under certain conditions. In practice, during the war the refugees were the ones who were mobilised first under the pretext that “they should protect their own hearths”.

The last exodus of Serbs from Krajina symbolises the defeat of the Greater Serbia project. In the last stage of the war the Serbs became the principal victims of this regime. Now they have become double victims of both the Serbian and Croatian regimes. Now they are hostages of both policies and the last trump card of both sides in their formation of ethnically pure states. That is why this regime does not have a clearly articulated refugee policy.

The authorities in Serbia hinder all attempts of refugees to go back, despite their pronounced wish to return to their homes. On the other hand, Croatian authorities also hamper such attempts and prefer individual return within the framework of the family reunion policy. The latter process is slow and uncertain.

Both sides still instrumentalise the refugee issue, using it to undermine the Dayton Accord. When they insist on the return, they are setting a dangerous trap: the return should, in fact, play into the hands of a new concept of ethnically pure states, created through "ethnic resettlement". This is how they conceive the refugee return: Serbs from Knin go to Eastern Slavonia or Serbs from Western Slavonia go to Semberia...

The action launched by the Helsinki Committee has amply manifested that refugees want to go home. This is a basic human right of all refugees. We appeal to all of you not to renounce your rights because that is the only way you can realise all your rights guaranteed by the Dayton Accords (Annex 7). The whole international community supports you in that.

To help you, you must help us. Please call us and support your action and your right to return.

HERE THEY COME AGAIN...

by *Ninko Mirić*

(*Helsinki Charter, February 1996*)

Can the Committee for Status Resolving and Return of Serb Refugees and Expellees from Croatia and Krajina be trusted?

Can persons whose four-year long "negotiations" with Croatia and the international community forced this situation upon us, be trusted?

Can those who sat in their armchairs while "their" people suffered, went hungry and soaked in the trenches, be trusted? Can anyone trust those whose families were safe in their flats, apartments and villas and who drove luxury cars, while "their people" were in collective centres, in friends' and relatives' houses, or moved from one place to the other?

Can one trust those who were not in the columns of the poor and hungry, those who sat in cafe *Moskva* and took strolls along Terazije, while "their" people were separated from their children and wives, kidnapped on the streets, humiliated in Erdut, where the word "animal" had a loftier meaning than the word "man"? Where were those from the Committee then?

Can anyone trust those who drove trucks and vans loaded with cigarettes and fuel from Serbia to Western Bosnia?

What does it mean to represent the interests of refugees and expellees from Croatia and Krajina? Is not Krajina a part of internationally recognised Croatia? Will they represent such a stand concerning those two territories in

“negotiations” with Croatia and international community?

What does “status resolving and return of Serb refugees” mean, when it is known that about 20,000 Croat and Muslim and other refugees came from Croatia to FRY? Are they not supposed to go back to their homes as well?

Will the Committee “in full co-operation with republican bodies” also support the view of the Commissariat for Refugees that “the latest wave of refugees from RSK came by tractors to Semberia, which is a rich land and ... rich are the other parts”, and “they should organise the return of refugees to Eastern Slavonia, and even more to RS...”?

Where were the founders of the Committee during the last six months? Did they know that we existed? Now they claim that no one took care of us and ...here they are... to help us, to rescue us. Why now? Have they ever visited us to see how we live? Have they ever tried to make use of the “RSK” funds to help us?

What has prompted their sudden interest in us? Power or “business”. They are obviously prompted only by personal status and profit, for only a few of them will go back. How can anyone who has never been in a refugee column and whose existence is fully secured and who does not want to go back, lead an expelled people?

WINTER MIGRATIONS

by Biljana Kovačević Vučo

(Helsinki Charter, February 1996)

In January this year alone, 142 refugees from Kula, 60 from Crvenka, 68 from *Pionirski Grad* and 50 individuals approached the Helsinki Committee for help.

Refugees accommodated in the sports hall of the primary school in Kula were told to vacate the collective centre within five days and relocate to Suva Reka (Kosovo) and Novi Pazar (Sandžak). They were not told whom to contact there. They were only told that this was necessary in order to “alleviate the refugee burden of Vojvodina” and use the sports hall for its primary purpose. Their pleas to be accommodated in other free and available facilities in Kula, like *Milan Gvozdic* MZ hall or dairy restaurant hall, as well as the youth hostel *Omladinski*, were not met.

In early January refugees in Beška (Vojvodina) met with similar fate.

They were told to submit by the end of the month statements of persons who would take care of their accommodation until their status is finally resolved. If they failed to comply, they would be sent to Kosovo. By extension, those who refused to go to Kosovo, under Article 18, paragraph 1, point 5 of the Refugee Act would lose all the rights guaranteed by that Act and the Decision on Expellees. Refugees would be particularly affected by the loss of health care and children education rights.

In view of the above, Helsinki Committee sent an open letter to Mr. Mirko Marjanović, Prime Minister of Serbia; Mrs. Bratislava Morina, Commissioner for Refugees of Serbia; Mr. Radovan Pankov, Minister for Relations with Serbs outside Serbia; Mrs. Margit Savović, Yugoslav Minister for Human Rights; as well as the UNHCR representative. The letter was sent in pursuance to Article 44 of Constitution of FRY, and Article 48 of Constitution of Serbia, as these provisions foresee that such letter must be answered.

The letter highlighted the fact that under to the above mentioned Article 18 of the Refugee Act of Serbia, refugees lose their rights if they turn down the offered accommodation or relocation. But according to Article 26 of the 1951 Convention Relating to the Status of Refugees (ratified on 29-09-1959 by Yugoslavia) the refugees are guaranteed freedom of movement. Every Contracting state is also bound to allow the refugees to chose the place where they want to reside and move freely under the same conditions as applicable to aliens.

Bearing all this in mind, the Helsinki Committee suggested to relevant state agencies to re-examine the legality of this provision in Article 18, as pursuant to Article 16, paragraph 2 of the FRY Constitution all international treaties and conventions published and ratified in line with the Constitution are an integral part of the internal legal order.

Furthermore, the Helsinki Committee criticised the Government of Serbia for not making public the Programme on Refugees, which would indicate more clearly the position of the authorities in relation of refugees and expellees. Namely, Kula and Beška cases have a negative impact on the solution of the refugee issue and leave room for suspicion that the authorities act arbitrarily, regardless of their possibly positive motivation. In view of the situation in Serbia, it is evident that such conduct of authorities enhances political tensions and leaves room for political manipulations in the country and abroad.

The Helsinki Committee is of the opinion that the refugee issue cannot be resolved if the refugees are denied the right to free choice. The entire refugee issue should be resolved through an agreement between refugees and authorities

in line with international conventions and peace agreements. That is why Helsinki Committee suggested an urgent adoption of a comprehensive programme on refugees and immediate suspension of refugee resettlement to other parts of the country.

However, despite appeals and intervention of MPs Dr. Žarko Korać and Dr. Stanko Studen all the refugees from Kula on 3 February were moved out, after being left without food and heating for five days. This was qualified as a “voluntary” move on their part. Their appeal to be allowed to stay there, because of their children, until the end of the school year, was not met. Such a simple and strong argument, namely that already traumatised children should not change school in mid-term, was not heeded to.

The Helsinki Committee received replies to its open letter on 8 February. Both Mrs. Morina, Commissioner for Refugees of Serbia and Mr. Pankov, Minister for Relations with Serbs outside Serbia, claim that Article 18 of the Refugee Act is not contrary to Article 26 of the Convention Relating to the Status of Refugees, as “loss of rights” due to refusal of offered accommodation does not mean that “refugees are denied their right to choose their accommodation and their right to freedom of movement”. In addition to a highly debatable interpretation of the provision, it is obvious that the Commissariat has assumed the powers of the Constitutional Court by acting in defence of state interest rather than refugees’ interests.

In her reply, the Commissioner justifies the relocation of refugees by humanitarian reasons and as something beneficial for the group of refugees. Justification is very detailed and “substantiated”. But the Helsinki Committee is informed that four refugees returned to Kula after a short stay in the sanatorium (supposedly in Sandžak), as the director of the sanatorium, having problems of his own, had offered them just one bed. Others wrote that they would come back to Kula because there was no secondary school in the new locality and younger children had to walk 10 kilometres to reach the primary school.

As the Commissariat for Refugees, as a governmental organisation, and the Helsinki Committee, as an NGO, have a common goal, it is praiseworthy that the Commissariat has finally begun communicating with an NGO. Unfortunately, its argumentation is neither in accordance with the basic principles of the Convention on Refugees nor with the written and unwritten principles of humanity.

WATCH OUT, THE RESCUERS ARE COMING

by *Ninko Mirić*

(Helsinki Charter, April 1996)

The Committee for Status Resolving and Return of Serb Refugees and Expellees from Croatia and Krajina was established on 10 February 1996. Mr. Borisav Mikelić was its (self) elected and widely acclaimed (by “intellectuals and experts”) President.

...The initiative to establish such “a non governmental and non party” organisation was launched by several “intellectuals and experts from RSK”. But due to more pressing problems and the status of refugees and expellees in the past eight months, it was impossible to carry out the electoral procedure, and so Mr. Mikelić and the members of the Committee were self-elected.

Why is Mr. Mikelić unwilling to publicly disclose the names of those “intellectuals and experts” and the names of the Committee members, although his “people” want him to do that? It is quite self-explanatory: the people’s column is now headed by those who in the past four years strove to lofty goals from their ministerial chairs, those who told us about Virovitica-Karlobag border, who told us that Serbia was defended in Knin, those who advocated the Vance Plan and protection of people in those areas, who have never explained what the Z-4 plan was, and whose “object of care” ended up in a never ending exile. None of these strongmen of the triumvirate (ex-Premier, ex-Minister of Defence and ex-Minister of Foreign Affairs) nor their “intellectuals and experts” were seen in the columns, on tractors, in lines for the Red Cross aid. None of these spiritual leaders (except for a few) was at the head of a column of the biggest Serbian “migration”. But they were skiing on Kopaonik, or moving into their “diploma-tic “flats given as a prize for all what they have done to us.

Why is the fact that the Committee is “a non-governmental and non-party organisation” stressed so much? If it is indeed what it is proclaimed to be, why Mr. Mikelić points out that “there are all kinds of rescuers in the field, of different party stripes and colours, bent on undermining and destroying the authorities in Serbia and FRY by spreading stories that the authorities are allegedly manipulating the refugees”? The message is clear: How can you “who have been left without homes, jobs, and literally and frequently without “bread and coat” “rise” against those who gave you “homes, jobs and bread and coat”, and also saved your lives. That would be a biblical example of dishonesty. If you do that, then do not ask for international humanitarian aid and do not ask that binding provisions of the Refugees Act and international conventions (which this

state has signed) be observed.

...How is it that after so many years of exile, this Committee has only now realised that it should take care of us? How is it that the Commissioner for Refugees only now supports "a non-governmental and non-party organisation" and ignores all the other NGOs which have helped us and are still helping us.

... All our "friends" either still adhere to their fallacy or were ordered to carry out this final task (the latter being more probable) to leave us forever "displaced in our motherland" which was the primary cause of this war.

Faced with our unresolved status, uncertainty and poverty, and due to the shock caused both by banishment and the way we were "welcomed" by the authorities, we realised that we had been led astray by those who masterminded the entire folly and still believe in its feasibility, we realised that we have lost everything and that we could have been a people to whom all the rights were guaranteed.

They have amply proved how "good" their guidance was and all the trust we gave them they turned against us. They want to sacrifice us in order to conceal their failed national policy. They want us to thank them for our exile and penury and to remember this "lasting and most beautiful monument to humanity" as a lesson about kindness and as a debt perhaps to be repaid to a future generation.

WHO PAYS FOR OXEN

by Biljana Stanojević

Helsinki Charter, June 1996

By all appearances, the Jagodina affair continues. In 1991, during the construction of the refugee settlement *Ciglane* Marinko Kiklic, the trustee of the Commissariat for Refugees of the Republic of Serbia in Jagodina and refugee from Bosnia and Herzegovina, built a two-storeyed house for himself and this year, 1996, he purchased a car with foreign cash even though he had arrived here with nothing. It is curious that, with trustee's pay, he can afford such a high standard of living.

At the moment, several court proceedings are under way against legally elected officials and municipal barons who are, by all appearances at the source of all divergences in the municipality. Also, according to our information, the financial police is trying to solve the case of missing flour (*Helsinška Povelja*, March). The public prosecutor in Jagodina rejected the criminal suit, affirming

that forgery and misuse of office were not crimes prosecuted *ex officio* and advised the plaintiff to press private charges.

The Red Cross of Serbia has obviously lost the compass. Why do I say this?

The Red Cross will be celebrating an important anniversary this year; without question, there are reasons for celebration, but under the present circumstances in Serbia, such arrogant and costly festivities are, to put it mildly, simply distasteful. The Red Cross officials will not be able to make it to all the luncheons and dinners planned within the celebration. One would think that the time of festivals with oxen, roasting for thousands of visitors, belongs in the distant past and serves only to remind us of the opulent life we enjoyed once. It is not difficult to compute how many refugee children and elderly would be overjoyed with less modest humanitarian parcels. The question unanswered yet is where do the funds for such expensive celebrations come from, as the Red Cross funds are small and limited - that is, at least, what republican officials say, and, what is even more important, these funds are raised through donations or are earmarked funds granted for some vulnerable categories of the population. If the expenses of the celebration are defrayed from the budget, then we should be told so. The beneficiaries of the Red Cross assistance would not feel robbed then. I should like to ask Mrs. Slobodanka Gruden about the reasons for such dissipation of money, which could certainly be used more efficiently. Moreover, this undeniably important date could be marked simply and modestly, better suited to our current standing.

Discontent with the work of the Red Cross and the Commissariat for Refugees is not triggered by Jagodina tricks only, but also by numerous reports about misuses, coming from many Serbian towns, in particular those where there are collective centres. Following the track of already published news about irregularities in the work of those organisations in Banja Koviljača, a Helsinki Committee team visited the collective centres *Vila Koviljaca* and *Vila Bosna*. On that occasion, we were given detailed information, relating to our March reports and the reply sent by the inhabitants of the centre. It was found that misuses existed on a large scale and that one could never know who was entitled to what kind of humanitarian relief, and at what time intervals.

Refugees say that many of them have not yet received clothes, footwear and hygienic items, and that the director of the centre still runs things at his discretion. The living conditions are awful: there is only one bathroom for the whole floor and sewers under the windows are overflowing. There are many seriously ill people in *Vila Koviljača* without adequate medical care. The refugees are divided into privileged, enjoying all benefits, and others. The latter and larger group have to put up with the terror of a minority, or else are threatened with relo-

cation or poorer diet, which is already poor as it is. Inhabitants of the centre inquired in great detail about their future prospects because they know nothing about it. Some would stay in Yugoslavia, but it seems that more of them would prefer to go home if there were conditions for it. This mood is evidently the result of their discontent with their treatment in Yugoslavia, whilst the emphasis is particularly laid on bad elementary living conditions, sufficing only for bare survival.

Refugees claim that they unload food and other relief themselves, which then they never set their eyes on again.

In the light of manifest misuses, we suggested to the refugees in this camp to organise themselves and, through their representatives, try to establish direct communication with the Commissariat for Refugees, the Red Cross and UNHCR, and thus at least try to supervise the inflow and distribution of humanitarian aid.

This article is meant to show that the trustees of the Red Cross and the Commissariat for Refugees are generally distrusted and the same holds true of those who run refugee collective centres.

In this chapter we present excerpts from numerous reports of Helsinki Committee for Human Rights in Serbia dealing with the refugee issue.

These reports were sent to many relevant individuals and institutions both in the country and abroad.

A SHORT SURVEY OF ISSUES RELATED TO REFUGEES

1. Annex 7 of the Dayton Agreement defines the question of refugees and envisages its solution in several phases. Annex 7, above all, addresses refugees from Bosnia and Herzegovina, but it is very likely that the Dayton Agreement principles will be applied to all refugees from the territory of the former Yugoslavia. After the first phase of the Dayton Agreement has been concluded, including the arrival and deployment of IFOR and separation of the conflicting sides, the implementation of the civilian part of the Agreement will follow. It is much more difficult. The reconstruction of the civil society includes the establishment of the whole legal infrastructure, notably one that will guarantee human rights to everyone. This part of the Agreement also includes the return of refugees, especially those returning to parts controlled by the opposite ethnic group.

2. A series of conferences and meetings were held, with the aim of devising models of solution for different categories of refugees and securing adequate financial aid in order to integrate them in the normal life of a specific community. These problems are serious and they require an overall analysis if new misunderstandings and conflicts are to be avoided. Bearing in mind the nature of the regimes in the territory of the former Yugoslavia, this process is hard to imagine without the mediation of the international community. This primarily means the countries of the European Union, but also various international organisations, such as UNHCR, ICRC, international non-governmental organisations, local non-governmental organisations and, of course, local authorities.

3. There are about 450,000 refugees in Serbia, and they can be classified in several categories. The first group includes refugees from Croatia who came in 1991 (having the refugee status) and refugees from the so-called Republic Serb Krajina who do not have the refugee status. Refugees from parts of Bosnia that were not under the control of Serb forces came in 1992 (having the refugee status) and refugees from the territory of the so-called Republika Srpska who do not have the refugee status. The latest wave of refugees from the so-called Republic Serb Krajina came in August 1995 and these people do not have the refugee status and are treated as "expellees". After the signing of the Dayton Agreement there was an exodus of mostly Serbs from the territories they lost by the Agreement (withdrawal from Sarajevo), but it was confined to the territory of Republika Srpska.

4. The Federal Republic of Yugoslavia has not adopted a consistent and overall policy towards refugees yet. The government's measures are not consistent and are governed by daily political needs. However, one can note a tenden-

cy of ethnic consolidation of the territory under the Serb control, which was inhabited once by Muslims and Croats as well. It is especially noticeable in Eastern Bosnia. The Serbs leaving Sarajevo are now going to Bratunac, Srebrenica, Zvornik, Bijeljina, etc. The situation was similar in Eastern Slavonia, but the arrival of General Klein significantly changed the attitude towards this region. Frequent statements of the American Ambassador in Zagreb, Mr Peter Galbraith, also discourage Serbs to return to that area. There are indications that Serbs from Croatia will not be supported by the FRY authorities to return to Croatia and that their problem will be solved by sending them to the so-called Republika Srpska or to ethnically mixed regions in FRY so as to change their ethnic structure.

5. The distribution of humanitarian aid to refugees is also questionable. Humanitarian aid is mostly a subject of big speculations and a source of profiteering, and refugees are often left without adequate or any aid. The government's intention to fully (mis)use them for their political goals, aroused major distrust among this population towards the regime. All initiatives of the government are met with suspicion and doubt. More and more people boycott everything organised by the authorities. The greatest distrust is present when it comes to their property. The basic suspicion is that FRY will use it in the settlement of war reparations with Croatia, and probably Bosnia and Herzegovina.

6. The accommodation of refugees is disastrous and beneath human dignity. Even well-off refugees are now forced to leave rented flats and look for accommodation in collective centres. The same applies to refugees who live at their relatives'. Shortage of funds and poor living conditions result in broken families. As a rule, collective centres are bad, without heating and hardly any hygienic conditions. General discontent with the accommodation and the desire to return home grow ever stronger. As the spring approaches, the wish to go home, even to a destroyed home, becomes even stronger. As the majority of refugees are without jobs and they are by and large deprived of the right to work, there is growing frustration among them. The return to one's own country means also a chance, even if minimal, to work.

7. The Helsinki Committee has been involved in refugee problems for almost a year, and to all intents and purposes, acts as their lobby both in this country and abroad. The Committee has articulated their right to return home through its action with refugees from Croatia (Krajina). To this day about 30,000 refugees passed through the Committee's office, a great majority of them stating their wish to return to Croatia. All forms have been sent to the Croatian Government through the American Embassy in Zagreb. The international community still uses the fact that so many people want to return, to put an enormous pressure on the Croatian authorities to abide by the Dayton principles. Recent

visits of high officials of US State Department, the Hague Tribunal and the UN Special Rapporteur for Human Rights and their statements are the best illustration that the question of democratisation of the whole territory of the former Yugoslavia is now being raised.

8. Bearing in mind good relations with refugees and confidence it has earned, the Helsinki Committee would like to share its experience with others, hoping that it will contribute to the best possible solution of all refugee problems. The Committee has also prepared a pilot project for the return of refugees to Glina and Vojnic, considering it the best formula for the return, not only for security, but also for psychological and sociological reasons. We think, therefore, that the participation of embassies in monitoring the implementation of such group returns in respective states in the territory of the former Yugoslavia would be of significant help. At the same time, it should also include some financial aid from the international community through credits which would create conditions necessary for normal life.

9. The Helsinki Committee considers that the adopted principle of voluntary return of refugees is one of the most significant aspects of the Dayton Agreement. At the same time, bearing in mind the present political situation in Serbia, the Committee warns that this principle can easily be compromised. This concerns, above all, this government's insistence on the return to Bosnia, i. e. Republika Srpska due to political reasons (ethnic consolidation of certain regions). For refugees, this is the least secure area, among other reasons, because Republika Srpska has not adopted an amnesty act. Such policy of FR Yugoslavia implies a division of Bosnia and Herzegovina, since almost nothing is done regarding the return of Serbs to the Federation of Bosnia and Herzegovina, although there are more and more people interested in returning there, too.

10. According to our information, the ongoing census, conducted by the FRY Government and sponsored by the UNHCR, will not produce the right picture of the refugee situation in this country because of all previous mistakes and manipulations with refugees who now, as a result of such policy, do not respond adequately to the census. The Amnesty Act in FRY has not been passed yet. It must be also noted that the present bill does not cover all the categories of population who are supposed to return. Therefore, this law should be in strict accordance with the Dayton Agreement in order to enable all categories of population to return to their homes.

11. Unfortunately, the efforts to solve the refugee problem have not produced even the least satisfactory result so far, primarily due to the unwillingness of the relevant governments to undertake the necessary steps. It is actually a reflection of the absence of true will and readiness to annul the results of ethnic cleansing, a monstrous crime committed in the war in these territories. The situ-

ation is especially difficult, almost hopeless, with regard to the refugees from Krajina and western Slavonia (the Republic of Croatia), whose protection is not covered either by the Dayton or by the Erdut Agreement. The Government of the Republic of Croatia unfortunately uses this circumstance in order to turn a blind eye to the burning problem, while the Government in Belgrade does not do what is necessary to resolve this situation.

Due to the mentioned reasons, the forthcoming meeting in Paris on the implementation of the Dayton Agreement should pay special attention to the problem of refugees from Krajina and West Slavonia and accord them appropriate treatment in the peace process, in accordance with the solutions foreseen by the Dayton Agreement. Only if the Government of the Republic of Croatia is formally and strictly bound to unconditionally enable the return of refugees to their homes, and if the authorities in Belgrade, whose co-operation in this matter is necessary, take the appropriate obligations, can one expect a real solution of the fate of these people, who are at present in an exceptionally difficult, if not hopeless position. It would be of paramount importance if a separate document at the Paris meeting were to be adopted, dedicated only to the solution of this problem.

Belgrade, May 1996

REPORT ON THE STATE OF HUMAN RIGHTS IN SERBIA IN 1995

IV. REFUGEES

1. Introduction

81. According to official records, there are more than 600,000 refugees in Serbia. It is estimated, however, that a large number, - about 150,000 - of men fit for army service have avoided to put their names on record because of frequent forcible conscription. On the whole, the refugee status is bad as they are not treated conformant to the Convention Relating to the Status of Refugees of 1951. Under the Refugee Act of 1992, the refugees in Serbia enjoy a special status as they are often treated as nationals of FRY. They fall under the same labour and military directives, but are denied all rights, such as, for instance, the right to employment. Basically, it is a discriminatory law.

82. The Yugoslav government has not adopted as yet a consistent refugee policy as shown by the inconsistent treatment of their status and humanitarian problems. It is only now growing into a central political and moral question and it is to be expected that it will remain on the agenda for quite some time to come.

It needs to be pointed out, however, that this is due, in part, to the general collapse of institutions and the whole social system. In the face of this, the Helsinki Committee has spontaneously assumed the role which should normally be played by state agencies and organs, such as the Commissariat for Refugees of Serbia, the Red Cross, the Ministry for Serbs outside Serbia and the like.

83. In the overall collapse, only the entry of refugees in FR Yugoslavia and their accommodation in different parts of its territory were under the strict control of the authorities. Very purposefully, the refugees were split into smaller groups in order to prevent their self-organisation. The regime tried to use the tragedy of these people to extort the lifting of the embargo. In the early days, their integration in Serbia and provision of all the conditions necessary for their normal life were the talk of the day. The government and the opposition equally sought to gain political points from these people's misfortune, and did nothing to understand their problems. Only of late, the authorities have begun to say that the expellees would return home but that until such time they would be accommodated 'where the host decides'. Likewise, in view of the Dayton Peace Accords the authorities officially state that the return of the refugees will begin in March 1996, in harmony with the statement made by Sadako Ogata, UN High Commissioner for Refugees. Their true attitude to refugees will become clear only after the London Peace Implementation Conference and Paris Peace Conference. The behaviour of the authorities will be largely contingent on the behaviour of the international community.

84. In the all-pervading chaos members of the Serb Radical party offered to refugees houses and flats belonging to Croats and other non-Serbs. Even lists with their names and addresses were compounded. They wasted no time in starting to break into Croat houses in Surcin, Novi Banovci, Slankamen, Ruma, Batajnica, Sremska Mitrovica, Sremski Karlovci, Kukujevci. In all larger Croat communities, Catholic priests were evicted under threats and prevented from celebrating masses. The regimen, however, responded promptly under pressure, and the police stopped such incursions from proliferating further. It is evident that any attempts to expel non-Serbs could further destabilise the already precarious situation in Serbia.

85. Serbs from Croatia are denied the refugee status and their freedom of movement is restricted. They meet with numerous administrative obstructions when they try to obtain passports or any other travel documents. The humanitarian relief is minimal and there are indications that even this scanty aid is subject to manipulations.

The refugees seeking to solve their problems, turned mostly to the Bureau of the Government of the Republic of Croatia (especially those who want to go back), UNHCR and non-governmental organisations. Unfortunately, the

Bureau of the Government of the Republic of Croatia has no consular powers, and UNHCR did not demonstrate sufficient flexibility and readiness to help them, especially with respect to of their status.

86. A special problem facing able-bodied Krajina men fit for the army is the so-called mobilisation. The Helsinki Committee has repeatedly protested against this unlawful measure, but with doubtful success. The authorities maintain obdurate silence, seeking to deny their involvement. There is no doubt that refugees would be used as a buffer against a possible attack by the Croatian army, and thus be consciously sacrificed by the Yugoslav regime for the third time in this war.

87. Meanwhile the Croatian authorities adopted the Law on the Provisional Take-Over and Management of Certain Property whereby the status and property rights of the refugees suffered another setback. Desirous of helping these people, the Helsinki Committee initiated and organised the distribution of forms for the return and protection of their property. Our aim is to prevent negative consequences which could arise from the entry of the above law into force, particularly in view of the refugees' objective impossibility to leave Yugoslavia and enter Croatia. Along with this, Helsinki Committee wishes to prompt an active reaction of international organisations and relevant governments to this problem. Moreover, Helsinki Committee believes that tension needs to be sustained as there is a tendency to marginalise the issue. So far, about 20,000 individuals have come to the Helsinki Committee office, either to see whether they could go back or to protect their property.

88. The first 3,000 forms for the return and 1,500 for the protection of property have been sent to the Croatian Government via US embassies in Belgrade and Zagreb. Helsinki Committee believes that this action has major chances of success, especially after Dayton. Another 6,000 return and property forms are ready to be sent, and another 10,000 are about to be processed.

89. Unfortunately, the main impediment to this Helsinki Committee effort are various organisations and individuals with a different approach to the solution of refugees' return. Attempts by various non-governmental pro-regime organisations inviting the refugees not to join our action, failed.

90. It needs to be pointed out that the problem cannot be solved without a better organisation among the refugees themselves both when it comes to expressing their will and the exercise of their rights as it could put a stop to further manipulation. In view of this, Helsinki Committee has proposed to set up the Initiative Committee for Refugees' Return, hoping that it could act as a link in their self-organisation.

2. Conscription of refugees

91. In June 1995, the third large-scale 'mobilisation' of refugees took place. The public was informed in detail about this through the reports of non-governmental organisations. However, the decision of the Commissariat for Refugees of the Government of the Republic of Serbia of 13 August 1995, after the operation Storm, not to admit men who are potential conscripts to the Yugoslav territory, made the question of 'the refugee mobilisation' topical once again. The decision was met with indignation among the refugees, notably wives, mothers and sisters of those affected, who refused to enter FRY without their men. As the situation grew dramatic, the government yielded, but only temporarily. Refugees fit for service were let into the country, but only for as long as was necessary to accommodate their families; after that they had to leave the Yugoslav territory. All men fit for the service were recorded upon entering FRY, as witnessed by a Helsinki Committee team at the crossing in Sremska Rača.

92. The Krajina men hunt then ensued. Helsinki Committee recorded cases when in early morning hours teams of the Ministry of the Interior of the Republic of Serbia (often guided by cars with Krajina plates) broke into houses where refugees were accommodated and took male refugees in an unknown direction. According to their family members, many of them were taken to east Slavonia. Their families say that they were taken off tractors while still on the way, invited to police stations for discussion about their status, or taken by buses from their temporary lodgings to Loznica and Zvornik, and then to the Bosnian-Herzegovinian territory. The Serbian authorities refused to admit those who somehow managed to get to the Serbian border again. According to them, Arkan's Tigers took away 120 men under threats and provocations. Not all among thus conscripted are fit for the service.

93. The number of 'kidnapped' is unknown because, if one is to judge by the media, the problem does not exist. The deputy Minister of Information stated that he was unaware of any conscription. He said that it was perhaps some kind of legal aid, that is that the Serbian police were meeting the request of the RSK Government and delivering able-bodied men according to their rosters.

94. According to conscripts and their families, it is estimated that the largest number of able-bodied men from RSK were conscripted during the third mobilisation (of 40,000 of those who entered FRY, about 20,000 were forcibly drafted). According to the same sources, the only document these persons have is a piece of paper with their name, and the text on the verso saying 'forcibly conscripted' even though they are treated as 'volunteers'.

95. In September their abduction gained momentum. Serbian police picked them up from all public and private places, took them to Zvezdara

(Volgina Street), put them on buses and sent to Erdut, to a "training Centre". According to the testimonies available to Helsinki Committee, the treatment of these people in Erdut was alarming. They were all subjected to torture, insulted and abused. After such a 'training' they were sent to fronts in Bosnia and Herzegovina. International media teemed with stories about the inhumane treatment of Arkan's units equally towards Bosnian population and the combatants recruited among the Krajinians.

96. The Helsinki Committee found reason for major concern in the claims of most witnesses that the Serbian and Yugoslav Red Cross, the only organisations fully acquainted with the refugee situation and accommodation in FRY, enabled the Serbian Ministry of the Interior to see their files. Such behaviour of the Serbian and Yugoslav authorities arouses mistrust among the refugees, and many of them renounce some of their rights because they are afraid to supply their particulars to the authorities.

97. Regardless of whether the formal refugee status is recognised or not, it is clear that the Convention relating to the Status of Refugees, acceded to by FR Yugoslavia, was gravely violated. Under its Article 31, the States which have ratified the Convention undertake not to impose penalties, on account of their illegal entry or presence, on refugees, who, coming directly from a territory where their life or freedom were threatened in the sense of article 1, enter or are present in their territory without authorisation, provided they present themselves to the authorities without delay. It is true that refugees from Croatia were recorded on the border itself and one should expect that they would be given a reasonable period of time to go to some other country, rather than be forced back to the country they had fled from. Moreover, Articles 32 and 33 of the Convention bind the States not to expel the refugees, and especially nor to return them to the frontier of the country they had escaped from, if this would threaten their life and freedom on account of their race, religion, nationality or membership of a social group, or political opinion.

98. The Refugee Act of the Republic of Serbia (Official Gazette 1892) in its Art. 2, para. 2, prescribes that refugees "shall be subject to military, that is labour obligation under the same conditions as nationals of the Republic of Serbia". This provision in itself runs counter to the gist of the refugee status, international common law and the Convention itself. Moreover, relevant provisions contravene also the Constitution of FR Yugoslavia which envisages military service only for FRY nationals, and the Army Act. However, the practice is at odds even with this deficient law, since these persons are taken away from the Yugoslav territory.

99. Governed by the principle that FR Yugoslavia has assumed a lasting obligation to protect and take care of the nationals of SFR Yugoslavia, who, on

account of their ethnic origin or religion, advocacy of human rights and freedoms, take refuge in the territory of FR Yugoslavia, the Nationality Bill proclaims that all refugees may acquire the Yugoslav nationality simply and without a special procedure, by applying to the competent body if the acquisition of the Yugoslav nationality does not endanger the security, defence and international status of FR Yugoslavia. This manner of nationality acquisition is called 'admission to nationality'.

100. The right to be admitted to Yugoslav nationality may be enjoyed by:

a) all persons (SFRY citizens) who have, on account of their ethnic origin or religion, commitment to human rights and freedoms, taken refuge in the territory of Yugoslavia;

b) SFRY nationals who reside abroad as stateless persons.

The conditions to be met envisage "only" the application to the Federal Ministry of the Interior. However, the application needs to include: a statement of circumstances and reasons indicative of persecution; place of residence in Yugoslavia; means of livelihood; stateless persons need to state that they are not nationals of a foreign country; a statement whose nationality (republican) the applicant wishes. The applicant also needs to enclose a statement that he/she is not a national of a foreign country or a statement renouncing foreign nationality.

This institute of admission to nationality was supposed to resolve currently the most acute question in Yugoslavia, the question of refugees. The above part thereof reflects best the degree of democracy in this country and its attitude to human rights.

101. The admission of refugees to nationality is decided by the Federal Ministry of the Interior "upon the assessment of reasons quoted in the application and taking note of the interests of security, defence and international status of Yugoslavia".

The author of the bill spells out which refugees in the FRY territory are entitled to acquisition of nationality by admission: "If a person is a national of SFRY... who fled on account of his/her ethnic origin or religion... if he/she arrived from the territory of Croatia and Bosnia-Herzegovina after the outbreak of war. This condition is not met by refugees living on the territory of the Republika Srpska and Republic Serb Krajina and under the effective control of the authorities of these two states. On the contrary, the national and state interests require the return of the refugees from these areas to their former places of residence. Moreover, these refugees have the nationality acquired by relevant RS and RSK statutes".

102. Refugees from these territories are *a priori* denied the right to be victims of human rights violations, and that they have fled from these territories because of their ethnic origin or religion. In the light of this attitude towards

refugees, the action conducted in early June 1995 as 'organised control of persons' in Serbia becomes quite clear. In this manner the authorities tried to avoid any pressure by refugees to obtain the nationality. This campaign meant the enforcement of the Nationality Act by crude force even before its adoption.

Setting aside the discretionary right of the Ministry of the Interior, there is nothing to justify the request to specify the means of livelihood in the application. It is a discriminatory provision especially if one knows that at present in Yugoslavia a large number of refugees live without the basic necessities, are on social welfare, in refugee centres. On the other hand, many refugees, the true victims of this war, risk to lose the nationality on these grounds .

4. Travel documents

104. Passports are formally regulated by the former Yugoslav and now inapplicable law on travel documents and the law on the movement and residence of aliens. Passports are issued on the basis of arbitrary decisions of the authorities. They are formally issued by the Ministry of the Interior of the Republic of Serbia, but the real decision rests with the supreme authorities and is governed by their daily political needs. FRY citizens are issued passports, and foreign nationals travel documents by the Department for Aliens of the Ministry of the Interior .

105. The relevant policy has undergone several changes. At present, passports can be obtained only by women, and men below the age of 16 and above the age of 60. Men between 16 and 60 years old must submit a certificate of the Republika Srpska or Republic Serb Krajina that they are unfit for military service.

106. To gain entry into Croatia, one needs a photocopy of the allegiance certificate or certificate of the registrar's office in one's place of birth that the person was entered in the nationals' roll, and specifying that it is issued for entry into Croatia. At present Croatia makes it almost completely impossible to obtain such certificates in its territory, and the Croatian Bureau in Belgrade is not authorised to perform consular functions.

Of late, it has become possible to enter Croatia for the purpose of so-called family reunion (a properly sealed letter of guarantee, sealed birth certificate, photocopy of the allegiance document for the next of kin are necessary).

107. Until recently, refugees were issued passports regardless of whether their refugee status was regulated or not. The Yugoslav passport was issued to refugees not considered as aliens by the authorities. Travel documents were issued to foreign nationals, largely Croats and Muslims from Croatia and Bosnia-Herzegovina. However, this procedure was discontinued in August and now both

groups can hope only for travel documents.

108. Travel documents do not have to be issued within a specified period of time, and even the submission of such application is often fraught with risk. It has been observed that it is easier obtained by Croats and Muslims (mostly those who illegally entered FRY from Bosnia-Herzegovina or so-called RSK) which is yet another indicator of the quiet ethnic cleansing policy at work. The worst is the predicament of Serbs (fled from RSK or RS) who are without any documents. Passports may be obtained on the black market. The prices and places where they are sold vary (Belgrade is the most expensive).

Helsinki Committee for Human Rights has succeeded in solving 12 out of 30 filed cases so far.

139. About 20,000 refugees from Croatia approached Helsinki Committee in relation to the return or protection of their property in Croatia, or regulation of their status and protection in Serbia. Fourteen thousand processed forms (for return and property) have been transmitted to the Croatian Government through the US Embassy in Zagreb.

THE REPORT ON SOME ASPECTS OF THE POLITICAL AND LEGAL SYSTEM (JANUARY - MAY 1996)

II PROBLEMS OF THE PROTECTION OF HUMAN RIGHTS

1. Refugees

25. One of the consequences of the war is the change of residence by every fifth or sixth citizen of SFRY. The number of refugees in the Federal Republic of Yugoslavia has not been established as yet, due to poor and unreliable official records. It is also a result of their reluctance to have their name on official records, a large number of refugees in transit, and the distrust of refugees toward the authorities after several attempts to deport and mobilise them. It bears stressing that the authorities manipulate the refugee numbers with a view to receiving larger humanitarian aid.

26. The refugee problem is an issue of special concern not only for FRY and Serbia, but also for all host-countries, domicile countries and the international community. Without a just solution of that issue, there will be no true democratisation and application of civilised standards in the countries of former Yugoslavia.

Starting from the premise that the recognition of the refugee status does

not make one a refugee, but is only a verbal acknowledgement of the fact, FRY had to grant that status to all persons who found themselves on its territory during the war. However, as the state opted for an artificial division, we are now dealing with two categories: refugees and expellees. (According to the decision of the Government of Republic of Serbia on manner of accommodation of exiles, Official Gazette, No. 47/95 of 9 November 1995, "expellees are all those who came to the territory of Serbia from the territory of "Republic Serb Krajina after 1 August 1995.") The former have minimal rights and the latter are denied the right to employment. The 1992 Refugee Act of the Republic of Serbia does not adequately regulate the status of refugees and greatly differs from the one prescribed by the 1951 International Convention on Refugee Status and the 1967 Protocol. Namely, the Republican Act denies the freedom of movement, the right to ID and other travel documents, free choice of residence, choice to leave the country. Refugees are reduced to a mere object of manipulation by the Commissariat for Refugees of Serbia, the organisation that provides accommodation, care and humanitarian aid and puts their names on official records. Besides, the refugee status can be immediately annulled if the labour and military obligations (identical to those of FRY nationals) are not fulfilled.

In addition to distinguishing refugees and expellees, the state also takes other discriminatory measures and actions. There are able-bodied men and others; Serbs and others, prominent and ordinary people, those who came from the territories which were under the Serbian control, and those from other territories. Such artificial divisions affect adversely the procedure for the issue of travel documents, the right to freedom of movement, realisation of other rights, and possibilities for their protection. The Nationality Act itself allows the possibility of "nationality acquisition" only to those who escaped from non-Serb controlled territories. In other words, those who came from the Republika Srpska or "Republic Serb Krajina", allegedly because of national and state interests, will not be entitled to the Yugoslav nationality. Such a refugee policy is clearly aimed at the preservation of ethnically pure territories. By manipulating the Dayton Accords principle of the refugee return, the state might deport the refugees to the Republika Srpska and settle the Serbs from Krajina in the Serb entity of Bosnia and Herzegovina, irrespective of their wishes. Such a policy has already been detected in several cases reported to the Committee.

The old Nationality Act of SFRY is still in force, and if it were fully applied all the refugees would automatically be granted the Yugoslav nationality.

27. The refugees most often turn to the Helsinki Committee to attempt a return to Croatia and Bosnia and Herzegovina and protection of their property in those states. They also seek legal advice regarding travel documents, lodge complaints about the conduct of talk about voice problems linked to humanitarian

aid, education of their children and emigration applications. Their objections to poor accommodation and food are generally treated as "ingratitude", for the standpoint of both the UNHCR and the Commissariat for Refugees of Serbia is that the granted status implies the solution of the problem.

4. Status issues (passports, travel documents)

34. Helsinki Committee handled a large number of cases concerning refugees without any travel documents (passports or travel papers) in FRY. Such papers are issued only to those who have regulated their refugee status, mainly women, old people and children. The Committee noted two cases of unjustified denial of passports to two women over 60.

35. The Republican Ministry of the Interior issues travel documents for aliens only to non-Serbs. Ethnic Serbs, nationals of the Republic of Croatia, are not considered as aliens. Travel papers for aliens are issued to refugees without a regulated status, non-Serbs and those in possession of the Croatian entry permit issued by the Internal Affairs Ministry of Croatia. But even in such cases, the authorities act arbitrarily. In places in the country, such as Zrenjanin and Valjevo, similar applications are rejected without any justification. Recently, the Serbian Ministry of the Interior has been requesting also the Croatian nationality certificate, which, on the other hand, is issued only to those who apply for it personally.

36. Some cases involved FRY nationals. The passport was seized from a female national, foreign resident. The application for its extension was rejected. Following the intervention of Helsinki Committee and the ensuing media campaign, the case is likely to have a positive outcome.

37. Bosnian refugees (1992) face biggest problems. It is almost impossible for them to get any travel documents. This problem has been exacerbated lately, in view of their possible deportation to B&H. Since they cannot obtain the necessary papers, they are less likely to be reunited with their families. An additional problem is the fact that the Republika Srpska has not consented to a common B&H passport. The leadership of this entity is bent on achieving union with Serbia, which could aggravate the existing legal void in that entity.

6. Right to employment

55. Under Article 2 of the 1992 Refugee Act of the Republic of Serbia, the refugees are entitled to employment, while under the 1995 Decree on Manner of Accommodation of Expellees and all those who came from the territory of the "Republic Serb Krajina" after 1 August 1995, are denied this right.

Discrimination of refugees is anti-constitutional and obviously serves the purposes of the regime.

56. The majority of expellees contacted Helsinki Committee in regard of the aforementioned decree. Namely, their job applications were invariably rejected pursuant to the above provision. But, in some cases when superior expertise was required, expellees managed to get three-month jobs. By extension, the former administrative and state officials from Krajina also succeeded in getting jobs in FRY, as did a number of doctors, forestry experts, employees of *Politika* publishing house, judicial staff, Red Cross employees, personnel of the Public Auditing.

57. On the other hand, although refugees enjoy the right to employment on paper, most of them are jobless. It is a well-known fact that only those who had good connections or money managed to find employment.

A father with the regulated refugee status approached Helsinki Committee on the following matter: his daughter was completing her specialisation at the Military Hospital of Belgrade when the war broke out. Although considered an excellent candidate for a full time job, she was disqualified due to unregulated nationality status.

58. According to recent information, most refugees cannot assert their proclaimed right to work without the nationality certificate. But, the certificate is not required if the refugees are to start working in places under the direct state control.

11. Separated families

74. The issue of separated families is a common side-effect of this war. Helsinki Committee is mostly approached by refugees from Croatia requesting administrative assistance for family reunion. The Committee has received over 100 requests of this nature to date. But, at this stage family reunion does not mean the implementation of the principle of refugee return. Entire categories of population who have their next-of-kin in Croatia cannot return there now. We are referring to men between 17 and 60 years of age, of Serb descent, whose return is obstructed both by Croatia and FRY. On the other hand, those of Croat descent can get the necessary papers from both states easily. Nonetheless, by imposing various prerequisites, the Croatian authorities stall their return. The reunion procedure is very slow and applicable only to a negligible per cent of the elderly.

In the wake of SFRY's break-up many families were artificially separated and their further contacts impeded. Their problems are predominantly linked to nationality, freedom of movement or children of divorced persons (most difficult cases).

Helsinki Committee handled several cases of Croatian citizens whose children were abducted by a former spouse and impeded from having any contact with the other parent. There are no legal solutions to such cases, as the two states have not recognised each other and the decisions of the respective courts are not legally binding either in Serbia or Croatia.

REPORT ON CURRENT REFUGEE ISSUES

1. The Helsinki Committee for Human Rights in Serbia made this report on the basis of contacts with refugees and analysis of regulations related to their status and position in Serbia and Croatia in August 1995 - January 1996. It transpires that neither Croatia nor Serbia observe Dayton Accords Annex 7 related to refugee issues:

2. The Refugee Act of the Republic of Serbia (1992) prescribes: "Serbs and other ethnic groups, who were forced to leave their residences in Croatia and other republics and seek refuge in territory of Serbia (thereinafter: refugees) due to pressures of Croatian authorities and authorities in other republics, threat of genocide as well as persecution and discrimination on the grounds of their religion, ethnicity and political convictions, shall be provided accommodation, in line with provisions of this Act, and their needs and social security taken care of" (Article 1). The accommodation of refugees includes organised reception, temporary accommodation, aid in food, organised health protection, material and other assistance. Refugees enjoy labour and education rights in accordance with the Act, and can exercise them in their places of residence in the Republic of Serbia. The manner and extent of accommodation are prescribed by the Government of Serbia (Article 2). Data related to refugees identification, property etc. are entered in the form jointly prescribed by the Commissariat for Refugees of Serbia, Ministry of the Interior, and Republican Statistical Bureau. When such a form is filled, refugee status procedure is initiated (Article 11). The Commissariat for Refugees decides whether such status will be granted or denied (Article 13).

3. The Convention Relating to the Status of Refugees of 1951 and the Protocol of 1967 determine the status criteria. According to these criteria the fact that the status is recognised does not imply that it is granted. It rather means that a refugee is only declared as such. The refugee status is recognised to all those who fulfill the established criteria. The Republic of Serbia has undertaken commitments stemming from the Convention, as indicated by Article 6 of the Act: "In line with provisions of international conventions regulating the status and rights of refugees, ratified by Yugoslavia...".

4. Pursuant to the provision in Article 11 of the Refugee Act, all Krajina refugees were registered upon their arrival in August 1995. Their property was also registered and statements of persons hosting the refugees were taken. In this way, as the Act stipulates, refugee status and document issue procedure was initiated. This was tantamount to making decisions regarding their status. Despite the legal obligation to recognise such status through individual or collective decisions, four months after the exodus, the Commissariat has not done it yet. Not only the refugee status of most refugees has not been recognised, but they have also lost their initial rights (for example, free public transport), and the authorities persist in calling them - expellees. Using the term unknown to international conventions, the authorities obviously want to indicate that Krajina refugees do not enjoy the same status as other people who came before August 1995.

The Provision on the Accommodation of Expellees, adopted by the Government of Serbia on 8 November 1995, clearly indicates that refugee status of such persons will not be recognised. Under that provision all those who left the territory of the Republic of Serbia under coercion after 1 August 1995, are considered expelled persons. They enjoy the same rights as refugees, namely the right to accommodation, food, material assistance, health care and education, except for the right to employment, which is granted only to refugees. The Commissioner for Refugees of the Republic of Serbia and the Minister for Relations with Serbs outside Serbia make decisions regarding the status of expellees. It is becoming increasingly clear that the difference between refugees and expellees persons is not only terminological, but rather that all those who fled Croatia after the Operation *Storm* are considered refugees for political and manipulative reasons.

5. Vladimir Čurguz, Deputy Commissioner for Refugees, told Radio B - 92 (*Odgovor*, 5 December 1995): "Status legalisation is of primary importance for refugees. This, in turn, will provide us with their exact number. We have decided to do field surveys, but not to restrict their rights (you know, when such things are done, refugees immediately fear the loss of their rights). At this stage, refugees should start collecting their personal documents to be able to legalise their status promptly..."

6. Bratislava Morina, the Serbian Commissioner for Refugees made the following statement in a Radio Kragujevac broadcast (*Naša Borba*, 25 December 1995): "The current refugee census is taken in order to complement previous records... for we have refugees who came to Serbia in 1991 and have not registered to date... We also need this census for international humanitarian aid purposes. In the course of the census refugees will be also asked if they want to return."

7. The above statements are markedly different. While Mr. Čurguz

speaks of refugee status legalisation (without using the term expellees), Mrs. Morina talks about their registration, without making difference between expellees and refugees. This raises the following questions:

- which data pertinent to the number of refugees and requests for assistance have been presented to the international community by the Commissariat so far?

- why is this legalisation necessary, if refugees-expellees were given their refugee IDs upon their arrival and following the census? Had the Refugee Act been complied with earlier, they would have been granted refugee status individually or collectively and given their documents long time ago.

The ongoing action of appealing to expellees to submit refugee status applications raises suspicion that some kind of manipulation is at work as a part of a larger scheme.

8. In Belgrade expellees are asked to submit applications regulating their REFUGEE status. The following documents must be also submitted: certificate of retained Croatian travel document, statement of the host (certified in the municipality), photocopy of the lease (provided by the host), evidence of kinship with the host (birth certificate or certified court statement of two witnesses attesting to the next-of-kin inheritance order). In addition to that, the next-of-kin must state in writing that a person or persons expelled from Republika Srpska Krajina will be provided with accommodation and food for the duration of their expulsion.

If an expellee does not have all the requested documents, he/she can submit the photocopies of medical findings and opinions, a photocopy of full-time employment contract, photocopies of registration of a private firm with its seat in Belgrade, photocopy of property transactions, photocopy of court ruling related to inheritance, photocopy of gift contract etc. Expellees are required to submit the above documents in order to get the refugee status. On the basis of the above documents, the refugee right to accommodation, pursuant to Article 17 of the Refugee Act, is terminated.

The Office for Reception and Accommodation of RSK expellees of the Zemun Municipality and Officer of the Commissariat for Refugees in Zemun ask all expellees from RSK REGISTERED as of 1 August 1995 to submit their EXPELLEE status applications. In addition to special application forms, they must also submit: certificate of Zemun residence, statement of the host guaranteeing accommodation verified in the municipal assembly, the host's photocopy of a lease contract or some other property document, any ID or certified statements of two witnesses, evidence of kinship with the host (not necessarily the next-of-kin), two photographs (for all persons over one year of age).

In the Kula Municipality an Officer for Refugees is conducting a proce-

cedure aimed at establishing the status of EXPELLEES on the territory of Serbia. To initiate such procedure, an expellee must submit: filled forms ZBEG 1, 2 and 3 (provided by the Officer in question), host's statement that he or she will provide food and accommodation for the duration of the expulsion, certified by the competent municipal authority (forms are provided by the Officer or registrar), evidence that the host has a house or a flat in which the expellee will be accommodated (photocopy of lease contract or land registry certificate), two 30 x 35 mm photographs for any expellee over one year of age, ID documents, or two witnesses' statements attesting the identity of the expellee.

9. Judging by the number of documents and forms which must be submitted by an expellee, the purpose, contrary to what is claimed by the Commissariat for Refugees, is evidently not to re-establish the exact number of refugees in order to receive foreign humanitarian aid, nor to register their wish to return. It bears saying that on the basis of the former data the international community has already allocated US \$ 42 million worth of aid (press info) for the first eight months of 1996. As the Refugee Act and Decree on Refugee Accommodation do not specify that all the above documents are necessary for status regulation, it is quite obvious that the objective of the action is the legalisation of their status.

The purpose of this action is obviously something else. It can be assumed that the international community will be presented "rough estimates" instead of the accurate number of refugees, while a large number of them will either lose their refugee-expellee status, or will not get it at all, because they will not be able to collect all the documents they are required to produce. It also bears stressing that various manipulations are possible, particularly in Belgrade where refugees from Krajina can find accommodation only with the next-of-kin. Otherwise, the Commissariat can offer them accommodation in other places or in collective centres. If they reject this offer they can lose their status and rights, pursuant to Article 18 of the Act. It is also realistic to expect that a large number of hosts-relatives will decline to sign a statement obliging them "to provide for accommodation and food for the duration of the expulsion", thus depriving expellees of one of major status recognition prerequisites. Field data confirm the assumption that those without the "guaranteed accommodation statement" had to declare by 31 January 1996 whether they wanted to go to Kosovo or not.

10. Helsinki Committee for Human Rights in Serbia and the Committee for Refugees Return stress that the Commissariat for Refugees is bound to determine the status of each refugee and to issue proper documents, for they were all forced to leave their former domiciles (Article 1, Refugee Act). To do that, the Commissariat does not need any additional applications and property listings. Registration effected when expellees were entering Serbia, serves that end. The

Commissariat should also provide for all humanitarian and other protection, in line with provisions of international conventions (Article 6). To link status granting to guaranteed accommodation and food, is contrary to the Refugee Act and international conventions (Article 6). Under the Refugee Act they have to meet only one prerequisite, namely "that they have come to Serbia due to certain circumstances". As all the refugees and expellees meet this condition, and have moreover been duly registered, their status of refugee-expellees should be recognized. Only after this, the conditions of life and accommodation could play a role in determining their further care.

11. The refugee-expellee issue is one of the major issues of the Dayton Peace Accords signed in Paris. It has probably forced the authorities to publicly express their support to the agreement, but judging by the actions currently under way in Serbia, they are not willing to comply with the refugee-related provisions. This claim is based on the ongoing property listing and assessment campaign conducted by the FRY government. By all appearances the governments of Serbia and Croatia have secretly agreed to resolve the refugee-expellee issue in a different way from the one foreseen by the Accord. Property of the expellee is in Croatia and their pension and social benefits as well as the disability benefits should be paid by Croatia. On the other hand, FRY wants the continuity and the succession status and division of SFRY funds and property has not yet been effected.

To avoid all future misunderstanding and dispel any current doubts, it is essential that the Yugoslav and Croatian authorities answer the following questions: what is the purpose of the new applications and property listing; will the refugees lose their rights or be resettled to places chosen by the authorities; if an agreement has been reached, does it imply general substitution (FRY to pay a specific amount per expellee to Croatia, which implies their non-return), or is there a tacit agreement that FRY would act as a "debtor", without the consent of the expellees, obligated to effect "just compensation" sometime, of course, provided that it has the funds.

The minimum that is expected from the authorities is the *adoption of a comprehensive refugee programme* including a clearly articulated return and re-integration policy.

Belgrade, January 1996

REGISTRATION OF BOSNIAN REFUGEES FOR SEPTEMBER ELECTIONS

1. The registration of Bosnian refugees for electoral lists clearly shows the intentions of this regime regarding the future of the refugees from BH Federation, and also from Republika Srpska. According to the reports we have been getting daily from refugees from various places and Belgrade, and according to the results of our own monitoring, it can be concluded that the whole process is carried out conformant to most precise instructions. The aim is that fewest possible refugees register for the list of BH Federation. Local authorities at the registration points in municipalities have skillfully avoided to give any explanations to refugees, as they are bound to do by the rules of the procedure.

2. The refugees who understood the procedure and expressed the wish to vote in the places they had come from, largely in the Federation, were generally discouraged or prevented from registering for the list of the Federation. A well-organised informal group of citizens from Drvar was the first to speak out about the irregularities and protest against such behaviour. Rather than vote in Drvar, they were offered to vote in some places in Republika Srpska, primarily in those places short of population, e.g. Srebrenica, Brčko, Zvornik etc. Three refugees from Sarajevo reported that in Banjica (in Voždovac municipality, Belgrade) they were not allowed to opt for casting their ballots in the town of Srnj (the Federation), where they had come from before June 1992. Refugees in Bačka Palanka informed us by phone that they could obtain only the forms for Republika Srpska and that all those who opted for Form I were called "adventurers".

3. According to the report of our members who monitored the registration in Zemun, the woman clerk in charge of the registration neither gives any instructions regarding the filling of the forms nor explains the difference between the two forms. Two refugees, one from Doboj and the other from Mostar, were not given any explanations. The woman clerk asked for identity cards and the information where they had been registered in 1991. The refugee from Doboj was enlisted for the place where he had lived before the war (Doboj is in the Republika Srpska). However, when the refugee from Mostar expressed the wish to vote in Mostar by absentee ballot, he was told that it was not possible. He was informed that he had either to go to Mostar by himself or to opt for some place in Republika Srpska, foreseen for the territory of Mostar, and these were Brčko and Bijeljina. Also, he was not allowed to opt on behalf of his wife.

4. At the registration point in Banovo Brdo (Nobilova Street), after our monitors came in, the woman clerk immediately reacted and warned other clerks about their presence. Also at this point the refugees were not given any explana-

tions about their rights and possibilities regarding the vote. All refugees were immediately informed on the municipalities in Republika Srpska where they could vote and were given the possibility of choice. So, a refugee from Mostar chose Trebinje, another one picked Zvornik. A refugee from Goražde chose Višegrad, one from Laktaši opted for Laktaši. The instruction literally says: "All those from the Federation can vote in one of the offered places in the Republika Srpska". At this poll it was also noticed that a woman clerk did not allow one individual to opt on behalf of the whole family, whereas another clerk allowed it.

5. At the registration points in municipalities of Medaković, Stari Grad, Vračar, Voždovac, Čukarica, Bačka Palanka and Čačak similar occurrences were also observed. At many polls there was information with instructions as to who of those whose residence had been in the territory of Republika Srpska, turned over to the Federation after the Dayton Accords, were entitled to the refugee status. It was emphasised that this right could be enjoyed only by the consent of the Commissariat for Refugees of the Republika Srpska, and with a preliminary statement of a very near relative. Others will apparently be deported to Republika Srpska.

Registration clerks often give refugees directions to register for Brčko, as a kind of pressure on the Arbitration Commission. Some even direct refugees to register for Goražde as the only remaining Muslim enclave in the middle of Republika Srpska, in order to strike a balance between the populations in this town.

6. The policy of the Serbian and Yugoslav authorities is to deport as many refugees as possible from Serbia to Republika Srpska. They have two reasons for that. Firstly, to neutralise possible discontent of the population that lost everything, thus diminishing the pressure on social help. Secondly, to ethnically consolidate Republika Srpska and to make Serbs outnumber other ethnic groups in this territory. Such a policy can be detected in Amnesty and Nationality Acts. The Nationality Act regulations relating to refugees do not allow refugees from Republika Srpska to obtain the Yugoslav nationality. Refugees from Croatia are in the same position, and they will be deported to the Republika Srpska. Clear indications of this are reflected in various statements of Milan Martić, who invites Serb population from eastern Slavonia to move to Republika Srpska. Some families have allegedly moved there already. Another indication is the creation of the "Krajina Liberation Army" which announces terrorist actions against the Republic of Croatia. This is in accordance with the policy of preventing refugees from returning and of provoking further negative reactions in Croatia.

It should also be mentioned that the Yugoslav Amnesty Act disregards all that is envisaged by the Dayton Accords as a precondition for the safe return of refugees, whereas Republika Srpska has not even adopted such an act, thus blocking any freedom of movement. The only one which respects the Dayton principles is the Amnesty Act of the Republic of Bosnia and Herzegovina.

7. It is important to pay attention to the statement of Bratislava Morina, President of the Commission of Federal Government for Assistance to Refugees in FRY and Commissioner for Refugees of the Republic of Serbia. Her statement reads: "There is a high awareness among Serb refugees in Yugoslavia that at the forthcoming elections in B-H by their votes they are actually fighting for the state of Republika Srpska, with no obligation to return there" (*Politika*, 30 July 1996). According to the Dayton Accords, Annex 3, Article 4, any citizen of Bosnia and Herzegovina whose name appears on the 1991 census of Bosnia and Herzegovina shall have the right to vote. However, according to this government, this rule was given another dimension by using the authorisation that every citizens can vote at another place if he/she turns to the Commission. This exception became a rule. This is shown by the fact that there are two kinds of forms. A written re-quest as a way of communication is excluded, thus giving way to manipulations.

8. Bearing in mind that the life of this refugee population is endangered and that they are blackmailed by this government (through humanitarian aid, status questions etc.), it is very easy to manipulate this group of people. It is even easier because almost all refugee associations, formed directly or indirectly by this government, serve for manipulation. Members of these associations send signals and instructions regarding the desirable behaviour.

9. The Helsinki Committee for Human Rights in Serbia believes that only a literal interpretation of the Dayton Accords can prevent or at least cut down the manipulation of refugees. An exception should not have been allowed to become a rule, enabling "ethnic engineering". The right to return is possible only by enabling the return to the place of residence, which is at this moment obviously obstructed by all, especially the Serbian and Croatian side. However, despite all manipulations, the Helsinki Committee in Serbia considers that the September elections are imperative so that new central authorities could be established, thus constituting Bosnia and Herzegovina as a united and sovereign state *de facto*. It should also be mentioned that it is difficult to expect radical changes at this stage on any side as it will take a relatively long period of time.

The Helsinki Committee in Serbia is aware of all the problems, considering that the process of return has not even begun yet, and that at a time when all sides send negative signals to all those who want to return, the registration for electoral lists could not have been carried out differently. The forthcoming elections are only the first step in a process which will follow its dynamics depending on the dynamics of the refugee return, economic reconstruction of Bosnia and Herzegovina, and changes in FR Yugoslavia and Croatia.

Belgrade, 31 July 1996

Sonja Biserko, Chairperson

PRESS RELEASE

Irregularities and manipulations designed by the Serbian authorities happened on the very first day of refugee registration for the forthcoming Bosnia and Herzegovina elections. By denying the refugees the possibility to register also on the electoral roll in the Federation of Bosnia and Herzegovina the authorities have indicated once again how the refugees are still used for the realisation of ethnically pure states. The authorities are blackmailing and coercing the refugees to register at the polling stations in the Republika Srpska, in which they have never lived, which on the other hand, prevents their return. Such conduct of the authorities at a time when provisional electoral lists are made, illustrates that the masterminds of the national project are still ready to sacrifice their compatriots, even in the phase of capitulation..

The Helsinki Committee strongly protests against such conduct of the Serbian authorities and reminds them that this is in direct contravention of the Dayton Accord provisions and the agreement between Mr. Milošević and Mr. Holbrooke on the Bosnian elections. Helsinki Committee, as an OSCE observer for the registration of Bosnian refugees, sent its report to all the relevant international institutions and embassies in Belgrade.

Belgrade, 26 July 1996

Sonja Biserko, Chairperson

VI WHAT DO REFUGEES SAY?

While filling forms for the return to Croatia, refugees also wrote about how they feel in Serbia and why they would or would not like to go back to their homeland.

KRAJINIANS WANT TO GO HOME

ANALYSIS OF KRAJINA REFUGEES' STATEMENTS AND COMMENTS COLLECTED BY HELSINKI COMMITTEE FOR HUMAN RIGHTS IN BELGRADE UNAMBIGUOUSLY REFUTES THE THESIS THAT SERBS AND CROATS "CANNOT LIVE TOGETHER ANY MORE"

One could hardly squeeze into the office of Helsinki Committee in Belgrade these last few months. After the Serb exodus from Croatia, the refugees arrived from the region, besieged Helsinki Committee in order to get the forms which they filled with requests to be enabled to return home or receive indemnity for their lost property. It was more than a paradox, former "traitors of Serbhood" as the pro-regime press frequently termed Helsinki Committee, were the only ones who offered this kind of assistance to Serb refugees.

The forms filled in Helsinki Committee by more than 20,000 refugees so far, included an optional column headed "Remarks". It proved a priceless source of statements and comments. The very fact that a vast number of refugees filled it and (without any instructions whatsoever) gave vent to their feelings, indicates that it came to function as a hole, into which one can safely shout that "emperor Trajan has goat's ears".

An analysis of these statements, however, allows also to draw some conclusions of a more general nature.

Return without conditions

Over one half of those who filled the forms (52%) state that they want to return to Croatia now and without any conditions. Another 35% would also go back under certain conditions. These conditions range from guarantees of personal safety to guarantees of fundamental human rights and possibility to live a life worthy of man to requests to change the "ustashi power" in Croatia. Only 13% do not want to go back to Croatia ever and want only compensation for their property.

A huge number of statements noted down by the first group testifies against the thesis that the Serbs are "rebels who never wanted to respect the Croatian authority", that "the most important thing for the Serbs was the Serb state" and that "Serbs and Croats cannot live together any more".

A Knin male refugee (40) says: "I was born in Knin and lived there. I went to primary school in Zagreb and to railway school in Ljubljana. I worked for Zagreb Railways and in this sense I did not want to change anything. All I want now is to go back to my native town, to my homeland Croatia as its loyal

citizen which I have always been." A male refugee (45) from Benkovac says: "Personally, I did not want this war and it has made me very unhappy. Because earlier, before it, I had a happy life and was not burdened by ethnic origin. That is why I want to return to my native land."

Motives for return are clearly indicated in a vast majority of statements. The feeling that they belong in the region and homesickness prevail, but there is also mention of economic reasons. A male refugee (47) from Donji Lapac cries out: "I'm treated very badly here. They reproach me, saying I did not fight for Krajina. They're disgusting, as though I wasn't a Serb. Whatever you ask, they're mean and disgusting. I also mention that I wish to go back to my Lika, to those rocks, my house may have burnt down, but I dream of my Lika. And now, people blame the Serbian leadership how they'd misled us and didn't want to accept autonomy. I am ready to respect the law of the Republic of Croatia. THE GRAVES REMAINED THERE of my great-grandfathers and grandfathers and my father and my mother. That's why I dream of my rocks and Lika." And there is a female refugee (39) from Krnjak who is very positive: "I was born there and that's where I want to live. That's where I belong."

A boy (5) from Srb makes a touching statement: "I don't have my house, I don't have where to play. I feel very bad." Or a thirteen-year-old from Vojnić: "I want to go back as soon as possible. Please." However, it seems that the most homesick are the elderly who are also the most determined to return, whatever the cost. This is confirmed by the following statements: "I have been told that my house had burnt down, but I still want to go back" (70 years, Vojnić,). Or: "I want to go back, TODAY" (73, Derengaj). Or: "How could I go home to prepare wood for the winter. I want to return immediately. I cannot live here. Had I known, I would have stayed, even if they killed me." A male refugee (68) from Ervenik notes down instructions which are touching: "Let Pero look after the vineyard and all my property until my return."

There are, however, other motives as well. A refugee (39) from Knin notes: "In Knin I have a three-storeyed house with two five-room flats, 450 m.sq. On the ground floor I have a tire-repair shop fully equipped, like a house. I want to go back home, to use it and pay my dues to the state."

The most often quoted obstacle to the return is fear. A female refugee (48) from Topusko says: "As I left all my property, job and safety at Topusko, life is hard for me here, impossible. I have no means of livelihood, nor a job. But when I think of returning, no matter how much I want to, I am terribly afraid." Fear is mentioned also to explain and justify the departure by those who think they had no reason to fear Croatian authorities. A woman from Ploče says: "I want to return, and I fled not because I had wronged anyone but because I got scared, and who isn't scared in a war."

Dissatisfaction with Serbia

One may mention as a curious fact that an astoundingly large percentage of refugees spontaneously criticise the treatment given them in Serbia: as many as 43% of them. Had their opinion about it been explicitly asked, the figure would have undoubtedly been even higher. Criticisms concern the authorities in Serbia in part, and in part the rejection and unpleasant experience they had in contact with the population in Serbia.

A family from Knin, for instance, is indignant: "Here we are deprived of the right to work and we cannot offer our children even the minimum of decent life and schooling. The views my husband and I hold make us dissidents in Serbia. There is no future here for him, for me and our children. We want to return to free, democratic Croatia and to our home." Another Knin refugee (58) says: "Nothing ties me to Serbia, I have no rights here, and I don't want to live here."

Helsinki Committee for Human Rights was evidently one of the few places in Serbia where the refugees were treated as human beings and received as friends.

Miklosz Biro

THE COMMENTS OF REFUGEES (Collected by Ninko Mirić)

- I and my wife want to return. (Strmica, b. 1940)
- If only my property were not destroyed. (Knin, b. 1962)
- I would return immediately if the authorities would give me a guarantee. (Plavno, Knin, b. 1946)
- I would return home if the international community guaranteed peace and freedom. Cetina, Knin, b. 1937)
- I wish to return if my property is not destroyed and if life is made safe. (Glina, b. 1982, 1955, 1947)
- The treatment in Serbia is very bad, because the authorities do almost nothing to help us. (Knin, b. 1989, 1965)
- I have no right to move freely and the right to work, so I will not be able

to survive with my wife and our four children. I was born in Knin and I was living there till the war. I first attended school in Zagreb and then I went to Ljubljana and finished the Railway school. I was a railway worker in Zagreb and quite frankly I didn't want to change anything. Now I only wish to return to my native town and to my homeland Croatia as its loyal citizen as I have always been. (Knin, b. 1955)

· I am deprived of the right to work so I'm not able to provide for my children, to provide them a decent life and good education. My husband and I are regarded as dissidents in Serbia. For him, for me and for our children there is no future here. We want to return home, to the free and democratic Croatia. (Knin, b. 1959)

· I want to return home and to continue to go to school in Croatia. (Knin, b. 1981, 1984, 1987)

· I want to be buried with my grandfather and my father. (Strmica, Knin, b. 1952)

· At the moment I cannot solve the problem of my legal status, I cannot obtain the identity card, be admitted to citizenship or a pension and I'm homeless. (Knin, b. 1929, 1931)

· First of all, I want to go home. (Knin, b. 1946)

· I want to return. (Knin, b. 1975)

· I want to return to my native country where I lived all my life. (Knin, b. 1918)

· My son and wife would return with me. (Polača, Knin, b. 1951)

· In the first place, I want to return together with my family to our land and I have asked the Bureau of the Republic of Croatia in Belgrade several times for a permission to do so. (Knin, b. 1951)

· A collective return with complete safety and protection of human rights. (Vojnić, b. 1979)

· I want to return but only if I am given my full rights and can live peacefully. (Kuplensko, b. 1971)

- I want to go home to live peacefully again and to finish school
- I want to go home again, to live in peace as a happy child. (Kuplensko, Vojnić, b. 1992)
- I want to return if the authorities let me live together with my family without disturbance. (Kuplensko, Vojnić, b. 1971)
- I want to return and to regain full civil rights. (Kuplensko, Vojnić, b. 1949)
- I would like to return with my family to the place where I lived before and enjoy my full rights. (Kuplensko, Vojnić, b. 1912)
- If it is impossible to return, I at least want to try to swap my property for anything adequate in Yugoslavia. (Topusko, b. 1962)
- I want to return home because I left there all my patrimony and because my ancestors lived there for centuries. (Parusic, b. 1930)
- I want to return to Benkovac because I was born there and I left there all the property inherited from my ancestors. We have lived there since ancient times. (Benkovac, b. 1965, 1971, 1941)
- I want to return to Croatia because I have no rights in Serbia, not even the Serbian nationality. (Benkovac, b. 1950)
- I want to return to the country where I was born and grew up. (Benkovac, b. 1971)
- There are five members of my family, we are dispossessed, we don't want to live like refugees, what we want is a mass return home of all exiles. (Benkovac, b. 1937)
- I still have no flat of my own. I want to return to my place where I lived and I want to be free to do what I want. (Benkovac b. 1912, 1962, 1988)
- The life of a refugee is miserable, our economic situation is disastrous although the treatment is humane. I would return if the international community safeguarded complete civil and national freedom, if I could acquire

dual citizenship, maybe even Italian, if the region of Krajina were demilitarised and if we enjoyed all the other rights up to the international standard. (Knin, b. 1963)

- I want to go home to the village of Zapružane. (Benkovac, b. 1990)
- I have been told that my house was burnt down, but I want to return in spite of all. (Vojnić, b. 1924)
- My wife and I would return home as one of our sons is still there and other children are in Canada. (Maovice, Knin, b. 1927)
- I would return to my hometown since my brother and my son still live there. (Maovice, Vrlika, b. 1933)
- I want to return to my home to Benkovac, Croatia, because I have no relatives in the Federal Republic of Yugoslavia. (Benkovac, b. 1943)
- I wish to return home and I don't want to be deprived of my patrimony. (Benkovac b. 1973, 1992, 1966, 1968, 1990, 1991)
- I want to return to the old country because I am not responsible for anything. I was not against Croatia, I just want to have my rights, I wasn't in the military either. (Benkovac, b. 1934)
- I want the human rights to be protected. (Plitvice, b. 1950)
- If the Croatian authorities prevent me from returning and managing my property, I will seek the protection and reclaim my property according to the general principles and the private property laws adopted by the international community. (Gračac, b. 1920)
- I want a more adequate temporary accommodation if it's possible, till we find a definite solution, because our living conditions are unbearable, our son is a student but he can neither study, nor give examinations. (Korenica, b. 1938)
- I don't want to return to Croatia without the monitoring of the European Community and other humanitarian organisations. (Vrelo, Korenica, b. 1936). I have every reason to say that because those who remained there, are

constantly maltreated. (Korenica, b. 1937)

- I want to go home. (Kistanje, Knin, b. 1930)
- I want to return home as soon as possible. (Kistanje, Knin, b. 1983)
- I want to return. (Kistanje, Knin, b. 1973, 1973)
- I want to return. (Kistanje, Knin, b. 1971)
- I want to return to my homestead. (Kistanje, b. 1975)
- I want to return quickly. (Kistanje, b. 1953)
- I want to start a fresh page in my homeland, the Republic of Croatia. (Kistanje, b. 1969)
- I want the war to be stopped and a lasting peace afterwards. (Knin, b. 1940)
- She is still too young and unaware of what happened to us. (Srb, b. 1940)
- I am homeless now, I have nowhere to play. I feel depressed. (Srb, b. 1992)
- I'm still O. K. because I haven't started the school yet, but I don't know where I will go to school nor what I'm going to do later. (Srb, b. 1990)
- I want a collective return but with full guarantees. (Knin, b. 1934)
- I would return if international organisations safeguarded peace and freedom. (Cetina, Knin, b. 1943)
- We haven't any rights here. We don't know how to survive this winter. We want to return with our family as soon as possible. (Knin, b. 1953)
- I want to return if freedoms and rights are protected. (Catrnja, Karlovac, b. 1986)
- I would like, to return if I had good living conditions, guaranteed free-

doms and full rights and if I recovered my abandoned property. (Cartnja, Karlovac, b. 1933, 1956, 1930, 1960, 1935)

- I want to return today. (Derengaj, b. 1921)
- Quite frankly, I have no status at all. I can't get a job because I haven't been granted a legal status of refugee yet, I'm homeless, short of money. My mother has remained in the village of Orlić near Knin. A cousin of ours obtained a Croatian identity card for her and took her back to our house in Knin, but then some people from Vukovar came and expelled her. So, she is in Orlić again. (Knin, b. 1960)
- If the majority of the population returns and if our personal safety is ensured, I would return too. (Knin, b. 1945, 1977, 1974, 1946)
- I think that the conditions for return do not exist, the houses or flats are either looted or burnt down. Knin, b. 1950)
- I'm not tied to Serbia, I have no rights here and I don't want to live here either. (Knin, b. 1936)
- I would return if peaceful life were guaranteed and if I could work my land without obstruction. (Cetina, b. 1914)
- I am as free as any other citizen of Serbia. The houses are destroyed and burnt down, the state has to provide us with housing and to guarantee peace so that I could return to my homestead. (Cetina, b. 1940)
- I want to return because I won't renounce my property. (Biovicino selo, b. 1941)
- I would return if living conditions existed. (Kistanje, b. 1933)
- I would return if a normal life were secured. (Kistanje, b. 1932)
- I would return to my homeland if living conditions existed. (Kistanje, b. 1965, 1956)
- I would return if living and schooling conditions existed. (Kistanje, b. 1987)

- I want to return to my native town if that living conditions are satisfactory. (Kistanje, b. 1930)
- I want to return to my ancient home and to continue living there, to have my property again, to work the land and carry out all my duties. (Zagrovic, b. 1929)
- I want to return to my native town together with my family. (Zagrovic, b. 1954)
- I own a three-storeyed house with two five-room flats of 450 square metres in Knin. I have a tire repair workshop on the ground floor fully equipped, so I want to return home to regain use of my property and to pay dues to the state. (Knin, b. 1956)
- I feel at home here in this country that we all built together as citizens of the Socialist Federal Republic of Yugoslavia. Could any normal person return refugees and expellees while Tudjman's murderers cut throats and burn down all Serb that's left. For our return - only division. (Djevsrke, b. 1932)
- I have heard that my house was burnt down, but I want to return in spite of that. (Vojnić, b. 1932)
- A collective return with complete safety and protection of human rights. (Vojnić, b. 1977)
- With complete safety and protection of human rights. (Vojnić, b. 1947, 1970, 1976, 1919, 1949, 1952)
- Lacking means of livelihood, temporary and inadequate accommodation. Completely uncertain existence (Knin, b. 1950, 1955)
- I have no means of livelihood, the temporary accommodation is inadequate, which makes further education extremely difficult. (Knin, b. 1976, 1979, 1980)
- I want to point out that I intend to return as soon as possible, but I stress that I would return only to my land and to my house. (Glina, b. 1936, 1935)

- I would consent to return only if the international community safeguarded full human and civil rights. (Glina, b. 1920)

- I would agree to return only if all expelled returned collectively. (Glina, b. 1957, 1960)

- I want to return to my home that I have temporarily abandoned because of the war. (Bijeje Vode, b. 1930, Glina 1916)

- I want to return home. The graves of my parents are there. (Kozaperovica, Glina, b. 1945)

- I am an expelled with no prospects in the Federal Republic of Yugoslavia. I have a temporary accommodation but that's not a solution. I have no savings, the food we get from the Red Cross is barely sufficient to survive. My son, my daughter-in-law, my wife and our two children live together with me in exile. (Civljane, b. 1935)

- I want to return home where I acquired my property at a high cost investing all my time and work in it. All my ancestors lived there. (Glina, b. 1938)

- The Croats seized all our movable and real property. My son has rented a flat for us and pays 350 DM per month. The children of my son Milan are absolutely dispossessed. I want Croatia to pay off our property entirely, because now we are poverty-stricken in the Republic of Serbia. What kind of human rights do we have? (Kameni Vucjak, Slavonska Pozega, 1926)

- I have been admitted to the citizenship of the Republic of Serbia. I rent a flat and have very difficult time living as a tenant. A Croat who is a landlord let it to me for 350 DM per month. In Croatia the Croats took all our property and here in Serbia we have to pay rent to them, 350 DM; that's unbearable. I want Croatia to return all my property because now we are homeless people with no means of livelihood, what kind of human rights do we have and what's in store for us? (I haven't taken anything from anybody) (Kamenski Vucjak, Slavonska Pozega, 1946)

- I would return provided I have equal rights with all other citizens of the Republic of Croatia. (Petrinja, b. 1938)

- I want to return home because I spent my whole life there. (Banski

Grabovac, Petrinja, b. 1922)

- I want to return to my homestead. (Banski Grabovac, b. 1935)
- I want to return home because I spent my whole life in Croatia, working hard and acquiring my property. (Petrinja, b. 1947)
- I want to return home because I left there my entire movable and real property that I acquired working hard. (Petrinja, b. 1949)
- I don't want to return to Croatia as long as Tadjman and the pro-ustashi government of that republic are in power. (Petrinja, b. 1947)
- I will return when safety of life and work are guaranteed. (Susnjar, b. 1919)
- I would like to return but I wish I had some sort of guarantee from the international community that life will be safe. (Susnjar, b. 1923)
- If only I had some international guarantee for my safety. (Petrinje, b. 1980)
- I want to return when safety of my life and my abandoned property are legally guaranteed. (Petrinja, b. 1979)
- I want to return when the basic conditions become satisfactory. (Petrinja, b. 1954, 1953)
- I want to go back home. (Knin, b. 1989)
- I want to go home to regain my peace, my rights and safety. (Knin, b. 1984)
- I want to return home, to my native country if civil rights, peaceful life and safety are protected. (Radicic, b. 1938)
- I want to return to my homeland Croatia if the civil rights, peaceful life and safety are protected. (Raducic, b. 1938, Knin, b. 1959)
- I want to return if all the rights arising from international conventions are

fully guaranteed. (Knin b. 1955, 1983, 1951)

- I want to return together with my family. (Vrpolje, Dvor b. 1957)
- I will want to go home when the conditions for return become satisfactory. (Cista Mala, Sibenik, b. 1936)
- In my old age I want to be home. (Benkovacko selo, b. 1919)
- I see no prospect of success, no jobs available. (Plitvicka jezera, b. 1947)
- I want to enjoy my rights. Either our return should be enabled or the entire property compensated. (Skare, Otočac, b. 1981)
- Inadequate accommodation with my wife and our three children, no heating, poor food etc. (Ostrovica, b. 1954)
- I want my property to be fully compensated or exchanged for something adequate in Serbia. (Zemunik Gornji, b. 1910)
- I want to go home to Benkovac, but I still don't dare, because I'm afraid of the Croatian authorities. (Benkovac, b. 1932)
- I want to go home as soon as possible if the return is organised and the safety of returnees is guaranteed. (Dragotina, Glina, b. 1949)
- I have mixed feelings on that subject. The government acts too slowly and takes hardly any decisions on refugees. Neither the problem of our status, nor of our accommodation is solved, the humanitarian aid is very limited, distributed in small portions. Putting concealed pressure on the expellees, the authorities direct them to settle areas which suit their interests. Because of the bad economic situation and the low standard of living, the impossibility to find appropriate accommodation and job and enjoy full rights, I want to return to the region I had to leave when the war started since we had a small baby in our family. Since nobody guaranteed us safe life stay in Croatia and the living conditions were unsuitable for the baby, we decided to temporarily seek refuge in Serbia, hoping that some day return would be possible. I think I haven't committed any offence against any authorities, I was leading a quiet life of a pensioner trying to endure hardship together with other members of my family (my daughter, my son, my daughter-in-law and my grandson). (Glina, b. 1936)

- The world should guarantee a safe collective return. If we don't return, our property should be compensated. (Skare, Otočac, b. 1954)
- I want to recover my property, to have a safe life and full rights again or my property should be compensated. (Skare, b. 1923)
- I want to go home provided that we all return and a safe life is guaranteed. If not, I want my property to be compensated. (Skare, b. 1960)
- I want the local civil authorities to be Serb and a safe life. (Skare, b. 1983)
- I want to return when the conditions become satisfactory. (Knin, b. 1958, 1954, 1978)
- Since I have no place where to live and no means of subsistence, I can hardly wait to return home with my children, it is unbearable to be homeless and unprotected. (Kostresi, Kostajnica, b. 1951)
- I can hardly wait to return home, should I live to see that day, because I'm homeless and unprotected here. (Kostresi, b. 1921)
- What shall I tell you, I have no job and no accommodation. The living conditions are the worst possible. I have to wait for charity from people who are as poor as we are. The relief we receive from the Red Cross usually lasts a few days only; and then what? I'm not used to be a burden to anybody. But I haven't given up hope yet. (Gor, Hrastovac, Kostajnica, b. 1947)
- I go to school but I have neither books nor writing aids. (Kostajnica, b. 1990)
- Even this child wants to return, because further education in exile is impossible. (Kostresi, b. 1989, 1987)
- Since I have no place and no means of livelihood, I cannot wait to return home with my children. (Kostresi, b. 1965)
- As a refugee I have no means of livelihood, I cannot work, so returning home is the only solution for me. (Donji Hrastovac, b. 1924)

- As a refugee I have no means of livelihood, no accommodation and no job, so I want to return to my land as soon as possible. (Kostajnica, b. 1954)
- I first want to see whether my house is destroyed and then, considering the reconstruction cost, to decide when to return, but the sooner the better. (Bukovic, b. 1923)
- I want to return when the authorities give me permission to enter Croatia. (Bukovic, b. 1935)
- The accommodation is inadequate, the rations are limited to 350 grams of bread daily; that's all and it will get worse by the time winter comes. (Ostrovica, b. 1934)
- Bad accommodation and scarce food, 350 grams of bread daily - that's all. We still have no heating for the coming winter and nobody cares to help. (Ostrovica, b. 1935)
- I can't cope with this and I don't fit into the new surroundings. I want to go home as soon as possible because I have a very difficult time here. (Srb, b. 1983)
- I have two children and no job, we live off the relief we get from the Red Cross. I want to return urgently to my home or to get adequate compensation for my property. (Srb, b. 1963)
- Bad treatment, no flat of my own. I want to go home provided I have the same civil rights as the others. (Bukovic, b. 1939)
- I don't want my property to be destroyed. (Parcici, Benkovac, b. 1941)
- I have three children, I am unemployed, no decent living conditions, no jobs available. I want to return to my land as soon as possible because I have great difficulties here with my three children. If the return is impossible, I want compensation for my property. (Gornja Suvaja, b. 1972)
- I have no status in Serbia, I have not been given citizenship nor found a job, I am staying at my relatives' place, my family can barely survive. (Petrinja, b. 1950)

· I want to return to Korenica with my family but I hope to find my house in the condition I left it in when I was banished from Korenica and I hope everything will be the same as it used to be in the pre-war time. (Korenica, b. 1952)

· I don't even think of returning to the "democratic" Croatia, I just want the compensation for my property. If I had been a desirable citizen of Croatia, I wouldn't have been expelled or imprisoned without any reason, so the section 5 b of this form is absolutely unfounded and I won't fill it out. (Petrinja, b. 1947)

· A disastrous treatment! I have absolutely no means of livelihood and if I have to die, I'd rather be buried at home, in my homeland. I want to return as soon as possible and to continue living with my family. (Topusko, b. 1929)

· Under these circumstances, the treatment is as good as the present situation in Serbia allows it. I would return to Vojnić only if my fellow countrymen who were expelled together with me, returned too. (Vojisnica, b. 1945, 1929)

· I want to return to Knin because of the bad living conditions and because I have no permanent accommodation. (Knin, b. 1941)

· I want to return if freedom and human rights are protected. (Catrnja, Karlovac, b. 1949)

· We have terrible living conditions and no job! I want compensation for my destroyed property or should be enabled to go home. (Srb, b. 1957)

· I still haven't got used to all this because the situation here in Serbia is extremely difficult. I want to return home as soon as possible. If not, I want my property to be compensated or compensated promptly. (Srb, age 1967)

· The treatment is very bad, everybody reproaches me for not fighting for Krajina. It's disgusting! As if I were not a Serb! Whatever you ask for, they are insolent and disgusting. I want to return to my Lika, to those rocks, even if my house is burnt down. I dream of my Lika. Now our people blame the Serb leadership for misleading them and for rejecting the autonomy. I am ready to obey the law of the Republic of Croatia. THE GRAVES REMAINED THERE of my great-grandfathers and grandfathers and my

father and my mother. That's why I dream of my rocks and Lika. (Donji Lapac, b. 1949)

· My wife, my son, my daughter-in-law and my granddaughter were forced to leave together with me, five members of our family, we all want to return. (Srb, b. 1921)

· If I had guarantees from your authorities according to the international convention, I'd express a wish to live in Croatia. (Licki Osredci, b. 1930)

· I have three children and still no accommodation and no job. What shall I tell you, how shall I manage with three children? That's why I would like to return home, to my land as soon as possible, if it's possible at all, if not, I want my property to be compensated so that I can live off that money because I have no means of livelihood. (Srb, Gornja Suvaja, b. 1960)

· I have no means of livelihood, I am an elderly woman, I have no job, I live on charity! I want to return home as soon as possible because I can't live here any longer, without the basic necessities or I want compensation for my property. (Gornja Suvaja, b. 1933)

· I'm an ailing old man. My living conditions are terrible. I cannot work. I beg you to allow me to return as soon as possible or to compensate or pay off my property. I have no money and I am ill. (Gornja Suvaja, b. 1933)

· I can't handle this situation, I'm having a very difficult time. I want to return home as soon as possible because living conditions are terrible here or I want compensation for my property. (Srb, b. 1985)

· I want to return to my home country, to the place where I lived and worked and to my friends. I would obey the laws, the authorities and regulations of the Republic of Croatia. The treatment is very bad, almost unbearable here. (Kostajnica, b. 1955)

· I went to war in 1991, but I spent only a short time at the front. (Petrinja, b. 1955)

· I want eagerly to swap my property. (Benkovac, b. 1956)

· I want very much to return to my motherland, but only if the relations are

- established again and satisfactory solution of the status of the Serb population found. (Petrinja, b. 1941, 1937, 1936, 1939, 1968)
- If the majority of our fellow landmen return, I would also return with my family to my homestead which I acquired at a high cost. (Batinova kosa, b. 1956)
 - If more than 50% of the expelled decide to return to Krajina, I would also say "yes". (Topusko, b. 1925)
 - I feared for my safety, so I had to flee, but now I want to return. (Bukovic, b. 1929, Donja Jagodna, b. 1945, Benkovac, b. 1968, 1947, 1939, 1966)
 - I want to return home, to the place where Serbs have been living for centuries. (Benkovac, b. 1965)
 - Will the Helsinki Committee for Human Rights please help our daughter to return home to Benkovac and to regain the use of our house and our property in the village of Dobropoljci. (Benkovac, b. 1939)
 - I'm satisfied with the treatment in Serbia, but nevertheless I wish to return home or the remains of my home. (Biljane Donje, b. 1974)
 - I think you should make it up to me. (Brnjuska, b. 1932)
 - I want to return home if the return is organised and the safety guaranteed. (Glina, b. 1982, 1963)
 - I want to return to Glina with my parents. (Glina, b. 1987)
 - I want to return home if the return is organised (collective) and the safety guaranteed. (Glina, b. 1959)
 - If an organised (collective) return is enabled and if safety is guaranteed, I would like to return. (Glina, b. 1939, 1935)
 - I would consent to return if the international community guaranteed full civil and human rights. (Glina, b. 1920, 1945, 1941)

- She didn't manage to take anything with her from the house. Under shell-fire she just managed to save her life. (Glina, b. 1932)
- I live as a tenant and pay a monthly rent of 150 DM, plus electricity, water and refuse removal. (Glina, Lekenik, b. 1942)
- I would consent to return only in case of a collective return of all expellees. (Zagreb, b. 1928, 1927)
- I really want to return. (Knin, b. 1931, 1929)
- I was born in Croatia. I left all my property there. I want to return there and to continue living normally. (Babina rijeka, b. 1927)
- I have no legal status. I want to return home, to Zemunik Gornji, as soon as possible. (Zemunik Gornji, b. 1948)
- I want to return home to Zemunik Gornji as soon as possible. (Zemunik Gornji, b. 1980, 1979, 1943, 1962, 1934, 1928, 1930)
- I want to return and to continue living in my home only if my personal and civil rights are protected. (Zadar, b. 1933)
- I receive no aid, I have no means of livelihood. (Zadar, b. 1933)
- It is necessary to issue identity papers and to provide work for people. (Zadar, b. 1962)
- It is necessary to protect human rights and especially to issue identity papers (identity card, passport, nationality certificate, employment booklet), to provide work for people according to their psycho-physical abilities and their skills. (Zadar, b. 1958)
- I am a national of Serbia, but I would also like to acquire the Croatian nationality. I was a bee keeper in Mogarić, I was raising bees with great enthusiasm and that's one of the decisive reasons for return. (Mogarić, b. 1935)
- Insufficient food, soaps, shampoos, washing powders, no blankets and mattresses. Small quantities of clothes and shoes (Benkovac, b. 1942, 1930)
- Temporary status of refugee and temporary accommodation at our

friends' place. Insufficient food, clothes and shoes, lacking bedclothes, duvets and mattresses. (Benkovac, b. 1968)

- Neither I nor any member of my family want to return to a fascist state. It would be better if they paid for our property, we can't live together with them again, definitely. (Islam Grcki, b. 1949, 1952)
- As a refugee, I live on the relief given by the Red Cross. Since 23/8/1995 I have been at the front in Beli Manastir. (Benkovac, b. 1967)
- I am not satisfied with the treatment in Serbia. (Podum, Otočac, b. 1938)
- Considering that I was leading a normal life as a national of SFRY - Croatia and that I was born in Dabar and all my property is there, I want to return there and to continue living normally as any other national of Croatia, obeying the laws of that state. (Dabar Licki, Otočac, b. 1943)
- I want to have full civil rights, the right to move freely, personal safety and social security and to be educated until I finish university. (Pakrac, b. 1974)
- I want to have civil rights: the right to the retirement pension that I haven't been receiving for the last 50 months, as well as health care, nationality, identity card, passport. (Pakrac, b. 1934)
- Unemployed, with no money, a tough life. (Glina, b. 1951)
- I can barely survive, depending always on somebody for support. (Gračac, b. 1909)
- Very bad treatment. As a citizen I rank low here. We have no legal status, we cannot move freely, we can't get a job, I better stop adding. We have a very difficult time. (Glina, b. 1946)
- Both people and authorities have a very negative attitude towards us. (Glina, b. 1948)
- A real catastrophe! I would return if my personal safety and other rights were guaranteed. (Gornja Pastusa, b. 1925, 1927)
- How could I go home to store wood for the coming winter. I want to

return immediately. I can't live here any longer. Had I known, I would have stayed even if they killed me.

- Only a collective return could be considered. (Petrinja, b. 1934, 1938)
- I want compensation for my property, to stop struggling. I want my 56 year old husband who was imprisoned innocent, to be set free. (Petrinja, b. 1949)
- I want to return to my land. (Majski Poljane, b. 1936)
- I don't want to return as I have no rights as a Serb, not even the right to live normally, my property was seized, but I don't want to give it up. (Petrinja, b. 1958)
- I want to return to my home in Bunić, were my forefathers lived for over 350 years. (Bunic, Korenica, b. 1932)
- I want to return, because I left all my property there. (Donja Velesnica, Kostajnica, b. 1940)
- I would return at any time if there were somebody who could guarantee our safety and existence at our burnt and ruined ancestral homesteads. (Licko Petrovo selo, b. 1931)
- Our son, who is still under age and goes to the fourth grade of the Secondary School of Economics, would return after he finishes school. (Vojnić, b. 1978)
- On 20/6/1991 I came to visit my daughter and ever since I have been living at her place. In the meantime, I needed medical care, so I had to stay here for a while, but then my plan to return to my place was thwarted. (Karlovac, b. 1920)
- I settled down in Belgrade together with my wife but then we had to move out and the authorities cannot be bothered to find any accommodation for us. So we are homeless now. (Brezova glava, Karlovac, b. 1920)
- I want to return to my land. (Krnjak, b. 1936)

- I want to return as soon as possible provided that the Croatian authorities guarantee to me a peaceful and safe life on my property. (Gornja Trebinja, b. 1920)
- I fled my place because I feared for my safety when the war started, but I want to return home when the conditions for return become favourable. (Topusko, b. 1921, 1927, Vrginmost, b. 1932)
- Since I left all my property and my job in Topusko, I stopped feeling safe, my life has become extremely hard, unbearable /I have no means of livelihood, I'm jobless/. But as much as I would like to return, the very thought of it terrifies me. (Topusko, b. 1947)
- I stress that I want to return if human and civil rights are protected. (Karlovac, b. 1963)
- I point out that I want to return to my homeland Croatia as soon as possible if civil and human rights are fully guaranteed. I would recognise any authority, if it could enable my return and give me protection. (Vrginmost, b. 1960)
- I want to return to my flat, I will recognise any system and any authority which will enable my return and the protection of human rights. (Vrginmost, b. 1966, 1963, 1929)
- I want to return home but I don't want to be harassed, because I am even exempt from conscription. (Vrginmost)
- I want to return to Croatia when the actual government is not in power any more, so that I can continue living peacefully in my hometown. (Petrinja, b. 1936)
- I underline that in case of my return I want full guarantees of all freedoms and of the property rights, because I want to recover my entire property undamaged as it was in the pre-war time. (Banski Grabovac, b. 1938)
- I would return to Croatia but certainly NOT under the present circumstances. (Josavica, Petrinja, b. 1951)
- If the conditions become better, I'd rather be at home than here. (Petrinja, b. 1977)

- If the conditions improve, I would like to return home. (Petrinja, b. 1977, 1959)
- I demand compensation of 30.000 DM for the pain I suffered when I was evicted from my flat and expelled from my homeland and for the fear I felt during the shelling of Gračac as well as for the endurance of hardship in exile. (Gračac, b. 1923)
- I am willing to return together with my family if the international community guarantees a safe return and existence (Gračac, b. 1937)
- I want to return because of family reunion. (Medar, Nova Gradiska, b. 1953)
- I want to return because I have a temporary accommodation in a rented flat. (Srb, b. 1926)
- Since I have no accommodation, I live temporarily at my relatives' place, that's why I want to return.(Srb)
- If I could live freely at my place as I used to in the pre-war time, I would certainly return. Some of those, who know me, might read this. I don't value a man by his ethnic origin, but by his human qualities. The USA and Germany should mediate now! (Mokro Polje, b. 1938)
- I want to return if property rights, the right to work and all human rights are protected according to international standards. (Golubić, b. 1928, 1927)
- I and seven other members of my family want to return because we've got neither jobs nor land to work. (Knin, b. 1935)
- I don't want to return to Croatia as long as the government presently in power terrorise those who remained. I think if we returned, we would be treated worse than they, because nobody prevents them from doing that. (Knin, b. 1957, 1986)
- I want to return to Knin and live there again. (Knin, b. 1946)
- I lack basic living and working conditions. (Knin, b. 1967)
- Living conditions are very bad, almost unbearable for elderly people. (Knin, b. 1932)

- If I cannot return home. I want adequate compensation for my movable property which I owned in Golubić and Knin. (Golubić, b. 1940, 1943)
- On 5/8/1995 I temporarily left the Republic of Croatia where I was born and lived all my life, because I felt unsafe, but I would like to be enabled to continue living there. (Knin, b. 1965, Djevrške, b. 1957)
- I want to be given the opportunity to return and full guarantees for a safe life in my homeland and my native town. (Knin, b. 1959)
- I would return to Knin and the Republic of Croatia if my property hasn't been destroyed and in case of a collective return with fully guaranteed human rights. (Knin, b. 1959)
- My whole family: my mother, my son, my daughter-in-law and my three grandchildren live with me in exile. We all want to return provided that we get support from the authorities for the reconstruction of our destroyed houses. (Cetina, Knin, b. 1934)
- Is there anybody who wouldn't like to be at home, but who can enable me to return home nowadays when Satan rules the world? (Mokro polje, b. 1933)
- Since I have no possessions in Serbia, I want to return home. (Podum, Otočac, b. 1955)
- I haven't given up my abandoned property in Croatia because I acquired it through hard work and I want compensation for it. In case Croatia constitutes democracy and becomes a civil state, I might return as a tourist (Okucani, b. 1962)
- I will return when I'm sure that all my civil and human rights will be recognised and protected. (Jasenovac, b. 1924)
- I will return to Croatia when I'm sure that all my civil and human rights will be recognised and safeguarded. (Jasenovac, b. 1928)
- I will agree to return to Croatia when I'm sure that my basic human rights will be protected. (Jasenovac, b. 1952, 1948)

- What shall I tell you? We all know what's going on. We all have a very difficult time, nobody even notices me. (Mokro polje, b. 1911)
- I see no prospects ahead, I have lost interest in living any longer, life has become repulsive and boring. (Knin, b. 1939)
- I emphasise that I would return to Petrinja if civil and human rights are protected. (Petrinja, b. 1932, 1941)
- I want to return if my property isn't destroyed and if safe existence is guaranteed. (Glina b. 1947, 1947)
- I would recognise those Croatian authorities which would give full rights to the Serb population of Croatia. (Sisak, b. 1974)
- Under no circumstances I renounce my rights denied by the fascist authorities of the Republic of Croatia. I'm willing to recognise as legal any Croatian authority which will fully recognise and safeguard the rights of the Serbs in Croatia including their right to self-determination. (Sisak, b. 1953, 1951)
- I would recognise any authorities in Croatia which would grant full rights to the Serbs in Croatia. (Dragotina, b. 1929, 1931)
- I want to go home. (Zadar, b. 1950)
- I feel bad, I live here temporarily. I only want to return home as soon as possible. (Benkovac, b. 1928, 1941)
- I want to be given the opportunity to return to Croatia within a short period of time. (Benkovac, b. 1950)
- I want to return to Croatia when the conditions are favourable, so that human and civil rights are fully guaranteed, which means that such a state has to be legal and democratic for all ethnic grounds. (Pakrac, b. 1933)
- I want the Republic of Croatia to protect according to civilised standards full civil rights of all nationals regardless of their religion and ethnic origin. (Knin, b. 1938)

- On 17/9/1991 I fled to Hungary and stayed there overnight; two days later I returned to Osijek; my house was burgled and the National Guard of Croatia moved in. (Osijek , b. 1924)
- When the Croatian army entered Plaški, my house was shown on the Croatian TV on 6/8/1995, but it was set on fire on 27/8/1995. (Plaški, b. 1950)
- We didn't want to leave Sisak, but we were forced to flee because of the threats, we are not responsible for anything, but the Croats moved into our flat right away and took all our possessions. (Sisak, b. 1943)
- I want to return to the Republic of Croatia, to Obrovac and to my Lika, where I was born. (Obrovac, b. 1938)
- I want to return to my Obrovac immediately. (Obrovac, b. 1947)
- I want to return to the Republic of Croatia and my Obrovac. (Obrovac, b. 1972, 1974)
- I want to return. (Obrovac, b. 1982, Bijelo polje, b. 1910, 1916)
- The treatment is very bad, it is terrible to be a refugee, I want to return as soon as possible. (Majski Trnik, Glina, b. 1964)
- I would return if safety and human rights were fully guaranteed. (Kuplensko, Vojnić, b. 1915, 1969, 1936, 1963)
- I want to return home.(Zazvic, Sibenik, b. 1938, 1932)
- I want to be given the opportunity to return and to have the right to move freely throughout the Republic of Croatia, to travel without disturbances to Gračac, to Zagreb and to visit my firm "Vemos" in Donji Stupnik, Zagreb. (Gračac, b. 1938)
- I want to return with my parents to our place of residence, Sas, in the community of Sisak, where I was born and lived until we were expelled. (Sas, b. 1980,, 1936, 1933)
- I haven't definitely abandoned my house and other property in Croatia, I just fled because of the war, in fear of my life. I am taking steps to return as

soon as possible, but for some bureaucratic reasons there are still certain obstacles. (Glina, b. 1938, 1932)

· Since I often speak by phone to my friends in Germany, I know for sure that my house was neither burnt nor destroyed.

· I would return to Croatia because here I have only a temporary accommodation at my sister's. (Donji Lapac, b. 1925, 1930)

· I want to return home as soon as possible. (Petrinja, b. 1945)

· I want to return with my family and save our home from destruction. (Majski Trnik, b. 1936)

· I want to return with my family. (Majski Trnik, b. 1913)

· Personally I didn't want this war and I am very unhappy that it broke out. In the pre-war time I lived very happily with my fellow-landmen regardless of their ethnic origin. That's why I want to return to my homeland. (Benkovac, b. 1950)

· On 20/9/1995 I sent a letter to the Township Council and the Police Department of Sisak as well as the Bureau of the Republic of Croatia in Belgrade asking permission to return home to Blinski Kut. (Blinski Kut, Sisak, b. 1926)

· I want either to return to my wife Maria's place in Jastrebarsko, or to my place in Podsedlo in the community of Vojnić. (Podsedlo, Vojnić, b. 1931)

· I sincerely hope that I will recover my property because all the statements are true and they can be checked. (Ivosevci, Knin, b. 1914)

· I want this evil to be stopped so that we can all return home as soon as possible. I hope we'll calm down and the PEACE will be durable. THANKS. (Zadar, b. 1938)

· I want to return as soon as possible when the conditions for normal life are satisfactory for me and my family. THANKS. (Zadar, b. 1940)

· For the last two months I have been going from one institution to another, trying to get my rights, such as the right to pension. (Maljevac, Slunj, b. 1926)

- I want to return home to the village of Dabrina when the conditions for return become favourable and when I'll be sure that my life is not in danger any longer. (Dabrina, Glina, b. 1940)
- I want to return to my land. (Osreda, Srb, b. 1925, 1928, 1942)
- I have a home in Budačka Rijeka and I want to return there because I regard myself a national of Croatia. (Budacka Rijeka, Karlovac, b. 1923)
- If the Croatian authorities enable me to return to my flat in Zagreb where I lived from 1/11/1953 until 13/9/1991 and to my house in my native place, Budacka Rijeka, both my wife and I would return. (Zagreb, b. 1916)
- I want to return home to my land. (Zrmanja, Gračac, b. 1924)
- I left Sisak in September 1991 and moved to Glina, because I worked there since 1988. Now I want to return to my parents' place, because I can't get a job here and I don't want to stay here anyway. (Glina, b. 1961)
- We would return if the Serbs in Croatia were granted human rights. (Petrinja, b. 1950, 1977, 1929, 1953, 1971, 1947, 1947, 1976, 1971, 1976, 1951, Donji Kukuruzari, b. 1922, 1921, 1928)
- If guarantees for a safe return are given, please inform me about it promptly. (Strnic, b. 1948)
- Collective return home. (Petrinja, b. 1946)
- I would return only if the situation in the country were stable, so that a collective return be possible. (Petrinja, b. 1975)
- I want to return to my homeland where I lived for 45 years; I have never violated any law of Croatia. (Perna, b. 1950)
- I have no accommodation and I feel awful because I am an elderly man who has lost everything. I want to return to my ancestral home and save it from destruction, because now that's all I have. (Majski Trnik, Glina, b. 1943)
- I want to return if civil and property rights are fully guaranteed accord-

ing to international conventions. (Knin, b. 1980)

· If at least 50% of refugees returned, I would return, too. (Uzdolje, Knin)

· I was expelled with my late wife from our own house after repeated threats and harassment. (Djakovo, b. 1925)

· I don't manage my property because the Croatian authorities hinder me from doing it, but I also fear for my safety. (Gračac, b. 1974, 1951, 1973, 1948)

· I hereby express my wish to return home (Matijevici, Dvor, b. 1930)

· I would like to return as soon as possible to Croatia, to Knin, where my domicile was before the war started. (Knin, b. 1933)

· I want to return home to Petrinja. (Petrinja, b. 1936, 1939)

· I want to go home. (Knin, b. 1981, 1989)

· I want to return to my place. (Knin, b. 1963, Stikovo, b. 1935, 1924)

· I want to return. (Knin, b. 1985)

· I want to return home as soon as possible. (Knin, b. 1956)

· I want to return home, to my native town of Knin. (Knin, b. 1985)

· We want to return home. (Knin, b. 1958, 1962)

· I want to return to Knin. (Knin, b. 1981)

· I would like to return to my native place, and so, if any kind of return is organised, please inform me about it. (Vrhovine, b. 1930)

· Since my wife and I are elderly and ailing, I have no other solution, but to return home. (Sjenicak, Karlovac, b. 1923, 1930)

· I want to return, when the conditions for return are truly provided. I didn't take part in the war. (Kninsko Polje, b. 1946)

- I was born in Croatia, I acquired my property there, so I want to return there. (Drenovac, Kostajnica, b. 1980, Kostajnica, b. 1971 1952)
- I don't want to return unless the Croatian authorities guarantee our safety and certainly not before they move out of my house, where they have been dwelling since October 1991.
- I had to flee my home because of intensive and continuous military actions of the Croatian army. (Donji Klasnic, b. 1928)
- I escaped for fear of the war. I would return if I could recover my property and if my safety is guaranteed. (Knin, b. 1948)
- I would like to return to my homeland or at least visit it for a while. (Gračac, b. 1960)
- With all my heart I want to return home with my wife and daughter (Golubić, b. 1921)
- I want to return to our house, which Mom and Dad built for all of us. (Petrinja, b. 1982)
- I want to return home to live together with my sis, Mom and Dad. (Petrinja, b. 1977)
- I want to return home, to my land. (Petrinja, b. 1951, 1957)
- Very bad treatment, no job and no permanent accommodation. (Knin, b. 1953)
- I want to be enabled to return safely with fully guaranteed human rights. (Golubić, b. 1924)
- I hope that my request for return won't be rejected. (Vrbnik, b. 1923)
- I would return if peaceful life and full civil and ethnic rights were guaranteed. (Benkovac, b. 1953)
- I want guarantees for a safe life and basic human and civil rights. (Benkovac)

- I want to return to my native Knin. (Knin, b. 1936, 1938)
- I want to return home with my family if the conditions for a mass collective return are favourable and if guarantees are given that human rights and safe existence will be protected. (Knin, b. 1931, 1948)
- I want to return only if freedom and human rights are fully guaranteed according to international law, so that my children and grandchildren can't be expelled again. (Jabukovac, Petrinja, b. 1951)
- I want to return if freedom and human rights are fully guaranteed according to the international law, so that my children and grandchildren can't be sent into exile again. (Petrinja, b. 1948)
- I want to return only if international organisations and the Republic of Croatia guarantee fully to the Serbs in Croatia the same human and civil rights as the Croats already have, so that my children and grandchildren can't be expelled again. (Petrinja, b. 1946)
- I want to return only if I never again have to go through the hardships of exile.. (Petrinja, b. 1977)
- I don't want to return because the Croatian authorities convicted me of war crimes when I was still a schoolboy in the beginning of the war; in 93/94 I became a student, so my confidence in Croatian authorities is rather shaken. (Petrinja)
- I want to return only if my husband is also given permission to return. (Petrinja, b. 1976)
- I want to return only if freedom and human rights are fully guaranteed according to the international law, so that my children and grandchildren can't be expelled again. (Petrinja, b. 1956)
- I don't want to return to the Republic of Croatia under any circumstances for fear of repeated genocide.(Luscani, b. 1946)
- I seek permission from the competent authorities to allow me to return to my land together with my family. (Bukovic, Benkovac, b. 1918, 1921)

- I have mixed feelings on the subject of return, I have no means of livelihood, the humanitarian aid is MINIMAL. (Benkovac, b. 1953)
- I want to return as soon as possible, especially as I didn't participate in military operations. (Plavno, b. 1955)
- I'm asking permission to return home as soon as possible. (Deringaj, b. 1920)
- I want to return and to continue living normally; I'm an elderly man who has never engaged in politics; I was neither in the military, nor am I responsible for anything. (Miharevac, b. 1920)
- I want to return if I can continue living normally without ill-treatment and with guaranteed human rights. (Miharevac, b. 1923)
- On 25/7/1994 I applied for the Croatian nationality to the Bureau of the Republic of Croatia under the number 521-04-04-255 194 and I haven't received any reply yet. However, without the Croatian nationality I can't enter the territory of the Republic of Croatia. I intend to return home to my flat when human rights are fully guaranteed to me. (Podravska Slatina, b. 1940)
- On 25/7/1994 I applied for the Croatian nationality to the Bureau of the Republic of Croatia and until now I have been given neither negative nor affirmative reply. Without this document I can't enter the Republic of Croatia. In 1992 I was turned back from the border although I had a valid passport at the time. I entered Croatia on the following day at another border crossing. During the interrogation, the police officers did not ill-treat me but when I asked them to prevent the plunder of my property they replied that I should renounce my flat and take with me my clothes, photos and documents, which meant that I was being sent from one institution to another without any result. (Podravska Slatina, b. 1943)
- I point out that I am a seventy year-old woman who has never engaged in politics, I have never been in military either so I am asking permission to return and I beg you not to seize my property. (Vrebac, Gospic, b. 1925)
- Both my husband and I are unemployed, the relief we received from the Red Cross consisted so far of several blankets, two mattresses, some flour,

beans, onions, and two uneatable cans. We can hardly remember when we had meat for dinner lately, and we can't afford it. Our very subsistence is threatened. (Kostajnica, b. 1946)

· In Croatia I led a comfortable life, I had a flat of my own and a good job, I taught Serbo-Croatian in a primary school, my husband was a railway employee in Zagreb, our children finished the primary and the secondary school there and now we all feel like beggars in Serbia. It is beneath my dignity to suffer these humiliations; I feel I can't fall any deeper. The Red Cross helps us scarcely. Because of malversations, those in need get only small portions of relief. (Kostajnica, b. 1948)

· I want to return but certainly not as long as the pro-ustashi fascist government is in power, because I was expelled innocent. I will return when the Republic of Croatia and the international community can guarantee personal safety to all Croatian nationals. (Zagreb, b. 1950)

· I don't want to return as long as the pro-ustashi fascist government is in power in Croatia. I want to return when my legal and personal safety are guaranteed by the international community and Croatia itself. (Petrinje, b. 1926)

· I want to return provided that the safety of our family is guaranteed, so that we cannot be expelled again and our civil rights are protected according to the international standards. (Benkovac, b. 1938)

· I was born there and I want to live there. That's where I belong to. (Krnjak, b. 1953)

· One can hardly get any help. I can't get my pension or a job. (Roviska, Glina, b. 1935)

· I was born there and I want to live there. (Krnjak, b. 1985)

· I was born in Croatia and I want to return and continue living there. (Krnjak, b. 1926)

· I want to return home to my place. (Plaški, b. 1932)

· The treatment is very unsatisfying. I feel bitter because of all that. We are

not welcome here at all; people think we came here of our own free will and not because of the politics and aggression committed by the world community against the Serbs from Krajina. (Zadar, b. 1946)

· I would like to return if our safety were guaranteed, because I left all my property there. I don't receive veteran's supplement to pension here, I'm homeless, with no means of livelihood; I only get a miserable refugee ration. (Zadar, b. 1913)

· I want to return to my homeland Croatia if my safety and civil rights are protected. (Kistanje, b. 1932)

· The living conditions are unsatisfactory. (Glina, b. 1939)

· My whole family would return only if we had equal rights as all the other citizens of the Republic of Croatia and if the international community guaranteed fully our safety, enabled the reconstruction of the damaged and destroyed houses and buildings and gave adequate compensation (Golubić, b. 1950)

· The Red Cross provided temporary accommodation for my wife and me in a small house in Nova Pazova, we don't receive any additional aid there (Ocestovo, b. 1932)

· We were homeless like all the other refugees, the Red Cross provided accommodation for me and my wife in a small house. But I don't get any additional relief. I want to return to Croatia, to Knin, if human and civil rights are safeguarded. (Vrbnik, b. 1953)

· I want to return to my native country (Biskupija, b. 1941)

· I want to return and to living in Knin, if human and civil rights are fully guaranteed to me. (Vrbnik, b. 1950)

· We want to return to Croatia because all our real property is there. We also want to begin to live normally. Since I left Topusko in 1991, I have saved my children and myself from all war disasters. (Topusko, b. 1955)

· I hope that my movable and real property won't be destroyed. (Budacka Rijeka, b. 1953)

- It is absolutely necessary, besides it is also our democratic duty and we are obligated to enable the innocent population of ex-Yugoslavia to return home to their property; that's my wish as well. (Vojnić, b. 1941)
- I have a clear conscience, I didn't cause this situation. Come to your senses. Be sensible after all, because sooner or later we have to return. (Vojnić, b. 1938)
- I want to return as soon as possible, please. (Vojnić, b. 1981)
- I want to return home to my son. I have no means of livelihood. (Sonkovic, b. 1925)
- Since I have no accommodation here, I want to return and I'm willing to obey the laws of the Republic of Croatia. During the war, I didn't participate in military operations because I was not subject to military conscription. In 1984 the military medical board declared me unfit to serve in the armed forces any longer. (Knin, b. 1940)
- Pero should tend to my vineyard and take care of my property until I return. (Ervenik, b. 1927)
- The treatment is bad, there is no future. (Knin, b. 1939)
- The treatment is bad, there are no prospects of success. (Knin, b. 1937)
- I would like to return home to my native country if I had an opportunity to return. (Ridjane, b. 1932)
- We have no conditions for normal life, we have collective accommodation, where 100 people live together in a hall. (Glina, b. 1939)
- I want to return as soon as human rights are protected. (Glina, b. 1956)
- I was employed in the Health Centre from 1/4/1977. Since 1986 I was a member of the Assembly and the Presidency of the Public Health Service of Croatia. I did not engage in politics. In the Health Centre I discharged administrative duties and I also was a vice-president, so that many people know me, among them Mr. Joza Pankretic, Dr Luka Vrban and even Minister Hebrang.

I was maltreated by members of the Serb Democratic Party in Korenica, that's why I want to return to my position and my flat because I am not responsible for anything; I am an honourable man, so I think I deserve to be allowed to return promptly. (Korenica, b. 1940)

· I was employed as a dentist and was well paid for that job. I neither engaged in politics nor participated in the war, that's why I want to return promptly to my position and my flat and be enabled to continue living and working normally like all other nationals of Croatia. (Korenica, b. 1946)

· I'm an elderly person. I have no pension and no status of a refugee. I neither engaged in politics nor participated in the war. That's why I want to return and to live normally as any other national of Croatia. (Ploče, b. 1927)

· I want to return. I fled because I was afraid, not because I was guilty of anything. But then, who isn't afraid of the war?! (Ploče, b. 1924)

· I want to return home only if I'm enabled to live freely in my house, if human rights as well as the ethnic and religious rights are fully protected. (Donja Cemernica, b. 1924)

· I want to return one day, if the conditions are favourable, which means, if I can live at my place as a free man with full human rights, with ethnic and religious rights. (Cemernica, b. 1927)

· It would be a great pleasure to return to my land and recover my movable property. (Mali Gradac, Glina, b. 1915)

· I want to return soon to my position and my land. (Mali Gradac, b. 1923)

· I would consider my return home to Krajina under the following circumstances: I don't want to be regarded as a member of an ethnic minority, I want the Croatian army to withdraw troops from this region, no local Croatian police, I don't want *kuna* to be our currency, which means the Croatian army should withdraw troops to the positions held before 4/8/1995, from the Republic Serb Krajina. (Donji Klasnic, b. 1914)

· I plan to return together with my family (my husband and our two children). (Knin, b. 1955)

· We lived a very pleasant and comfortable life (had a flat, jobs, lots of friends) in Karlovac till 3/10/1991 when we were forced to flee the town temporarily for fear of the military actions starting there; we settled down in Kordun at our relatives' place, but then, on 5/8/1995, we had to flee to the Republic of Serbia and during that journey through the Republic Serb Krajina we had difficulties. We had to flee in a line of cars some sixty kilometres long, the Croatian airforce was flying over us all the time and then they bombed the column and when we reached Glina, anguished people came under the fire of the Croatian artillery. In such fear and trouble and in the state of total exhaustion we reached Yugoslavia in the evening of the fifth day of our journey. (Karlovac, b. 1958)

· I live a life unworthy of a refugee. I want to forget as soon as possible all those bad experiences I had in Serbia with the authorities and with a smaller part of its nationals. It was so sad. (Karlovac, b. 1955)

· I insist on a prompt return because I have come here only for a visit. (1933)

· I have to return urgently. (Karlovac, b. 1929)

· We want to return to Kistanje to live and work there. (Kistanje, b. 1944)

· Please fulfill my wish and send my regards to my daughters, sons-in-law and grandchildren. (Zadar, b. 1916)

· I want to return to my land because I didn't leave it of my own free will. My house was shelled in 1991 while I was still living there. I am not guilty of anything. (Podravska Slatina, b. 1929)

· I want to return to my place because I haven't come to Serbia of my own free will. My house was mined in 1991, although I did not do anything wrong. (Podravska Slatina, b. 1929)

· I am a Croatian national and I want to return to Croatia. (Knin, b. 1938)

· Thanks for remembering me anyway. (Cviljane, b. 1923)

· I want to return to the Republic of Croatia together with my family and to continue living at my property in my house which is in Vrginmost. (Vrginmost, b. 1952)

- I was born in Croatia, I worked there, all my property is there, I want to return home, because I think I fulfill conditions for return. (Tusilovic, b. 1953)
- I was born in Croatia, all my property that I acquired working hard is there, my only wish is to return there. (Tusilovic, b. 1925)
- I was born there and I want to die there. (Tusilovic, b. 1920)
- I want to return with my whole family. (Glina, b. 1949)
- I left Karlovac in 1991 together with my daughter because I was afraid for her, but we both had a lot of troubles anyway, she, at school and I, in my firm. In the community of Vojnić I was considered a refugee, but then we had to flee to Serbia, where we have the same status again. (Karlovac, b. 1952)
- I would consent to return to the Republic of Croatia only if human and civil rights were respected. (Karlovac, b. 1954)
- Since I am partially deaf and I, unfortunately, lost my hearing aid on my way here, I have great difficulty in communicating with people, but I don't like what I see. People are not humane, they treat us as things. In the first place, I would like to return home, to the native village of my father, or to Rijeka where I was learning shoemaking the School for Deaf-Mute Persons. Anyway, I would like to return to my home country at any cost. (Perić selo, Krnjak, b. 1970)
- I am a housewife. From my point of view, the people here, these authorities and all the others show no sense of reality. I'd say, they're so selfish that they give only promises they never keep. I guess, however, there are some others, mothers maybe, who will raise their voices pleading for love and understanding and who will change the world. I hope that we will all return home, that the religious and ethnic tolerance will be in accordance with the divine message, encouraging love and forgiveness. (Perić selo, b. 1951)
- My general impression is disastrous. That is how I feel when I consider the situation, on the whole. If we had no help from our relatives, we would certainly starve. I wholeheartedly wish to return to my home country. I might get a chance to study English and be admitted to University in or outside

Croatia, but only not here. I pray for that every day. (Karlovac, b. 1975)

· I'm not staying here of my own free will, I'm dispossessed, there is no future here. Somehow I have managed to find a temporary accommodation. I hope that what we are doing in co-operation with the Helsinki Committee for Human Rights won't be just a formality, but that it will really contribute to relieve tensions. I have left there a huge estate, that I acquired by hard working. I didn't participate in this war in any way and I did not do anything wrong and I could appear before any court throughout the world and be found innocent. (Karlovac, b. 1947)

· Unbelievable! Although I have all the necessary documents giving evidence that I was not subject to military conscription (because of a serious heart failure suffered before the war) I cannot get a passport nor a job. I am convinced that this humanitarian organisation will help all those who really deserve it. Many people found themselves in some places they were not able to choose just as they were not able to decide their own destiny. When the war started I was on holiday in my native village, encl. a photocopy of a leave of holiday, which I consider very important, because it shaped my destiny. (Karlovac, b. 1944)

· I want to return to Tusilovic and if there is an opportunity, to Karlovac, to my flat. (Karlovac, b. 1937)

· I want to return. (Gračac, b. 1938)

· I want to return as soon as possible to the Republic of Croatia where I used to live before the war started. (Gračac, b. 1968)

· I want to return home without delay. (Dobropoljci, b. 1981, 1972, 1950, 1949)

· I want to return, if at least half of the refugees decide to return. (Uzdolje)

· When the time comes, I would like my whole family to return with me. (Dragotina, b. 1951)

· I hope this won't be a formality, a waste of paper, or something similar. (Dragotina, b. 1948)

- I want to return to my ancestral property if personal freedom and legal safety are guaranteed. (Donji Klasnic, b. 1940, 1947)
- I have no status of a refugee, I just receive some relief occasionally. But we mainly take care of ourselves. (Glina, b. 1935)
- We want to return home as soon as possible. (Udbina, b. 1957)
- We want to go home. (Udbina, b. 1961)
- I left my homestead temporarily because of the military actions. (Gračac, b. 1927)
- I want to return to my place of residence when the conditions are favourable, which means that I can live freely and that human rights are protected. (Korenica, b. 1930)
- The treatment is very bad, it is impossible to acquire citizenship or get a job. I feel like the Wandering Jew, like Mr. Nobody. Since I have already been in exile twice, which is an immense personal and family tragedy, the third exodus awaits us after Serbia, but instead of that I would prefer to return to my native town if freedoms and civil, ethnic, constitutional, legal rights as well as the right to education are fully guaranteed. (Zagreb-Dvor, Beograd b. 1951)
- I would return if 60% of the population returned and if there were constitutional guarantees for a safe life. If these conditions are not satisfied, I would sell all my property. (Srb b. 1937)
- I want to return home, but not until the current Croatian government is in power. (Benkovačko Selo, b. 1952)
- I want to return if my house is still in the same condition as it was when I left it and if personal and legal safety is guaranteed to me as to the other nationals of the Republic of Croatia. (Biograd, b. 1935 1933)
- I would return if human rights were fully guaranteed. (Plavno, b. 1917)
- If you are not allowed to move freely, if the identity papers you have are not recognised, if you have a two-and-a-half months old baby and the Red

Cross supplies you with baby nourishment sufficient only for four days, and with food for the family that you can't live on longer than ten days, if you are offered collective accommodation somewhere in Kosovo with a little baby, than you can see by yourself what kind of treatment I have in Serbia. (Biovicino selo, b. 1961)

· I study at the Philological Faculty in Belgrade. Knin is my native town and I would certainly like to have an opportunity to visit it again, freely. (Knin, b. 1974)

· Since I haven't submitted a request for return yet, I want to submit it now, because I have been told in the Bureau of the Republic of Croatia in Belgrade that it would be possible to do it subsequently. (Mokro polje, b. 1929)

· I want to return. (Mokro polje, b. 1952)

· I want to return to the Republic Serb Krajina, to Polača near Knin. (Polača, b. 1930)

· I want to return home to the Republic Serb Krajina. (Cetina, b. 1924)

· I want to return to my homeland. (Biskupija, b. 1957, 1930, 1929)

· I was born in the village of Golubić, I married and spent my whole life there. I would like to spend my old age there, too. I went to exile when the war started, I have the refugee status. (Golubić, b. 1939)

· I was born handicapped, I can't walk without a walking-stick because one of my legs is shorter and thinner than the other. I have to wear orthopaedic shoes and I walk with great difficulty. I'm an elderly lady and I would like to spend my old age in my native village, where I lived until 4/8/1995. (Golubić, b. 1928)

· I want to return if 50% of the refugees return. (Uzdolje)

· We want to return to Kistanje to continue living and working there. (Kistanje, b. 1944)

· I'm an old person in need of medical care and adequate accommodation. Please enable me to return to my family as soon as possible. (Vojnić, b. 1918)

- I want to return when the conditions for normal life are established again. (Knin, b. 1977, 1945)
- I emphasise that I didn't participate in the war. I didn't endanger anybody and my attitude towards the nationals of the Republic of Croatia was always correct, which can be checked (Knin, b. 1922)
- We don't have the refugee status. When I decide to return, I want all members of my family to join me. (Susnjar, b. 1952)
- I will return when the present Croatian government and authorities are removed from power, when human rights are guaranteed to me and to my family and when Serbs are not regarded as a national minority any more. (Petrinja, b. 1962)
- I want to return home to Plaški, to my property that I was acquiring all my life, because I haven't abandoned it for good, I just fled for fear of artillery and infantry attacks of the Croatian army against our people and our home in Plaški, where we spent our whole life. (Plaški, b. 1928)
- The accommodation is temporary and very bad. I want to return home to Plaški, because I left there all the property I was acquiring for the last 69 years. I haven't abandoned it for good. I fled it in fear of the Croatian artillery and infantry that attacked Plaški that night quite unexpectedly. (Plaški, b. 1926)
- I want to return urgently to my teaching position in the "P. Zečević" Primary School in Benkovac; I taught biology, housekeeping and first aid there. I want to return to my flat in Put Njive Str. (19th Division C) where I lived since 17/12/1979 and to my house in Knin in 33 Put AVNOJ-a Str. I have no possessions, either in Serbia or anywhere else outside Benkovac and Knin. Only that property can save me from poverty in my old age. I have no other property, no permanent accommodation, no savings. I always lived only on my earnings. (Knin, b. 1942)
- The accommodation is temporary and bad and since it could only change from bad to worse, I want to return to my homeland and my place. (Knin, b. 1938)

- I want to be enabled to return safely to my ancestral homestead because I have always been an honest man, and I have remained that until now when I'm 70. My Croat neighbours from Ričice, Lovnici, Sv. Rok could confirm this certainly. (Gradačac, b. 1925)
- I will return when the safety is guaranteed. (Nunic, b. 1937)
- When the safety is guaranteed, I would return home. (Nunic, b. 1938)
- I want to die at home. (Goricka, Dvor, b. 1915)
- In four days, on 13/10/1995, it will be four years since we have been living in exile. During these four years we lived in five towns, moving from one to the other. We changed some 20 addresses. It's terrible when you don't know where you are going to spend the following night or day, months and years are passing by, and nobody knows what's in store for us tomorrow. I want to go home to my place, I want it!!! (Lipik)
- I would be the happiest man in the world if I returned and found everything I left there in the same condition. (Srb)
- I would return if civil and property rights were protected. (Knin, b. 1938, 1948)
- I would like to return if I regained all civil rights, (right to work, right to have normal living conditions, right to move freely). (Knin, b. 1942, 1938)
- Very bad treatment, no prospects of becoming better. I haven't stopped thinking of return ever since we came here. (Knin, b. 1965)
- I want to return to my place, to my 111 dolls left all alone in our deserted house in Plaški. Not even one of them is with me, I can't abandon them because I miss them badly. (Plaški, b. 1985)
- I want to go home to see my friends, my toys in my playroom, again. (Plaški, b. 1982)
- I want to have all my things again, I can't abandon them because I miss them so much. (Plaški, b. 1922)
- I want to return to my place and to spend the rest of my life at home on my land that I have never abandoned up until now, when I escaped afraid of

the artillery. I was afraid to die. (Plaški, b. 1959)

· I wish my property in the Republic of Croatia, in the community of Ogulin, in Plaški were protected and I remained its owner, because I earned all I have and I left it in fear for my childrens' lives during the artillery and infantry night attack against our place. (Zakopa, Dvor, b. 1935)

· I want to return to my land to continue living normally provided it isn't destroyed. (Plaški, 1954)

· I wish my property in the Republic of Croatia in Plaški were protected because I was acquiring it for years and I left it in fright. I'm very interested in recovering it because I have no other possessions and no opportunity to acquire any other property. (Plaški , b. 1954)

· Bad accommodation, bad living conditions (Korenica , b. 1910)

· Extremely bad accommodation, no right to move freely, we are threatened with mobilisation. (Bunic, b. 1962)

· I would return with the majority of my fellow-landmen, if safety were guaranteed (Plitvice, b. 1968)

· I would return to Korenica if I had protection and were equal before the law as all the other citizens who live there and if a bigger group of refugees decided to return. (Korenica, b. 1946)

· I would return to Korenica and Plitvice if safety and protection were guaranteed.(Korenica, b. 1946)

· A refugee with no future. (Bunic, b. 1939)

· I would return if safety, protection and equal rights for all of us were guaranteed and if a bigger group of my fellow-landmen decided to return. (Plitvice, b. 1914)

· I want to return only if freedom and safety are guaranteed. (Korenica, b. 1944, 1965, 1946, 1942)

· I want to return home if it's possible, if not, I want my abandoned property to be compensated. (Vojnić, b. 1937)

- I would return if human rights were guaranteed. (Vojnić, b. 1941)
- I would return home if the pro-ustashi government were not in power. (Vojnić, b. 1908)
- I want to return to my land and I don't renounce my property. (Dvor, b. 1922)
- I want to return immediately to Croatia, living far from Plaški is sad and miserable. (Plaški, b. 1938, 1936, 1909)
- I would return provided that the war ends and the international institutions guarantee safety to us. (Zitnic, b. 1894)
- I would return only if full human rights, a tranquil life and peace are guaranteed according to international law. (Drnis, b. 1931)
- I want to return to the Republic of Croatia seeing that I own property there and that I'm unable to start a fresh page in FR Yugoslavia because of my old age. (Jezerce, b. 1919, 1926)
- I want to return home. (Licko Petrovo Selo, b. 1932)
- I want to go home. (Licko Petrovo Selo, b. 1958)
- I was not able to take my identity papers and other necessities with me because of military actions in my hometown. (Visine, Korenica, b. 1923)
- I would return to my land with great pleasure. (Vrhovine, b. 1926, 1927)
- I want to return only if freedom and safety are guaranteed. (Korenica, b. 1935)

VII FROM THE PRESS

Here we present excerpts from some of many newspaper articles about the Helsinki Committee's activities on the refugee issue.

VREME, 2 October 1995

Refugees

HOW TO GET BACK

The Helsinki Committee is the only organisation trying to help Krajina refugees who want to go back to their homes. "I would go back, only if I were sure that no one would beat me", says a woman in an ever stretching line in front of HC office.

In a long, bleak and dirty corridor twenty persons stand in front of the Helsinki Committee office in Belgrade.

An elderly woman tells her story: "I fled from Dvor na Uni. Now I live in a village near Čačak. I do not even know its name. I am staying with a woman whose surname I don't know. My widowed daughter with her two children is also staying with me. The Red Cross gave us 2 litres of oil, toilette paper, hygienic pads and 50 kg of flour. The flour is unused: we can't bake bread there. This morning I asked a woman selling rolls to give me one. She refused. Would I go back to Croatia? I am almost starving here..."

A brother and sister from Benkovac stand in front of the door. She is staying with friends, and he is in a collective centre near Brus. The boy does not complain about the accommodation. "It's OK", he says "seven of us are in a dorm. But, the food is awful. We get one paprika for breakfast, one egg for dinner". Both of them would go back to Benkovac if they were guaranteed safety, but would prefer to emigrate to Canada, Australia, Sweden...They are inquiring about such possibility.

"If trust built over fifty years, could be destroyed in five years", says a woman from Kostajnica, "I really don't know who can guarantee me anything now!"

"I would go back", says another woman, "only if nobody beats me".

A few tenants in the building pass by. Some yell: "Move away, make a proper line". Others comment: "What kind of people are you? Make way for children going to school."

People in the group keep silent and look down. "We are not children-eaters", a skinny old man murmurs into his beard.

FORMS: The door opens and refugees enter the Helsinki Committee office. Then they take a form from a heap. The first is the Statement related to the Decree on the Temporary Take-Over and Management of Certain Property (lately become law) of the Government of the Republic of Croatia. Its most important clause is

that the owners state that the property in former Krajina cannot be considered abandoned, nor that they have given it up, but rather that they left it because of the armed conflict. They stress that they intend to do all that is in their power to return there as soon as possible, but that they are hindered by "administrative reasons". They also say that they are willing to use their personal property once "the relations are normalised and refugees enabled to return". There is also a column authorising others to make use of the property until the return of the owners, and a column where the property is listed.

There are two types of this form: the first one is for refugees, the other for nationals of FRY, to whose property the above mentioned Croatian Act also applies.

Then there is the "Return Form". In addition to personal data, refugees have to state the place from which they escaped, documents which they possess, and to describe the way they are treated in Serbia, leave contact address and tick off "yes" or "no" in answer to the question whether they want to go back or not. There is also a Remarks column where those who would possibly go back, write down the conditions under which they would return.

And finally there is a questionnaire related to human rights. It serves exclusively for internal use and is intended for those giving testimonies on human rights violations in Krajina, their journey to Serbia and stay in Serbia.

Staffers of the Helsinki Committee invite small groups of people in. They have to avoid crowding as their premises are small. But the line in front of the door is quickly renewed. From 10:00 to 14:00 hours they receive 150 people. All of them take a couple of forms. As the technical facilities of the Helsinki Committee are limited, many are asked to take just one form and photocopy it themselves. What surprises most is the crowd, as the Helsinki Committee has not made its initiative public. There are many questions. One of them was: "If I authorise someone to make use of my property, does it mean that I have given it to him as a gift?"

IDEA: Elena Popović explains the objective of this initiative: "When the refugees fill the column concerning the property, we see it as the way to put pressure on the Croatian authorities to suspend the Act on the Temporary Take-Over and Management of Certain Property. The larger the number, the sooner will the Croatian authorities realise that the Act - which is tantamount to confiscation- is untenable. It is contrary to all international legal norms and the Croatian Constitution. The goal of this form is also to put pressure on the international community to enable the safe return of refugees under international law standards. That pressure is two-sided. On one hand, the Croatian authorities must provide the conditions for the return and do everything to stop looting and arson

in the former UNPA zones. They must also guarantee all rights to the refugees, including the amnesty for men who were in the military formations. On the other hand, there is this pressure on FRY authorities to resolve the status of refugees and make easier the procedure for leaving the country.”

She is explaining all this to those who are completing the forms at the Helsinki Committee. She is telling them that their wishes will be presented to the Office of the Republic of Croatia in Belgrade, and through them, to the authorities in Zagreb. She is also telling them not to cherish any illusions that in this way they will directly save their property or go back. She is stressing that this is only the action of a NGO, and that they should visit all the other organisations which could possibly help them. Helsinki Committee staffers say that no co-operation has been established with the UNHCR, because their representatives are convinced that the conditions for the return are not propitious, and they do not register the wishes of the refugees. By extension, the International Committee of the Red Cross is also sticking to its mandate, and the Commissariat for Refugees of Serbia pursues its well known policy.

PREVAILING CIRCUMSTANCES: Refugees also flock to the Office of the Government of Croatia, which currently registers only personal data of those who want to go back. They say: “We are not allowed to enter. The clerk just comes out, asks our names and whereabouts, and writes it all down in a notebook. He does not ask for our ID even.” There are about 100 people in front of the building every day.

“To go to Croatia, refugees need relevant Croatian documents, which they obviously do not have”, says Elena Popović. “In order to get them, they must authorise someone in Croatia to do that for them. But, Croatia does not recognise authorisations certified in Yugoslav courts, and the Office of the Republic of Croatia does not have consular powers. We know that such authorisations can be obtained in the Croatian Embassy in Budapest. But, as a large number of refugees have no passports, that is also not feasible.”

Although women refugees can get, with the consent of the Krajina Bureau in Belgrade, FRY passports (with the address of the place which they have left), this does not apply to able-bodied men. It seems that they are under the “exclusive jurisdiction” of policemen who take them as “cannon fodder” to Eastern Slavonia and Bosnia.

A statement by Adalbert Rebić, Minister in the Croatian Government and a representative of the Office for Refugees and Expellees of the Government of Croatia, has given some hope to the refugees. He said that to enter Croatia, it was enough to have any Croatian ID, which would be checked by the Croatian police. According to Rebić, such ID can be issued by the Office of the Republic of

Croatia in Belgrade. But, the said Office stated that it had not received any pertinent instructions from the Ministry of Foreign Affairs in Zagreb hence was only doing what it was authorised to do.

What are then the options of Serb refugees from Croatia, in view of the unwillingness of both Serbian and Croatian authorities to facilitate their return?

The gist of it all is explained by a man from Krajina accommodated in Priština: "We were told that we would not be living together with Albanians. In the past five years we were not living together with Croats. We all know how it ends."

Filip Švarn

TELEGRAF, 4 October 1995

TELEGRAF IN THE REFUGEE LINE AT THE CROATIAN OFFICE IN BELGRADE

Last week Helsinki Committee registered 725 refugees desirous of return

... We were given more reliable data at the Helsinki Committee for Human Rights in Belgrade, Obilićev Venac 27. In the past 10 days 725 refugees desirous of return registered with them. These lists will be submitted to the Office of the Republic of Croatia at the end of the year.

TELEGRAF, 25 October 1995

10,000 APPLICATIONS FOR RETURN TO CROATIA

... Those who finally decide to fill the forms, then meet with a series of obstacles. To substantiate this, Ninko Mirić (a Serb from Croatia) who is responsible for the forms in the Helsinki Committee, told us a story. A man accommodated in Putinci came with a completed form and asked if he could submit it, as he was told in Putinci that he would lose his status if he did that! Mirić also mentioned that on 15 October, a day after *Politika Ekspres* ran an article, in which Savo Štrbac, Director of "Veritas" Information Centre, attacked the Helsinki Committee and appealed to refugees not to fill HC forms, a group of people came to HC office and pressurised the refugees not to do it.

He also highlighted the fact that in addition to 3,000 applications for

return, 1,500 applications for the return of property had also been sent. According to Mr. Mirić, Helsinki Committee was the first organisation to publicly condemn the Decree on Temporary Take-Over of Certain Property in Croatia.

NAŠA BORBA, 19 January 1996

REFUGEES RELOCATED HAPHAZARDLY

Helsinki Committee for Human Rights in Serbia on Thursday filed a complaint with the Commissioner for Refugees, Mrs. Buba Morina, concerning the announced relocation of 52 refugees from *Zvezdani Gaj* Collective Centre in Belgrade. Forcible relocation is scheduled for Friday, January 19.

According to the Helsinki Committee, among the refugees from Bosnia and Herzegovina and Croatia there are mainly mothers with children under age, elderly and sick. Reasons for their relocation from the collective centre are not quite clear, and the manager of this centre refuses to show the Decision on the Relocation to the refugees, thus preventing them from taking further legal action. They can only see the Decision hung on the wall of the dining room. They were not offered any other accommodation, and were only vaguely told that some of them could go to the south of Serbia, and others to Kosovo. The rest of them are, to put it bluntly, thrown out into the street.

According to the Decision of the Commissariat, which hangs on the wall, and which is based on the September revision of school age children status, children are to stay and mothers to go. There are also opposite cases.

According to Biljana Stanojević, legal aide in Helsinki Committee, the status of 50% of refugees was revised without any valid justification and right to appeal.

NAŠA BORBA, 25 January 1996

REFUGEE RESETTLEMENT DOES NOT SOLVE PROBLEMS

In view of increasing refugee resettlements in Vojvodina (Kula, Beška...) the Helsinki Committee for Human Rights in Serbia decided to write an open letter to the Serbian Prime Minister, Minister for Relations with Serbs outside Serbia, Commissioner for Refugees of Serbia and Federal Minister for Human Rights.

Referring to the articles of Constitutions of Serbia and FRY, which gua-

rantee the rights to protest and reply, Helsinki Committee in its open letter demands that resettlement of refugees from Vojvodina to Kosovo and Sandžak be suspended.

According to Biljana Kovačević-Vučo, the Helsinki Committee Secretary-General, this Committee deems it necessary to discontinue the application of anticonstitutional provisions of the Refugee Act, disclose publicly the Refugees Programme in Serbia and avoid creating new political tensions in Kosovo and Sandžak prior to any resettlement actions.

“This is not the right way of coping with the refugee issue”, says Biljana Kovačević-Vučo, “because it raises suspicions as to the real motivations of authorities. Namely, if refugees refuse to be resettled, they can lose their basic rights, among them the major ones, like the right to accommodation and the right to health care and education.”

In view of the above, the Helsinki Committee suggests in its open letter that authorities in Serbia and FRY suspend the resettlement action and in this way avoid any political manipulation of refugees.

V. S.

NAŠA BORBA, 27-28 January 1996

26,417 REFUGEES WILLING TO RETURN TO CROATIA

Belgrade. - In the name of *Home Return* Civic Committee, which brings together independent individuals, representatives of NGOs and political parties from Zagreb, Mr. Veselin Pejnović, Vice-President of the Serb National Party asked the Helsinki Committee for Human Rights in Serbia to send to Croatia a list of refugees interested in going back to Croatia.

He was promised a list of 26,417 people who had registered by Friday with Helsinki Committee. These people wish to returning to their domiciles which they left after military operations *Flash* and *Storm*. However, the Helsinki Committee stresses once again that due to various reasons this is just a list of potential returnees, mostly from Greater Belgrade area, rather than a final list.

The Helsinki Committee monitors the emergence of some new groups organising the return of refugees, mostly to Krajina. According to the Radio Television Serbia news broadcast on Tuesday, there are about 20 such groups, while Helsinki Committee knows only four: Borisav Mikelić group preparing

return to Petrinja, group of Milivoj Vojnović, Minister of Foreign Affairs of former RSK organising return to Glina, Milorad Muratović heads the Association of Refugees and Expellees in FRY and Committee for Return of Mile Dakić, known as Captain Darda, from Petrova Gora.

According to Veselin Pejnović, *Home Return* Civic Committee from Zagreb insists that Baranja refugees should be a priority issue, but attention should be also paid to Eastern Slavonia and Western Srem, or as it is called in Croatia - Danube Croatia.

V. S.

NAŠA BORBA, 29 January 1996

Kula Denies Accommodation to Krajina Serbs

REFUGEES WITHOUT FOOD AND HEATING

... Before yesterday's "deportation", 19 refugees from the collective centre in Kula were given sandwiches "for the road". It was a clear sign that authorities would not change their decision, despite appeals of refugees and presence of personnel of Helsinki Committee for Human Rights and the European Union High Commissariat for Refugees.

B. Lazukić

TELEGRAF, 7 February 1996

GREAT RESETTLEMENT BEGINS

... Before the resettlement, refugees from Kula have already addressed the Helsinki Committee in Belgrade on different matters; they complained about abuses of humanitarian aid in Red Cross facilities and about the way they were treated as second class citizens. According to Ninko Mirić, member of the Helsinki Committee, the doctors in Kula hospital even refused to receive the refugees upon hearing that they were from this collective centre.

"When they complained that there was not even a school in their new

place, those who came to inform them about the relocation, retorted that "they did not need a school", says Ninko Mirić. Refugees even asked to be allowed to see the places to which they would be relocated, but they were not allowed to. Under the Refugee Act, the Commissariat can resettle some refugees and decide upon their future locations. If they refuse, they automatically lose their status, and by extension, if they lose their status they cannot be forced to go to places they do not want to. Also, adds Mirić, under international conventions, refugees are entitled to choose the place where they want to go to. The reason for their refusal was the winter and the fact that there was no school there. Maybe Vojvodina is burdened with refugees, but it is hardly likely that it is easier for Novi Pazar to take care of 147 persons than it is for Kula with its 57,000 inhabitants.

The Helsinki Committee points out that the next problem could arise in Beška, since local refugees were told to submit statements of those guaranteeing to provide for their accommodation and livelihood by the end of the month. If they do not do that, all of them will be sent to Kosovo. According to Mirić, such cases are characteristic of Vojvodina, and in Sremski Karlovci, a person undertaking such obligation, can be legally liable in case of non-compliance.

"It is a criminal act to demand that private persons take care of refugees while the Commissariat and Red Cross receive international aid for them", concludes Mirić.

Vojislava Crnjanski

NAŠA BORBA 10-11/ 2/ 1996

APPLICATIONS FOR RETURN TO CROATIA TOTAL 26,000

Zagreb. - The Commission for Human Rights of the Serb Community in Croatia said yesterday that in co-operation with Helsinki Committee for Human Rights in Serbia 26,000 applications for return had been collected to date. It was stressed in its statement that 52% of those who completed the forms were unwilling to return to Croatia immediately, and unconditionally, while 35% would return if their individual rights and property security were guaranteed. According to the Commission, only 13% of refugees do not want to return or ask for property compensation. (Beta)

NAŠA BORBA, 15 February 1996

MIKELIĆ CANNOT LEAD US

Refugees from Krajina interested in return to Croatia are still turning to the Helsinki Committee. Ninko Mirić announced field trips to collective centres with a view to informing the refugees about their possibilities for return. Several refugees from Krajina whom we met in the Helsinki Committee offices, were commenting the announced establishment of the Committee for the Return of Refugees headed by Mr. Borisav Mikelić, former RSK Prime Minister. One middle-aged refugee said: "Where was he, while I was in the trenches? When I came to Serbia, they put me in a collective centre while our politicians were in Belgrade villas and hotels". His friend added that since Mikelić had no pressing reasons for return, he could not lead them. "He was born in Bosnia, has no property in Krajina, nor is he interested in returning there. Return can be organised only by those who want to go back and not by politicians who directly caused our suffering", concluded another man from Krajina.

NAŠA BORBA, 27 February 1996

Helsinki Committee for Human Rights in Serbia

REFUGEES RECRUITED FOR YUGOSLAV ARMY

Belgrade. - According to Helsinki Committee for Human Rights in Serbia, refugees in Beška were informed that all refugees in Serbia born in 1979 and before are subject to conscription by the Yugoslav Army.

Under the FRY Constitution and international standards, the latter not being respected in this country, refugees cannot be mobilised in the country to which they have fled.

However, under the Refugee Act they have both the military and labour obligation, which is directly contrary to international norms. Under the FRY Constitution, this right - and obligation - are reserved only for nationals of this country.

In view of the afore mentioned, the Helsinki Committee stresses that refugees in Beška are not citizens of FRY and do not enjoy the same rights, namely they do not even have the right to personal documents.

Interview with Peter Galbraith, US Ambassador to Croatia

TIME TO RETURN TO DEMOCRACY

... I want to clarify one thing. The stand of the United States is that all Serbs who have left Croatia after 1991, and particularly after the Storm action, have the right to live in Croatia. They are Croatian citizens and must enjoy all rights, identical rights as other Croatian citizens. We strongly support the return of all Krajina Serbs to their homes. That is not only their right, it is also the obligation of the Croatian State to create safe conditions for their return. The United States has been diplomatically involved in this issue to a great extent.

“I think”, says Galbraith, “that the Helsinki Committee for Human Rights in Serbia, in Belgrade, did a very good job. They established contact with 27,000 refugees. We strongly support their efforts to that end. The compiled forms with data and signatures of people who want to go back to Croatia were packed and handed over to the US Embassy in Belgrade. They were then put in the same aircraft which took Mr. Holbrooke to Zagreb. I was given these boxes and then I personally handed them over to the Croatian Government. This is not usually done, considering that no American citizen is involved. However, this was the way to prove our conviction that these people have the right to go back to their homes, as well as all the others who were victims of the conflicts in the former Yugoslavia.”

*V. Marjanović
V. Simonović*

NAŠA BORBA 15/3/1996

Refugee meeting at the Yugoslav Red Cross

ABUSES EAT UP AID

Belgrade. - At the last evening's meeting organised by the Association of Refugees in FRY and the Committee for Return, instead of discussing the possibilities for return to Croatia, refugees gave vent to their dissatisfaction.

Therefore, there was no discussion about the return, and the representatives of the Commissariat for Refugees could not make their way to the hall,

probably to the large crowd in front of the Red Cross building.

Ninko Mirić from the Helsinki Committee for Human Rights talked about this organisation's pilot projects related to the return of Serbs to Croatia and stressed that 28,000 refugees filled the forms of the Committee for Return so far. Mirić did not agree with introductions of the representatives of the Yugoslav Red Cross and said that Helsinki Committee had information about various abuses of humanitarian aid intended for refugees.

In December last year in Jagodina Municipality 21 tons of flour were sold to private bakeries and in Bački Brestovac refugees have not received any flour for three months - said Mirić. Although the refugees supported his statement, the organiser prevented him from concluding his speech, by taking away the microphone.

S. B.

DNEVNI TELEGRAF, 11 April 1996

A couple from Banja Koviljača Collective Centre accuses Director Čeda Kojić of maltreating and evicting refugees

Director Kojić: "I did not throw out anyone. I am just putting things in order. We are not Hyatt Hotel." Buba Morina says it is not her job

S.V and D. V. turned to the Helsinki Committee for help. They did not want to address the Commissariat for Refugees due to previous "bad experience" with this institution: "When we applied for passports, there was no one there to help us. Buba Morina also told us that only her associates dealt with such matters."

NIN, 19 April 1996

All for Nothing

SETTLEMENT OF DEBT

... The Helsinki Committee for Human Rights in Serbia stated: "It is obvious that this decision is tantamount to genuine confiscation of property in the spirit of revolutionary rights. It represents not only the abuse of basic, genuinely legal institutions with the goal of implementing chauvinistic policy and legalis-

ing previously completed ethnic cleansing, but is also based on verbally rejected tradition of 'fifty year experience'".

Under international pressure, the provision envisaging the return of property to its rightful owners, if they return to Croatia within 30 days, after its entry into force (which was not viable at all) was suspended. However, after that another, even more questionable provision, was passed. It stipulates that the property issue will be dealt with in the agreement on the normalisation of relations between the Republic of Croatia and FRY.

Ninko Mirić, former judge in Glina and now member of Helsinki Committee for Human Rights in charge of the legal aid service, notices the trap in the amended provision: "In a future 'debt settlement', FRY could also include private property of its citizens located in the territory of the Republic of Croatia. Any future division of assets would include calculations of the following kind: who owes whom and what are the trade-offs. The state can make use of the property of its citizens and that institution is known as 'general substitution'. This term implies the settlement of accounts between the two states and the compensation paid to the former owners by the state which acts 'in the interests of the people'."

Our collocutor reminds us that in December last year the Federal Assembly was supposed to adopt Nationality Act. Instead of adopting it, the state has generously offered its legal assistance through the newly established body with an unwieldy name: "Commission for Issues of Croatian Refugees and Expellees Care and Refugee and the Expellee Property Registering and Property of FRY Citizens in Croatia and in Occupied Parts of Krajina".

Mr. Mirić logically concludes: "We know that the value is estimated only when some kind of trading is in the offing. I suppose that after the June census the Nationality Act would be adopted"...

NIN, 26 April 1996

MERCIFUL TIME MACHINE

... For months now, the Helsinki Committee has been collecting information and forms indicating the wish of refugees to return to their homes Krajina-wide and their intention to use their property regardless of their status, namely, as citizens either of the Republic of Croatia or FRY. More than 30,000 people have registered to date; 52% of them would return immediately and unconditionally to Croatia, 35% would return if they were guaranteed life and respect of their basic human rights, while only 13% do not want to go back and

only want compensation for their property.

Those who want to go back voice similar sentiments: "I am indignant because we were promised the world, but they did not fulfill any of their promises. They show no sympathy at all. Now I just want to go back to my native place, to my homeland Croatia". A young man from Knin, born in 1968, temporarily accommodated in Batajnica says: "I am not to be blamed for the way I left Croatia. I want to go back to Knin immediately, even if I had to convert into a Croat".

Such replies do not come as a surprise, for expellees often do not have IDs, passports, jobs and the state is doing its best to take away from them what little aid they are entitled to. They can hardly survive on a monthly ration of humanitarian aid which currently amounts to: 1 kg of sugar, 1 litre of oil, three tins of sardines (125 gr each), 1 tin of corned beef (400 gr.), 1 box of cocoa powder (500 gr) and half a kilogram of pasta.

SRPSKA REČ, 6 May 1996

TAKING THE BREAD OUT OF REFUGEES MOUTH

Every day the Helsinki Committee receives dramatic complaints about the living conditions in collective centres. Forty or more persons are put up in dormitories resembling barracks. They get one meagre meal a day, and hardly any clothes, shoes or hygienic items. When these poor people turn to collective centre authorities, they usually retort that "they are sick and tired of refugees and their problems". Those in charge of collective centres even threaten them that they might find themselves in the street if they continue to rebel, as they have had enough of refugees and their problems. It is interesting that in Vojvodina, which is so rich in food, refugees depend on farmers' mercy.

Conscientious activists of the Red Cross are subjected to various kinds of harassment because they raise their voice against the manipulation of humanitarian aid by the local members of the Socialist Party. There is this infamous case in Jagodina for example, when a delegation of the Red Cross found out that the ruling Socialists had given the flour from humanitarian aid to the city bakery and jobless in an attempt to buy social peace.

Čeda Kojić, the famous humanist of the Associated Yugoslav Left, is known for his cruelty. When it was discovered that this AYL strongman and one of the local fat cats was transporting humanitarian aid due for Banja Koviljača Collective Centre to his private shop (behaving like a thief, as the transports took place during the night), he came personally to the centre and told those refugees,

whom he suspected of being the snitches, to move out immediately. Among them were also single mother Rosa Studić and her two, minor children.

SRPSKA REČ, 6 May 1996

DIFFERENTIATION BETWEEN REFUGEES AND EXPELLEES

Before it has even occurred to the Commissariat for Refugees to mention such a possibility, the idea of *repatriation* (return to Croatia and Bosnia) was promoted by peace groups and movements operating in Belgrade. Worthy of praise is a poll conducted by the Helsinki Committee for Human Rights among Republic Serb Krajina refugees (official Belgrade has coined a phrase for them, expellees, in order to establish a difference between those who had already fled to Serbia before and those 150,000 people from the latest influx). The poll encompassed about 31,000 refugees from Krajina who declared that they were willing to return to their homes in Croatia. All completed forms were handed by US diplomats to Croatian authorities in Zagreb. Sonja Biserko, Chairperson of the Helsinki Committee in Serbia, comments on the effects of their action as follows:

“This state pursued a policy which excluded the possibility that the refugee issue could become the crucial issue of this war. Hence the authorities took an indolent stand on it. But when 150,000 or even 200,000 people came here, the refugee situation became dramatic. As there was no plan or comprehensive strategy, those people faced all kinds of problems, particularly, the cruellest one, forcible mobilisations and deportations to Croatia. Men were mercilessly sent to Erdut, to Arkan’s Guard, while some were sent directly to the front in Republika Srpska. We reacted promptly by alarming the local and international public in order to put a stop to such campaigns. At the same time a number of acts, which in fact legalised the confiscation of Serb property in Croatia, appeared in Croatia. Hence we were facing obstructions from both sides. Here the expellees could not regulate their status because authorities refused to issue them any documents, and in Croatia the authorities were bent on banning their return. During that period we had between 300 and 500 people passing through our office every day.

We conducted a poll among those willing to return. I think we have gained the confidence of refugees through our constant, public and media protests. By and large, we managed to prevent their relocation to various parts of Serbia, deportations to the Republika Srpska and their resettlement in Kosovo. Now there is a tendency to resettle them in Eastern Slavonia and the Republika

Srpska, in order to consolidate the territories under the Serb control, as recognized by the Dayton Accords.

NAŠA BORBA, 10 July 1996

AFTER COMPLAINTS - EVICTION

Four families with 23 members are the victims of recent refugee complaints to Helsinki Committee for Human Rights in Serbia. Last Saturday those refugees living in the village of Majdovac, between Požarevac and Veliko Gradište received an order in writing (without date) by Dragan Milić, President of Veliko Gradište Refugee Committee, to move out from their collective centre within five days.

They have earlier complained to Helsinki Committee about "special treatment", as reported by *Naša Borba* and then stressed that certain Milka Kostić was a genuine cause of their problems.

According to Ninko Mirić from the Helsinki Committee, her husband, Miodrag Kostić, who is the principal of the primary school and president of the local community, said that the main reason for refugees resettlement were the complaints they have filed with the Helsinki Committee. Ninko Mirić adds that during his visit to Helsinki Committee office Miodrag Kostić threatened and demanded to be told the names of those who have complained, otherwise he would evict all children, women and younger men and leave only the elderly.

The fate of those four families ordered to move out (and go to the villages of Kurjače and Sirakovo) is still uncertain. Meanwhile, the Helsinki Committee has written a letter concerning this case to Margaret O'Keefe, of UNHCR.



Refugees
seeking help
in the office
of the
Helsinki
Committee for
Human Rights
in Serbia

27 September 1995
(photographs:
Draško Gagović)

