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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS
OF THE SPECIAL RAPORTEURS AND REPRESENTATIVES

Situation of human rights in the territory of the
former Yugoslavia

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and the Security Council the report on the situation of human rights in the territory of the former Yugoslavia prepared by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, in accordance with paragraph 15 of Commission resolution 1992/S-1/1 of 14 August 1992 and Economic and Social Council decision 1992/305 of 18 August 1992 (see annex).

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97. The citizens of Serbia are deprived of the effective methods used in a democratic society to influence the policy of their Government. As a result, the Serbian population at large is a victim of the consequences of a policy which it cannot influence. This confirms once again the notion that full enjoyment of human rights is impossible without democratic development in a society.

98. The human rights situation in Serbia, in particular the development of political rights and freedoms, will have a very strong influence on the situation throughout the region.

A. Kosovo

99. Since the inception of his mandate, the Special Rapporteur has received alarming reports from various sources inside and outside the country describing the tense situation in Kosovo, in particular as regards the different forms of discrimination suffered by the Albanian population, which constitutes the majority.

100. One of the major current problems brought to the Special Rapporteur's attention concerns discrimination against Albanians in labour relations. Since the administration in Kosovo was taken over by the Serbian Government on 5 July 1990, thousands of ethnic Albanian workers in government and public enterprises have been dismissed from their jobs and many were replaced by workers from Serbia and Montenegro. In this regard the Special Rapporteur was provided with the official gazette of the Socialist Republic of Serbia dated 30 March 1990 containing a programme for the establishment of peace, liberty, democracy and prosperity in the autonomous province of Kosovo. Paragraph 17 of the operative plan of this programme stated that workers from Serbia and Montenegro were to be sent immediately to Kosovo to replace striking Albanian workers who were subsequently dismissed. The same paragraph called for the promulgation of laws facilitating the recruitment of Serbian and Montenegrin workers in Kosovo.

101. Subsequently, on 26 July 1990, the Serbian parliament passed a law, called "Special Circumstance", on labour relations in Kosovo which facilitated dismissals based on arbitrary criteria and at the same time allowed recruitment of Serbs for posts in Kosovo. Workers of Albanian origin were obliged to sign, before being hired or in order not to be dismissed, a document attesting that they accepted the political and other measures taken by the Serbian authorities in Kosovo. According to many reports received, those who refused not only lost their jobs but many were expelled from their apartments. Many workers were dismissed because they persisted in using the Albanian language at work while the authorities had ordered the use of the Serbian language and the Cyrillic alphabet in public.

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102. It should be noted that the mass discrimination against Albanian workers in Kosovo is contrary to the International Labour Organisation (ILO) Convention concerning Discrimination in Respect of Employment and Occupation, 1958 (No. 111), the Convention concerning Freedom of Association and Protection of the Right to Organise, 1948 (No. 87), and the Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, 1949 (No. 98) to which Yugoslavia is a party. The International Labour Office has reported that industrial plants have been dismantled and transferred to Serbia. The textile factory "Kuzla" in Glogova and the construction firm "Put" have been closed and the machinery sent to Serbia. In Jakovica the central telephone system was dismantled and sent out of Kosovo without being replaced.

103. Furthermore, ILO provided the Special Rapporteur with copies of the following allegations submitted by the Union of Independent Trade Unions of Kosovo: (a) Yugoslav authorities have refused to give effect to the Union's application for registration; (b) the authorities concerned have refused to recognize the Union as an interested party in the collective bargaining process; (c) many workers and trade union officers who are members of the Union have been dismissed by reason of their participation in a strike and their refusal to be members of the Serbian Trade Union. These allegations are at present under consideration by the competent ILO organs.

104. Over 300,000 Albanians decided to leave Kosovo during the past three years, since they were not able to sustain a minimally adequate living there. Many observers fear that this movement is being provoked in many ways by the Serbian authorities and will progressively change the ethnic structure of Kosovo.

105. The policy of mass dismissal has also affected the education system. With thousands of teachers dismissed because they refused to teach the new curricula instituted by the Government of the Republic of Serbia in 1990, there has been a gradual loss of access to education by students of Albanian origin. This has not only affected primary and secondary education but also the university level. It has been estimated that some 400,000 children in Kosovo have not attended school for approximately two years because many parents did not agree to their children being taught according to the Serbian curricula. The Special Rapporteur has been informed that some dismissed Albanian professors have been offering private instruction, but in some instances police have reportedly prevented pupils from attending these courses.

106. Albanian organizations have reported that over 27,000 teachers have not been paid since April 1992. More than 800 university staff were said to have been dismissed. Reportedly, there are still a few primary schools following curricula in Albanian, but no secondary schools teach the Albanian language. On 12 October 1992, tens of thousands of Albanians demonstrated for one hour in Prishtina as well as in other towns of Kosovo, demanding the re-establishment of Albanian curricula in schools instead of teaching systems imposed by the Serbian authorities.

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107. Another serious problem concerns freedom of information. Although the Serbian administration informed the Special Rapporteur that the Albanian community had more than 15 hours of radio programmes per day and was permitted to publish 15 periodicals in the Albanian language, the Albanians reported a much more restricted policy. According to them, only four periodicals are being published in Albanian at the present time, namely, Bujku (5-6 issues a week), Shkendijs and Fjala (both once every fortnight), and Zeri (once a week). The existing limitations are also due to the fact that the entire printing and distribution system is controlled by the Government. As regards Albanian radio programmes, the Special Rapporteur was informed by leaders of the Albanian community that on average only some 15 minutes per day were being broadcast in Albanian, consisting mainly of a translation of a Serbian news programme. However, occasionally, especially during the visit of foreign missions, Albanian programmes are extended.

108. According to Albanian sources, 296 Albanian judges have been dismissed without reasons being given for their dismissal; moreover, Serbian judges have been appointed in their place. In addition to these arbitrary dismissals there are serious doubts about the independence of the judiciary. Furthermore, Albanian attorneys have very limited access to files, which also threatens the impartiality of the administration of justice.

109. Amnesty International reported recently that 19 ethnic Albanians were tried by the district court in Pec on charges of "association for the purpose of carrying out hostile activity" and "undermining the territorial integrity of Yugoslavia" under articles 116 and 136 of the Criminal Code of Yugoslavia and received prison sentences of between one and seven years. Many irregularities, especially with regard to the role of lawyers during the trials, have been reported regarding these cases.

110. Many allegations have been received concerning torture in police stations as well as police brutality against demonstrators, university students and high school pupils. The most frequently alleged form of ill-treatment consists of beatings with rubber truncheons and rifle butts. Complaints against the perpetrators of such abuses have frequently remained without result.

111. The Special Rapporteur on the question of torture and the medical expert accompanying the mission visited the municipal prison in Prishtina. In this prison pre-trial detainees were held together with prisoners who had been sentenced for up to six months. Testimonies were heard about an alleged case of severe maltreatment. After having consulted the file, including medical data, they came to the conclusion that it was improbable that the alleged maltreatment had occurred.

112. They also interviewed 25 witnesses who in various towns in Kosovo had been victims of police brutality when mass demonstrations against the closure of schools were violently dispersed on 12 and 13 October 1992. Without exception, their bodies showed severe bruises and sometimes serious wounds, e.g., of the eyes. It was said that the authorities had been duly given seven

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days' notice about the planned demonstrations and that, since no reaction had been received, the demonstrations were legally authorized according to the law. However, when the crowd gathered the police massively attacked the demonstrators with truncheons without giving the usual order to disperse. A great number of persons were severely injured and some of them had to be hospitalized; in one case an ear had been hewn off. A number of those arrested were detained in police custody in spite of their injuries. Some of those arrested were released after a few hours, while others were summarily tried and given prison sentences of up to 60 days.

113. Allegations that Albanian doctors were dismissed from the hospital at Prishtina and that Albanian patients were discriminated against were also received. The medical expert, together with other members of the mission, visited the adult medicine in-patient wards of the hospital. The hospital staff they met were apparently Serbs. However, patients included members of all ethnic groups and medical treatment, as revealed by patients' charts, seemed appropriate. Albanian patients told the members of the mission that they had received only the initial doses of their medications from the hospital; all subsequent doses had to be purchased by family members from Albanian pharmacies and brought to the hospital. Such information was confirmed by the hospital staff but it was not clear whether this was true of all patients. Hospital physicians reported significant but not desperate shortages of medicines - antibiotics, drugs for chemotherapy and the like - and indicated that these were a consequence of the sanctions. Hospital physicians also confirmed that the primary reliance of the Albanian population was on private clinics and that they often received emergency cases that had proved to be too complex for their limited facilities. It seemed clear to the mission that medical care in Prishtina, similar to other aspects of political, social, economic and cultural life, was affected by deep mistrust between the Albanian population and the Serbian authorities.

114. It is to be hoped that the recent initiative taken by the Prime Minister of the Federal Republic of Yugoslavia, Mr. Milan Panić, with a view to establishing a dialogue between Albanians and Serbs in Kosovo, will produce positive results. In a meeting with the Special Rapporteur, Prime Minister Panić expressed his desire to stop human rights violations and discrimination against Albanians. He also agreed with the suggestion of the Special Rapporteur that the media should not exacerbate tensions in the territory of the former Yugoslavia. The approach of Prime Minister Panić is, however, violently rejected by Serbian extremist groups, which are active in Kosovo. Although the prevailing attitude of most ethnic Albanian leaders at the present time is prudent and patient, there is considerable potential for an outbreak of violence, the consequences of which it is impossible to predict. A large number of Yugoslav troops are stationed in Kosovo and recent information indicates that their number is on the increase.