

LETTER DATED 11 OCTOBER 1995 FROM THE SECRETARY GENERAL ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached report, which was addressed to me on 9 October 1995 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro). This report by the Co-Chairmen contains the certification referred to in Security Council resolution 1003 (1995) of 5 July 1995.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

ANNEX

Operations of Mission of the International Conference
on the Former Yugoslavia to the Federal Republic of Yugoslavia
(Serbia and Montenegro)

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 13 of Security Council resolution 988 (1995) of 21 April 1995 and paragraph 2 of Council resolution 1015 (1995) of 15 September 1995. In those resolutions, the Council requested that the Secretary-General submit every 30 days for its review a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the border closure measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

2. It will be recalled that, on 4 August 1994, the following measures were ordered by the Government of the Federation Republic of Yugoslavia (Serbia and Montenegro) to come into effect the same day:

(a) "To break off political and economic relations with the 'Republika Srpska';"

(b) "To prohibit the stay of the members of the leadership of the 'Republika Srpska' (Parliament, Presidency and Government) in the territory of the Federal Republic of Yugoslavia";

(c) "As of today the border of the Federal Republic of Yugoslavia is closed for all transport towards the 'Republika Srpska' except food, clothing and medicine."

3. On 19 September, 3 October, 2 November and 5 December 1994 and 5 January, 3 February, 2 March, 31 March, 13 April, 18 May, 25 June, 3 August and 6 September 1995, the Secretary-General transmitted to the Security Council reports from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the state of implementation of the abovementioned measures (S/1994/1074; S/1994/1124; S/1994/1246; S/1994/1372; S/1995/6; S/1995/104; S/1995/175; S/1995/255; S/1995/302; S/1995/406; S/1995/510; S/1995/645 and S/1995/768). The report dated 6 September 1995 contained the following certification from the Co-Chairmen:

"In the light of the foregoing developments, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr T J Nieminen, and in the absence of any contrary information

from the air, either from the airborne reconnaissance system of the North Atlantic Treaty Organisation (NATO) or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces. The Co-Chairmen also conclude that, during the period covered by the present report, there have been no commercial transshipments across the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina."

Developments since the last report are outlined below.

II. LEGISLATION/REGULATIONS ON THE BORDER CLOSURE

4. The legislation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) closing the border with the Bosnian Serbs continues to be in effect.

5. The authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) have provided the Mission with the following list of confiscations conducted along its border with Bosnia and Herzegovina for the month of August 1995:

Petrol	13.1 tons
Diesel	16.8 tons
Motor oil	256 litres
Cigarettes	322 kg
Constructions materials	38.8 tons
Wood	132 cubic metres
Alcohol	2.9 tons
Food	322 kg
Textiles, clothing, footwear	1.1 tons
Animals	43
Coffee	140 kg
Electrical gadgets	57 kg
Other goods	10.1 tons

6. There were 157 new offence procedures initiated during the month of August and 98 were finalized. Fines and penalties amounted to 211,092 dinars. In overall volume terms, the confiscations were well in excess of the previous month and the number of new offence cases and value of penalties continue to be well above the average for the previous 12 reporting periods.

III. ORGANIZATION, FINANCING AND WORK OF THE MISSION

7. As of 6 October 1995, there were 206 international observers on duty in the Mission. The Mission personnel to date have come from the following countries: Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Portugal, Russian Federation, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America. At this time, Canada, Portugal and Spain are not represented in the Mission.

8. At the beginning of September, the number of international observers was at its peak of 215. This healthy figure enabled the Sectors to increase their mobile patrols to a meaningful level. During the last week of September, 104 mobile patrols were mounted, day and night. In Sector Alpha, frequent visits to the gravel extraction beds to the north of Trbusnica, backed by the attention of the Special Police, would seem to have curtailed smuggling in that area. To the south of Zvornik, the previous regular violations around Citluk and elsewhere on the River Drina are no longer evident. In the Tara mountain region of Sector Bajina Basta, the Mission has been able to increase patrolling to the Zaovine reservoir and the surrounding region of Mitrovac. However, there remains scope for further effort and monitoring in Sectors Bravo and Charlie, where the area to be covered is vast. Absolute coverage is very much dependent upon the provision of more

suitable vehicles to support the recent increase in international personnel at the Mission.

9. During the month of October, it is envisaged that all border crossing points will be open for traffic from 0500 to 1900 hours. Sremska Raca (Sector Belgrade) and Vilusi (Sector Charlie) will be open for truck and passenger traffic 24 hours a day. Badovinci and Trbusnica border crossing-points (Sector Alpha) will be open 24 hours a day if necessary for the crossing of refugees.

10. During the reporting period, the operational situation within the Mission's area of responsibility has been quiet, though some of the incidents involving Mission personnel during September may have occurred because of developments in Bosnia and Herzegovina.

IV. FREEDOM OF MOVEMENT AND SECURITY OF PERSONNEL

11. The Mission continues to enjoy freedom of movement within the Federal Republic of Yugoslavia (Serbia and Montenegro). However, on 7 September, at 1750 hours, a mobile patrol team in Sector Bajina Basta was stopped by the Yugoslav Army (VJ) and told they were not allowed to conduct patrols without a military escort. The Mission patrol leader showed the Mission of the International Conference on the Former Yugoslavia the diplomatic status letter to the military personnel. The military personnel in question refused to honour the letter. The patrol team was then escorted to a nearby barracks and questioned about their patrol by the military officer in charge, who identified himself as M. Radivojivic. At that time the observers were not allowed to use the radio sets to contact their Sector Headquarters, and the Mission's vehicle was searched. The problem was resolved at 1935 hours. On 11 September, the Deputy Head of Mission raised the abovementioned restriction of movement with the Director-General of the Federal Republic of Yugoslavia Customs Administration, who stated that he would take action to prevent incidents of that nature recurring.

12. On 4 September, the Mission mobile patrol going from Sector Bajina Basta to Mitrovac/Zaovine was stopped by a policeman who acted in an aggressive and unprofessional manner. On the same day, another of the Sector's mobile patrol teams stopped at a public parking place to observe the Peruca dam. The Federal Republic of Yugoslavia police on the spot insisted that observers were not allowed to approach the dam, and ordered the team to leave. Both incidents were reported to the Police Department in Bajina Basta. The Chief of Police apologized for the behaviour of his subordinates and promised to take action. On 6 September, the Head of Sector was informed that the abovementioned police teams had subsequently been replaced, and received assurances that problems of that nature would not recur.

13. On 4 September, at approximately 2000 hours, the observer team assigned to the Trbusnica border crossing-point (a bridge across the Drina River) was told by the Chief of the police team on duty that the bridge would be the target of a NATO airstrike. The Mission team leader attached little credence to the information and took no action. At 0200 hours, the Federal Republic of Yugoslavia Customs team at the border crossing-point departed. At the same time, observers witnessed the Federal Republic of Yugoslavia police dispersing all civilians in the immediate vicinity of the bridge. The Mission team leader then concluded that the fears of the local Federal Republic of Yugoslavia authorities might be soundly based. The team withdrew temporarily to the Sector Headquarters and returned to the border crossing-point at 0530 hours when the situation returned to normal.

14. On 10 September, the Sector Alpha Headquarters was informed by a security guard at the Podrinje Hotel, Banja Koviljaca, that a local man carrying a pistol had entered the hotel restaurant shouting: "I'm going to kill everybody. They are bombing Majeveca again. This is the end." The same individual damaged three of the Mission's vehicles parked in the nearby parking lot. Upon receiving this information, the Sector's Headquarters advised all Sector personnel not on duty to remain in their accommodation. The local police was notified at once but reacted reluctantly. They refused to provide additional security to the Sector's Headquarters and to personnel accommodated in the Podrinje Hotel. On 11 September, the Director-General of the Federal Customs Administration was informed of the incident. He said that the individual was well known as a member of the Serbian Radical Party and that the perpetrator would be apprehended and

prosecuted. On 12 September the Chief of Police in Banja Koviljaca stated that the individual had been arrested and the weapon confiscated.

15. On 18 September, a Sector Alpha mobile patrol stopped on the main road between Ljubovija and Mali Zvornik to monitor possible smuggling activity in the vicinity of Citluk. The observers were approached by two irate local men, who said that the patrol should not stop without a VJ escort. An attempt was made by one of the men to snatch the binoculars from the hands of the team leader. The two men and a woman tried to block the road but the patrol succeeded in departing the scene amid a flurry of blows at the vehicle, without injury being caused.

V. COOPERATION OF THE AUTHORITIES OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) WITH THE MISSION

16. Cooperation with the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be good.

VI. INFORMATION RECEIVED FROM NATIONAL AND OTHER SOURCES

17. The operating principle of the Mission is to base its reporting and evaluations on its own observations and on information that it has verified. The Coordinator of the Mission maintained a standing request to Governments possessing the technical capacity to provide it with information relevant to its mandate. The Mission has not received any such information since the last report.

VII. PROBLEMS ENCOUNTERED AND REPRESENTATIONS MADE TO THE AUTHORITIES

18. Unarmed uniformed personnel continue to cross the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina, although the number of such incidents has been declining constantly since the summer. During the reporting period, 188 uniformed personnel crossed the border at Sremska Raca (Sector Belgrade), four at Badovinci (Sector Alpha) and two at Scepan Polje (Sector Charlie). No one was observed crossing the border carrying a sidearm. At Vracenovici (Sector Charlie), on 24 September, one Bosnian Army soldier in uniform was removed from a bus that was crossing into the Federal Republic of Yugoslavia (Serbia and Montenegro); his weapon was confiscated and only then was he allowed to cross into the Federal Republic of Yugoslavia (Serbia and Montenegro).

19. Smuggling of fuel across the Drina River in Sector Alpha, which has been a problem, now seems to be contained by the Federal authorities. However, since the last report, the following incidents have been observed by the Mission. On 14 September, the Sector's patrol reported that they had observed a 7 metre-long boat crossing the Drina River from the Federal Republic of Yugoslavia (Serbia and Montenegro) to Bosnia and Herzegovina, 4 kilometres north of Trbusnica. The boat contained a number of fuel tanks and drums which were camouflaged by tree branches. Authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) were informed about the violation. On 15 September, the Sector's patrol monitored a 5 metre-long boat crossing the Drina River from the Federal Republic of Yugoslavia (Serbia and Montenegro) to the Bosnia and Herzegovina side in the area of Citluk. The boat was stacked with approximately 30 sacks, probably containing either cement or fertilizer. The incident was reported to the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro). On 22 September, Sector Alpha mobile patrol observed a 6-metre wooden boat crossing the Drina river 7 kilometres south of Mali Zvornik. The boat moored on the Bosnian side to off-load 30 crates of beer. On 9 October, a Mission patrol saw two males crossing to Bosnia and Herzegovina shores at Divic in a small wooden boat which was loaded with at least 20 beer crates. The VJ Liaison Officer approached the nearest Army patrol, who said that they had seen the boat being loaded but were unable to reach it before it left the bank.

20. On 30 September, a car was observed crossing the border from Bosnia and Herzegovina into the Federal Republic of Yugoslavia (Serbia and Montenegro) using a river ford 4 kilometres north of Uvac (Sector Bravo). Three VJ soldiers controlling the crossing-point let the car pass unchecked.

21. On 21 September, a helicopter was observed crossing the border from the Federal Republic of Yugoslavia (Serbia and Montenegro) into Bosnia and Herzegovina at Scepap Polje (Sector Charlie). Probably it was the same helicopter that returned to the Federal Republic of Yugoslavia (Serbia and Montenegro) three and a half hours later crossing at Scepap Polje. On 24 September, in the same location, a low-flying helicopter was seen to cross into Bosnia and Herzegovina. The Mission Headquarters has requested an explanation of the flights from the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) who have confirmed them as MEDEVAC flights. The Mission has no means of confirming the veracity of this information.

VIII. CERTIFICATION

22. In the light of the foregoing developments, based on the Mission's on-site observation, on the advice of the Coordinator of the Mission, Mr T J Nieminen, and in the absence of any contrary information from the air, either from the airborne reconnaissance system of NATO or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces. The Co-Chairmen also conclude that there have been no commercial transshipments across the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina.