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SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF
THE FORMER YUGOSLAVIA

Argentina, Australia, Austria, Belgium*, Bulgaria, Canada, Czech Republic, Chile, Costa Rica, Denmark*, Finland, France, Gabon, Germany, Greece, Hungary*, Japan, Iceland*, Ireland*, Italy*, Lesotho, New Zealand*, Netherlands, Norway*, Peru, Poland, Portugal, Republic of Korea, Romania, Slovak Republic*, Slovenia*, Sweden*, Switzerland*, Spain*, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Zambia: draft resolution

1993/... Situation of human rights in the territory of the former Yugoslavia

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other instruments of international humanitarian law, including

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 1977, as well as principles of the Conference on Security and Cooperation in Europe,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all, and to prevent violations of such rights,

Recalling its resolutions 1992/S-1/1 of 14 August 1992 and 1992/S-2/1 of 1 December 1992 and the relevant resolutions of the Security Council and the General Assembly,

Recalling also General Assembly resolution 3074 (XXVIII) of 3 December 1973 entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Noting with alarm the four reports of the Special Rapporteur on the situation of human rights in the former Yugoslavia (E/CN.4/1992/S-1/9, E/CN.4/1992/S-1/10, A/47/666-S/24809 and E/CN.4/1993/50),

Gravely concerned at the human tragedy in parts of the territory of the former Yugoslavia and at the continuing massive and systematic violations of human rights occurring there, particularly in the areas of the Republic of Bosnia and Herzegovina under Serbian control,

Deeply concerned, about the situation of human rights in Serbia, particularly in Kosovo, as well as in Sandzak and Vojvodina,

Alarmed that the situation of human rights in the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina, has deteriorated further since the Commission met in special session to consider the situation on 30 November and 1 December 1992,

Recalling its grave concern at the continuing, odious practice of ethnic cleansing, which is the direct cause of the vast majority of human rights violations in the former Yugoslavia and whose principal victims are the Muslim population, virtually threatened by extermination,

Recalling that in its resolution 1992/S-2/1 it inter alia called on all States to consider the extent to which the acts committed in Bosnia and Herzegovina and Croatia constitute genocide, and noting General Assembly resolution 47/121 of 17 December 1992, which, inter alia, stated that the abhorrent policy of ethnic cleansing is a form of genocide,

Deeply disturbed at the huge number of missing persons still unaccounted for in the conflict in the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina,

Noting with appreciation the efforts of the Special Rapporteur, appointed pursuant to resolution 1992/S-1/1, as well as those of the Chairman of the Working Group on Arbitrary Detention, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and the Representative of the Secretary-General on internally displaced persons, who accompanied the Special Rapporteur on one or more of his missions,

Recalling with appreciation the continuing efforts of the International Conference on the Former Yugoslavia and the Co-Chairmen of its Steering Committee to achieve what must be a just, viable and lasting political settlement of the conflict in the former Yugoslavia,

1. Commends the Special Rapporteur for his activities to date, and in particular his latest report on the situation of human rights in the territory of the former Yugoslavia;

2. Reaffirms that all parties in the former Yugoslavia share the responsibility for finding peaceful solutions to the conflict through negotiations under the auspices of the International Conference on the Former Yugoslavia, and urges that human rights concerns be given proper priority in the peace process;

3. Notes with pleasure the observations of the Special Rapporteur regarding the positive human rights situation in the Republic of Slovenia;

4. Notes with interest the observations of the Special Rapporteur regarding the situation of human rights in the former Yugoslav Republic of Macedonia;

5. Expresses its grave concern at the conclusion of the Special Rapporteur that the influence of ultra-national ideologies is growing in Serbia and other parts of the former Yugoslavia and that indoctrination and misinformation continue to encourage national and religious hatred;

6. Demands that all parties immediately notify the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention within the territory of the former Yugoslavia and that the International Committee of the Red Cross, the Special Rapporteur, the Office of the United Nations High Commissioner for Refugees, the missions of the

European Community and the Conference on Security and Cooperation in Europe and other relevant international and regional organizations be granted immediate, unimpeded and continued access to such places of detention;

7. Demands the immediate internationally supervised release of all persons arbitrarily or illegally detained in the former Yugoslavia and the immediate closure of all detention facilities not authorized by and in compliance with the Geneva Conventions of 12 August 1949;

8. Condemns in the strongest terms all violations of human rights and international humanitarian law in the former Yugoslavia by all sides to the conflict, recognizing that the leadership in territory under the control of Serbs in the Republics of Bosnia and Herzegovina and Croatia, the commanders of Serb paramilitary forces and political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro) bear primary responsibility for most of these violations;

9. Takes note of the conclusion of the Special Rapporteur in his report (E/CN.4/1993/50) that, with the prolongation of the conflict, more and more atrocities are being committed by other parties as well;

10. Condemns in particular the reprehensible acts identified by the Special Rapporteur as component parts of ethnic cleansing, including forced transfer of populations, attacks on non-military targets, summary executions, arbitrary detention of civilians, systematic practice of rape and cutting off supplies of food and other essentials to civilian population centres, and urges the international community to use its influence on the Federal Republic of Yugoslavia (Serbia and Montenegro) and the self-proclaimed Serbian authorities in the Republic of Bosnia and Herzegovina and in Croatia to bring the practice of ethnic cleansing to an immediate end and to reverse the effects of that practice, which violates fundamental principles of international human rights and humanitarian law;

11. Re-emphasizes the right of refugees, displaced persons and other victims of ethnic cleansing to return to their homes and the invalidity of forced transfers of property and other acts made under duress;

12. Condemns once again the indiscriminate shelling of cities and civilian areas, the systematic terrorization and murder of non-combatants, the destruction of vital services, the besieging of cities and the use of military force against civilian populations and relief operations by all sides, recognizing that the main responsibility lies with Serbian forces;

13. Condemns in particular the deliberate impeding of the delivery of food and medical supplies essential for the survival of the civilian population, which constitutes a violation of international humanitarian law, and demands that all parties to the conflict ensure that persons under their control cease all interference with deliveries of humanitarian supplies;

14. Condemns in particular the deliberate murder of the Deputy Prime Minister of the Republic of Bosnia and Herzegovina, Hakiya Turajlic, by Bosnian Serb forces;

15. Condemns also the attacks on the United Nations Protection Force, which have resulted in casualties and deaths of United Nations personnel who are, inter alia, providing protection to civilians in the United Nations protected areas in Croatia and for deliveries of humanitarian assistance throughout the Republic of Bosnia and Herzegovina;

16. Condemns further all atrocities against civilians and detainees, including torture, mutilation and rape;

17. Demands that the authorities in the former Yugoslavia immediately take appropriate steps, in accordance with internationally recognized principles of due process, to apprehend and punish those who are guilty of perpetrating or authorizing the above-mentioned acts and take all necessary measures to ensure the enjoyment of human rights and fundamental freedoms, in accordance with their obligations under the relevant international instruments;

18. Affirms that all persons who perpetrate or authorize violations of international humanitarian law, including the above-mentioned acts, are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible for such violations to justice in accordance with internationally recognized principles of due process;

19. Requests all United Nations bodies, including the United Nations Protection Force, the United Nations human rights treaty bodies and the specialized agencies, and Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Special Rapporteur and in particular to provide him on a continuing basis with all relevant and accurate information in their possession on the situation of human rights in the former Yugoslavia;

20. Commends those States, United Nations bodies, specialized agencies and organizations that have provided pertinent information to the Commission of Experts in accordance with Security Council resolution 780 (1992) of 6 October 1992 and requests the Special Rapporteur, as well as all States, United Nations bodies including the United Nations Protection Force, the United Nations human rights treaty bodies and specialized agencies and, as appropriate, international humanitarian organizations, to provide the Commission of Experts on a continuing basis with all relevant and accurate information in their possession;

21. Welcomes the work of the Commission of Experts to examine and investigate evidence of violations of international humanitarian law in the former Yugoslavia, including in particular its investigations of mass grave sites and places where mass killings are reported to have taken place;

22. Requests the Secretary-General immediately to provide additional resources and personnel to the Commission of Experts sufficient to enable it effectively to fulfil its mandate, and urges States to make available to the Commission of Experts appropriate resources, personnel and assistance for its continuing efforts;

23. Invites the Security Council to consider establishing an international criminal tribunal to try cases involving violations of international humanitarian law occurring within the territory of the former Yugoslavia and to determine in this context whether the crimes committed fall within the scope of the Convention on the Prevention and Punishment of the Crime of Genocide;

24. Expresses its grave concern at the deteriorating human rights situation in Serbia, particularly in Kosovo, as described in the report of the Special Rapporteur, and condemns the violations of human rights occurring there including:

(a) Police brutality against ethnic Albanians, arbitrary searches, seizures and arrests, torture and ill-treatment during detention and discrimination in the administration of justice which leads to a climate of lawlessness in which criminal acts, particularly against ethnic Albanians, take place with impunity;

(b) The discriminatory removal of ethnic Albanian officials, especially from the police and judiciary, and the mass dismissal of ethnic Albanians from professional, administrative and other skilled positions in State-owned

enterprises and public institutions, including teachers from the Serb-run school system , and the closure of Albanian high schools and universities;

(c) Arbitrary imprisonment of ethnic Albanian journalists and closure of Albanian-language mass media and the discriminatory removal of ethnic Albanian staff from local radio and television stations;

25. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo, and expresses its view that the best means to safeguard human rights in Kosovo is to restore its autonomy with a view to an overall political settlement to the situation in the former Yugoslavia;

26. Expresses its grave concern at the report by the Special Rapporteur of violations of human rights occurring in Sandjak and Vojvodina, particularly acts of physical harassment, abductions, burning of homes, warrantless searches, confiscation of property and other practices intended to change the ethnic structure in favour of the Serbian population;

27. Recognizes the courage and sacrifice of many Serbs who have refused to participate in these violations;

28. Urges all parties in Serbia, particularly in Kosovo, Sandjak and Vojvodina, to engage in a substantive dialogue, act with utmost restraint and settle disputes in full compliance with human rights and fundamental freedoms, and calls on the Serbian authorities to refrain from the use of force and the practice of ethnic cleansing and to respect fully the rights of persons belonging to minority groups in Serbia, in order to prevent the extension of the conflict to other parts of the former Yugoslavia and other States;

29. Invites the Security Council to consider establishing a United Nations observer mission, in coordination with the Special Rapporteur and the Conference on Security and Cooperation in Europe and its missions of long duration, to be deployed as soon as possible to investigate and report on alleged human rights violations in Kosovo, Sandjak and Vojvodina;

30. Expresses its concern at the Special Rapporteur's report on the human rights situation in Croatia with respect to cases of minorities who have been refused citizenship and instances of strict control by the Government over radio and television;

31. Notes with concern that many of the recommendations in the Special Rapporteur's three previous reports have not been implemented and urges all States and relevant organizations immediately to give serious consideration to

the recommendations of the Special Rapporteur in his previous and present reports, in particular:

(a) The call for the opening of humanitarian relief corridors to prevent the imminent deaths of tens of thousands of persons in besieged cities;

(b) The recommendation for the creation of safe areas for the protection of displaced persons, while keeping in mind that the international community must not acquiesce in demographic changes caused by ethnic cleansing;

(c) The recommendation for the provision of necessary medical and psychological care to victims of rape in the former Yugoslavia within the framework of programmes to rehabilitate women and children traumatized by war and for coordinated efforts by United Nations bodies, non-governmental organizations and local communities in support of the social integration of child victims of the conflict;

(d) The suggestion regarding the role of the United Nations Protection Force concerning the protection of civilians against human rights violations;

(e) The call for more generous international assistance to refugees fleeing the conflict in the former Yugoslavia;

(f) The suggestion that there should be increased support and assistance given to initiatives taken by independent groups aimed at providing objective information to persons within the territory of the former Yugoslavia;

(g) The proposal for the creation of a voluntary fund to provide economic and social aid to assist the reconstruction of destroyed villages and towns in the former Yugoslavia;

32. Decides to extend the mandate of the Special Rapporteur for one year, and requests that he continue his efforts, especially in carrying out such further missions in Serbia and other parts of the former Yugoslavia as he deems necessary, and that he continue to submit periodic reports as the situation warrants on the implementation of this and all relevant resolutions of the Commission concerning the former Yugoslavia, and requests the Secretary-General to continue to make the reports of the Special Rapporteur available to the Security Council;

33. Urges all parties to cooperate in determining the fate of thousands of missing persons in the former Yugoslavia by disclosing and exchanging

information and documentation with a view to finally locating such persons and alleviating the suffering of their relatives, and requests the Special Rapporteur, in consultation with the Working Group on Enforced or Involuntary Disappearances and the International Committee of the Red Cross, to develop proposals for a mechanism to address the subject of disappearances in the former Yugoslavia;

34. Requests the Secretary-General to take steps to ensure the full and effective cooperation of all United Nations bodies to implement the present resolution and, pursuant to paragraph 21 of General Assembly resolution 47/147 of 18 December 1992, to provide the Special Rapporteur, within the overall budgetary framework of the United Nations, with additional resources and all other necessary assistance to enable him to fulfil his mandate and, in particular, to provide for the appointment of field staff in the territory of the former Yugoslavia to provide first-hand, timely reports on observance or violations of human rights in their area of assignment;

35. Decides to remain seized of this matter.
