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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Zdzislaw KEDZIA (Poland)

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* E/CN.4/1993/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1993/L.11 and addenda.

1993/94. Documentation and appointments

A

Documentation

The Commission on Human Rights,

Recalling General Assembly resolutions 37/14 C of 16 November 1982 and 47/202 B of 22 December 1992,

Aware of increasingly severe difficulties regarding timely distribution of documents of the Commission on Human Rights,

Noting that pre-session distribution of substantive reports, including in particular those of the special representatives, special rapporteurs, independent experts and thematic working groups, is necessary to allow thorough, meaningful and reliable consideration by members of the Commission,

Bearing in mind that excessive length of reports is a significant problem in the timely distribution of documents as they generally exceed the desirable thirty-two-page limit established by the relevant United Nations resolutions,

1. Decides that all reports submitted to the Commission on Human Rights should follow the standards and guidelines established by the General Assembly and that they should, as much as possible, not exceed the desirable thirty-two-page limit;

2. Requests the secretariat to do its utmost to ensure that substantive documents, in particular the reports of the special representatives, special rapporteurs, independent experts and thematic working groups, are distributed in all official languages no less than six weeks before the consideration of the respective agenda item by the Commission;

3. Requests the special representatives, special rapporteurs and independent experts of the Commission to do their utmost to submit their reports in time to enable the secretariat to meet the objectives set out in the present resolution;

4. Encourages countries which extend invitations to special representatives, special rapporteurs, independent experts and thematic working groups to take into account the contents of the present resolution;

5. Requests the Secretary-General to enable the Centre for Human Rights to undertake these functions by ensuring that sufficient resources are accorded to the Centre for Human Rights;

6. Decides, in order to facilitate the timely distribution of documents, to authorize all special representatives, special rapporteurs,

independent experts and thematic working groups to begin work immediately upon the initiation or extension of their mandates by the Commission, on the understanding that if the Economic and Social Council does not approve the initiation or extension of a mandate by the Commission, work on that particular mandate shall cease;

7. Decides to keep the matter under review at its fiftieth session.

B

Appointments of special representatives, special rapporteurs
and independent experts

The Commission on Human Rights,

Affirming that the paramount consideration in the appointment of special representatives, special rapporteurs and independent experts of the Commission shall be the necessity of securing the highest standards of efficiency, competence and integrity and that due regard shall be paid to the importance of making such appointments on as wide a geographical basis as possible,

Noting the present geographical imbalance in the appointments of special representatives, special rapporteurs and independent experts of the Commission and the desirability of addressing that situation,

1. Requests the Chairman of the Commission, in consultation with the Bureau, to do the utmost to ensure that while considering appointments of special representatives, special rapporteurs and independent experts of the Commission on the basis of the above-mentioned considerations due regard is paid to the appointments being made on as wide a geographical basis as possible so that the present geographical imbalance is addressed;

2. Decides to review the implementation of the present resolution at its fiftieth session on the basis of a report of the Chairman of the Commission.

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[Adopted without a vote. See chap. XI.]

1993/95. Internally displaced persons

The Commission on Human Rights,

Mindful of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Recalling the relevant norms of international human rights instruments as well as of international humanitarian law,

Deeply disturbed by the large number of internally displaced persons throughout the world and conscious of the serious problem this is creating for the international community,

Recognizing that internally displaced persons are in need of relief assistance and protection,

Conscious of the human rights as well as the humanitarian dimensions of internally displaced persons,

Aware of the absence of a focal point within the United Nations system to gather information on the situation of internally displaced persons and also of the absence of a funding mechanism,

Recalling its resolution 1992/73 of 5 March 1992, in which it requested the Secretary-General to designate a representative to seek again views and information from all Governments on the human rights issues related to internally displaced persons, including an examination of existing international human rights, humanitarian and refugee law and standards and their applicability to the protection of and relief assistance to internally displaced persons,

Noting with appreciation the efforts undertaken by the Representative of the Secretary-General to prepare the study, in implementation of his mandate in the short time available to him,

Welcoming the active participation of the Representative of the Secretary-General in the missions of the Special Rapporteur on the situation of human rights in the former Yugoslavia,

Noting that the Representative of the Secretary-General has identified a number of tasks requiring further attention and study including the compilation of existing rules and norms and the question of general guiding principles to govern the treatment of internally displaced persons, in particular their protection and the provision of relief assistance, and also noting his suggestions and recommendations including those relating to vulnerable groups, particularly women and children,

1. Takes note with appreciation of the comprehensive study contained in the annex to the note by the Secretary-General (E/CN.4/1993/35, annex) and of the useful suggestions and recommendations contained therein;

2. Commends the Representative of the Secretary-General for his study and for the way he has started to discharge his mandate;

3. Expresses its appreciation to Governments, in particular those which enabled the Representative to undertake on-site visits, as well as to bodies, programmes and organizations of the United Nations system, and to intergovernmental and non-governmental organizations for the cooperation extended to the Representative of the Secretary-General;

4. Requests the Secretary-General to mandate his Representative for a period of two years to continue his work aimed at a better understanding of the general problems faced by internally displaced persons and their possible long-term solutions, with a view to identify, where required, ways and means for improved protection for and assistance to internally displaced persons;

5. Encourages the Representative of the Secretary-General to intensify in this regard his dialogue with governments and to cooperate and coordinate with the Department of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

6. Welcomes the cooperation already established between the Representative of the Secretary-General and other United Nations mechanisms and procedures in the field of human rights, and encourages the continuation of this cooperation;

7. Calls upon all Governments, regional intergovernmental organizations, the Department for Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the International Committee of the Red Cross and non-governmental organizations to continue to cooperate with the Representative and assist him in his tasks and activities;

8. Further calls upon all Governments to continue to facilitate the tasks and activities of the Representative, including, where appropriate, through extending invitations for country visits;

9. Requests the Representative of the Secretary-General to submit annual reports on his activities to the Commission on Human Rights and to the General Assembly and to make any suggestions and recommendations enabling him to better carry out his tasks and activities;

10. Decides to continue consideration of the question on internally displaced persons at its fiftieth session.

68th meeting
11 March 1993

[Adopted without a vote. See chap. XI.]

1993/96. Procedure for special sessions of the Commission on Human Rights
The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for the promotion and protection of human rights and fundamental freedoms,

Determined to achieve still further progress in the implementation of the principles and rights enshrined in those instruments,

Convinced that the reinforcement of special procedures and mechanisms established or applied by the Commission on Human Rights to promote and protect human rights and fundamental freedoms will contribute towards strengthening the role and enhancing the effectiveness of the United Nations in the field of human rights,

Recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/96 of 11 March 1993, recalling its resolution 1990/48 of 25 May 1990 in which it authorized the Commission on Human Rights to meet exceptionally between its regular sessions, provided that a majority of States members of the Commission so agree, mindful of the need for the Commission on Human Rights to deal with urgent and acute human rights situations in the most expeditious way, recognizing the need to specify the procedure to be followed in the case of a request for a special session of the Commission on Human Rights, decides that the procedure for convening special sessions of the Commission on Human Rights in accordance with its resolution 1990/48 shall be that contained in the annex to the present decision.

Annex

Procedure for special sessions of the Commission on Human Rights

1. Any State Member of the United Nations may request the Secretary-General to convene a special session of the Commission on Human Rights. Such a request shall be submitted, together with the reasons for the request, to the Assistant Secretary-General for Human Rights at Geneva.
2. The following rules shall apply for the consideration of such requests:
 - (a) The Assistant Secretary-General shall immediately transmit the request, together with the reasons given, to the States members of the Commission by the most expeditious means of communication available and inquire whether or not they support the request;
 - (b) States members of the Commission shall, within four United Nations working days from the date of the communication from the Assistant Secretary-General, express in writing their views concerning the request;
 - (c) The replies from States members of the Commission must reach the office of the Assistant Secretary-General for Human Rights not later than 6.00 p.m. Geneva time on the fourth day;
 - (d) The Assistant Secretary-General shall duly inform the States members of the Commission of the results of the inquiry and, if the majority of States members have expressed support for the convening of a special session of the Commission within the deadline referred to in paragraph 2 (c) above, in conformity with Economic and Social Council resolution 1990/48 of 25 May 1990, the Assistant Secretary-General shall communicate the opening date of the special session;
 - (e) The special session shall open between the fourth and the sixth United Nations working day after the deadline referred to in paragraph 2 (c) above.
3. In considering the appropriateness of holding a special session, States members of the Commission may take into consideration whether the Economic and Social Council or the General Assembly is in regular session and is, or is likely to be, seized of the matter concerned;
4. The duration of the special session shall, in principle, not exceed three days.

5. The rules of procedure of such a special session shall be the rules of procedure of the functional commissions of the Economic and Social Council.

6. The Commission on Human Rights meeting in special session may take the same decisions as at its regular sessions.

7. If the Commission in special session requests the submission of a report on the matter under consideration, the report, together with any information provided by the State concerned, shall be distributed promptly by the Assistant Secretary-General to all States members of the Commission.

8. If the report and the information referred to in paragraph 7 above are not considered by the Commission meeting in special session on the issue, they shall be considered at the next regular session of the Commission or the General Assembly or at the next substantive session of the Economic and Social Council, whichever occurs earlier.

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[Adopted without a vote. See chap. XI.]

1993/97. Situation in East Timor

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and the universally accepted rules of international law,

Bearing in mind the statement on the situation of human rights in East Timor agreed by consensus by the Commission on Human Rights at its forty-eighth session (see E/CN.4/1992/84, para. 457) following the violent incident of 12 November 1991 in Dili,

Recalling resolution 1992/20 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Gravely concerned at continuing allegations of serious human rights violations and noting with concern in this context the reports of the Special Rapporteur on the question of torture (E/CN.4/1993/26), of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46) and of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25),

Bearing in mind the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in its resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Taking note of the information that the Government of Indonesia has provided the Commission on actions it has taken during the past year,

Welcoming the recent access to East Timor to human rights organizations as well as to some other relevant international observers, but remaining disappointed that such access is still frequently denied,

Having examined the report of the Secretary-General on the situation in East Timor (E/CN.4/1993/49),

1. Expresses its deep concern at the reports of continuing human rights violations in East Timor;
2. Recalls that the Commission has commended the decision of the Government of Indonesia to set up an inquiry commission but regrets that the Indonesian investigation into the actions of the members of its security personnel on 12 November 1991, from which resulted loss of life, injuries and disappearances, failed to clearly identify all those responsible for these actions;
3. Expresses its concern at the lack of information about the number of people killed on 12 November 1991 and at the persons still unaccounted for and urges the Government of Indonesia to account fully for those still missing since 12 November 1991;
4. Regrets the disparity in the severity of sentences imposed on those civilians not indicted for violent activities - who should have been released without delay - on the one hand, and to the military involved in the violent incident, on the other;
5. Calls upon the Government of Indonesia to honour fully its commitments undertaken in the statement on the situation of human rights in East Timor, agreed by consensus by the Commission on Human Rights at its forty-eighth session;
6. Also calls upon the Government of Indonesia to ensure that all the East Timorese in custody, including main public figures, be treated humanely and with their rights fully respected, that all trials be fair, just, public

and recognize the right to proper legal representation, in accordance with international humanitarian law, and that those not involved in violent activities be released without delay;

7. Welcomes the greater access recently granted by the Indonesian authorities to human rights and humanitarian organizations, and calls upon the Indonesian authorities to expand this access further;

8. Encourages once again the Indonesian authorities to take the necessary steps to implement the recommendations presented by the Special Rapporteur on the question of torture in his report (E/CN.4/1992/17/Add.1) following his visit to Indonesia and East Timor and to keep the Special Rapporteur informed of the progress made towards their implementation;

9. Urges the Government of Indonesia to invite the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to visit East Timor and to facilitate the discharge of their mandates;

10. Welcomes the agreement given by the Government of Indonesia to the proposal of the Secretary-General for a new visit to Indonesia and East Timor by his Personal Envoy in the coming months, and invites the Secretary-General to consider transmitting the full reports of Mr. Wako's previous and next visit to the Commission on Human Rights;

11. Also welcomes the resumption of talks on the question of East Timor and encourages the Secretary-General to continue his good offices for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor;

12. Decides to consider the situation in East Timor at its fiftieth session on the basis of the reports of the Special Rapporteurs and Working Groups and that of the Secretary-General, which would include an analytical compilation of all information received from, inter alia, Governments, intergovernmental and non-governmental organizations.

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[Adopted by a roll-call vote of 22 to 12,
with 15 abstentions. See chap. XII.]
