

Distr.
LIMITED

E/CN.4/Sub.2/1993/L.6
16 August 1993

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fifth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND
SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH
PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT
COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION
UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bossuyt, Mr. Eide, Mr. Hatano, Mrs. Palley,
Mr. Ramadhane, Mr. Sachar and Ms. Warzazi:
draft resolution

1993/... Punishment of the crime of genocide

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Guided by the purposes and principles of the Charter of the
United Nations, the Universal Declaration of Human Rights and other
relevant international human rights instruments, in particular the
Convention on the Prevention and Punishment of the Crime of Genocide,

Conscious of its responsibility to contribute to the promotion and
encouragement of respect for human rights and fundamental freedoms and to
prevent violations of such rights,

Recalling 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",

Welcoming Commission on Human Rights resolution 1992/S-2/1 of 1 December 1992, in which the Commission called on all States to consider the extent to which acts committed in Bosnia and Herzegovina and Croatia constituted genocide, and resolution 1993/7 of 23 February 1993 on the situation of human rights in the territory of the former Yugoslavia,

Welcoming also General Assembly resolution 47/121 of 18 December 1992, in which the Assembly stated that the policy of ethnic cleansing was a form of genocide,

Noting the relevant Security Council resolutions, in particular resolutions 798 (1992) of 18 December 1992 and 808 (1993) of 22 February 1993, in which the Council decided that an international tribunal should be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia,

Aware that in its Order of 8 April 1993 concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide, the International Court of Justice found that circumstances in the territory of the former Yugoslavia required it to indicate provisional measures for the protection of rights under the Convention,

Taking into account that the Convention on the Prevention and Punishment of the Crime of Genocide confirms that genocide, whether committed in time of peace or in time of war, is a crime under international law which States have undertaken to prevent and to punish,

1. Affirms that all persons who perpetrate or authorize the commission of genocide and related crimes are individually responsible for such actions and that those in positions of authority who have failed adequately to ensure that persons under their control comply with the relevant principles of international law are accountable along with the perpetrators;

2. Reminds States Members of the United Nations which are parties to the Convention on the Prevention and Punishment of the Crime of Genocide of their obligation under article V to enact, in accordance with their respective

Constitutions, the necessary legislation to give effect to the provisions of that Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts proscribed in the Convention;

3. Recalls that under article VI of the Convention persons charged with genocide or related crimes shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction;

4. Urges States Members of the United Nations to make every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in the unspeakable crimes committed in Bosnia and Herzegovina, elsewhere in the territory of the former Yugoslavia or in any other part of the world.
