



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/Sub.2/1995/L.7
11 August 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-seventh 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. El-Hajjé, Mr. Guissé and
Mr. Ramadhane: draft resolution

Situation of human rights in Kosovo

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

Guided by 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 Prevention and Punishment of the Crime of Genocide and the
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or
Punishment,

Recalling its resolution 1993/9 of 20 August 1993,

Recalling also Commission on Human Rights resolutions 1992/S-1/1
of 14 August 1992, 1992/S-2/1 of 1 December 1992, 1993/7 of 23 February 1993
and 994/76 of 9 March 1994, and General Assembly resolution 49/204
of 23 December 1994,

Taking note of the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, in which he describes the various discriminatory measures taken in the legislative, administrative and judicial areas, acts of violence and arbitrary arrests and further deterioration of the human rights situation in Kosovo including:

(a) Police brutality against ethnic Albanians, the killing of ethnic Albanians resulting from such brutality, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees, and discrimination in the administration of justice, including several trials, which are still going on, of former Albanian policemen,

(b) Discriminatory and arbitrary dismissals of ethnic Albanian civil servants, notably from the ranks of the police and the judiciary, mass dismissals of ethnic Albanians, confiscation and expropriation of their property, discrimination against Albanian pupils and teachers, the closing of Albanian language secondary schools and the Albanian university, as well as the closing of Albanian cultural and scientific institutions,

(c) The harassment and persecution of political parties and associations of ethnic Albanians and their leaders and activists who, on a permanent basis, are subjected to inhuman and degrading ill-treatment and arrest,

(d) The intimidation, systematic harassment and imprisonment of ethnic Albanian journalists and disruption of the Albanian language news media,

(e) The dismissal of doctors and other medical staff from clinics and hospitals,

(f) The elimination in practice of the Albanian language, particularly in the public administration and services,

(g) The serious and massive occurrence of discriminatory and repressive practices aimed at Kosovo Albanians as a whole, which is resulting in widespread involuntary migration, and noting that these measures and practices constitute a form of silent ethnic cleansing,

Gravely concerned that the new Citizenship Law awaiting approval by the Parliament of the Federal Republic of Yugoslavia (Serbia and Montenegro) may cause further deterioration of the situation of human rights and that its purpose is to change the demographic composition of Kosovo through new settlement schemes,

Recognizing that the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo played a positive role in monitoring of the human rights situation and preventing an escalation of the tension there, and recalling in this context Security Council resolution 855 (1993) of 9 August 1993,

Considering that the re-establishment of the international presence in Kosovo to monitor and investigate the situation of human rights is of the greatest importance in preventing the situation in Kosovo from deteriorating into a violent conflict,

1. Strongly condemns the measures and practices of discrimination and the violation of human rights of ethnic Albanians in Kosovo committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. Condemns the large-scale repression by the police and military of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the defenceless ethnic Albanian population and the discrimination against the ethnic Albanians in education, the administrative and judicial branches of government, health care and employment aimed at forcing ethnic Albanians to leave their land;

3. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, discriminatory measures and practices, arbitrary searches and detention, violation of the right to a fair trial and the practice of torture and other cruel, inhuman or degrading treatment;

(b) Revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(c) Release all political prisoners in Kosovo;

(d) Establish genuine democratic institutions in Kosovo, including the parliament and judiciary, and respect the will of its inhabitants as the best means of preventing the escalation of conflict there;

(e) Reopen all the cultural and scientific institutions of the ethnic Albanians;

(f) Pursue dialogue with the representatives of ethnic Albanians in Kosovo under the auspices of the International Conference on the Former Yugoslavia;

4. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) cooperate fully and immediately with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia in the discharge of his functions as requested by the Commission in its resolution 1994/7 and other relevant resolutions;

5. Encourages the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, with a view to undertaking urgent practical steps to address the critical needs of the people of Kosovo, especially of the most vulnerable groups affected by the conflict, and to assisting in the voluntary return of displaced persons to their homes;

6. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate and unconditional return of the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo, called for in Security Council resolution 855 (1993);

7. Requests the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly;

8. Calls upon the Special Rapporteur to continue to monitor closely the human rights situation in Kosovo and to pay special attention to this matter in his reporting;

9. Calls upon the relevant United Nations bodies not to recognize the legal effects which might derive from the entering into force of the Citizenship Law;

10. Decides to continue the examination of the human rights situation in Kosovo at its [...] session, under the agenda item entitled [...].
