

Distr.  
LIMITED

E/CN.4/1992/S-2/L.2  
30 November 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS  
Second special session  
November - December 1992  
Agenda item 3

LETTER DATED 16 NOVEMBER 1992 FROM THE AMBASSADOR OF THE REPUBLIC OF  
TURKEY TO THE REPUBLIC OF HUNGARY ADDRESSED TO THE CHAIRMAN OF THE  
COMMISSION ON HUMAN RIGHTS AND LETTER DATED 18 NOVEMBER 1992  
FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE  
UNITED STATES OF AMERICA TO THE UNITED NATIONS OFFICE AT GENEVA  
ADDRESSED TO THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

Albania\*, Argentina, Australia, Austria, Bangladesh, Bahrain\*, Belgium\*,  
Bulgaria, Chile, Colombia, Costa Rica, Czech and Slovak Federal Republic,  
Denmark\*, Finland\*, France, Germany, Greece\*, Hungary, Iceland\*, Ireland\*,  
Italy, Luxembourg\*, Madagascar, Mexico, Netherlands, Norway\*, Peru, Poland\*,  
Portugal, Romania\*, Senegal, Slovenia\*, Spain\*, Sweden\*, Switzerland\*,  
Tunisia, Turkey\*, United Kingdom of Great Britain and Northern Ireland,  
United States of America and Zambia: draft resolution

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

GE.92-14753 (E)

The situation of human rights in the  
territory of the former Yugoslavia

The Commission on Human Rights,

Meeting in special session,

Guided by the principles embodied in 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, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 1977,

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

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

Recalling its resolution 1992/S-1/1,

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 both of his missions,

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

Gravely concerned in particular at the continuing, odious practice of ethnic cleansing, which is the direct cause of the vast majority of human rights violations and whose principal victims are the Muslim population virtually threatened with extermination, which the Special Rapporteur reports has continued, and in some regions intensified, in an effort to create a fait accompli in disregard of international commitments, in particular the statement of principles and the programme of action of the London Conference, entered into by those who carry out such ethnic cleansing, and recalling, as noted in its resolution 1992/S-1/1, that ethnic cleansing is aimed at the dislocation or destruction of national, ethnic, racial or religious groups,

Alarmed that although the conflict in Bosnia and Herzegovina is not a religious conflict, it has been characterized by the systematic destruction

and profanation of mosques, Catholic churches and other places of worship, as well as other sites of cultural heritage, in particular in areas currently or previously under Serbian control,

Deeply concerned that the human rights situation in the former Yugoslavia has resulted in more than two and a half million refugees and displaced persons and at the catastrophic humanitarian situation now prevailing,

Recalling with appreciation the continuing efforts of the International Conference on the Former Yugoslavia and the Co-Chairman of its Steering Committee, including their proposals for the constitution for the Republic of Bosnia and Herzegovina designed to protect human rights on the basis of fundamental international human rights instruments,

1. Commends the Special Rapporteur for his activities to date, and in particular his two missions and his reports;

2. Condemns in the strongest terms all violations of human rights in the former Yugoslavia, including killings, torture, beatings, rape, disappearances, destruction of houses and other acts or threats of violence aimed at forcing individuals to leave their homes, as identified by the Special Rapporteur;

3. Categorically condemns the ethnic cleansing being carried out, in particular in Bosnia and Herzegovina, recognizing that the Serbian leadership in territories under their control in Bosnia and Herzegovina, the Yugoslav army and the political leadership of the Republic of Serbia bear primary responsibility for this reprehensible practice;

4. Demands an immediate end to the practice of ethnic cleansing, and in particular demands that the Republic of Serbia use its influence with the self-proclaimed Serbian authorities in Bosnia and Herzegovina and Croatia to bring the practice of ethnic cleansing to an immediate end and to reverse the effects of that practice, re-emphasizing the rights of refugees, displaced persons and other victims of ethnic cleansing to return to their homes and the invalidity of acts made under duress;

5. Affirms that States are to be held accountable for violations of human rights which their agents commit upon the territory of another State;

6. Condemns in particular the violations of human rights and humanitarian law in connection with detention, including killings, torture and the systematic practice of rape, and calls upon all parties in the former Yugoslavia to close immediately all detention centres not authorized by and in compliance with the Geneva Conventions of 12 August 1949 and to release immediately in conditions of safety all persons arbitrarily or illegally detained;

7. Condemns also 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;

8. Calls upon all parties in the former Yugoslavia, and especially those most responsible, to cease violations of human rights and international humanitarian law immediately and to take appropriate steps to apprehend and punish those guilty of perpetrating or authorizing them;

9. Expresses deep concern at the number of disappearances and missing persons in the former Yugoslavia and calls on all parties to make all possible efforts to account for those missing;

10. Welcomes the establishment by the Security Council in its resolution 780 (1992) of 6 October 1992 of a Commission of Experts to examine and analyse information relating to violations of international humanitarian law and encourages the closest possible cooperation between the Special Rapporteur and the Commission of Experts, recommends that this Commission be granted the staff and resources necessary to enable it to act effectively, and requests the Commission of Experts to provide its conclusions to the Secretary-General in order to allow the Security Council to consider further appropriate steps towards bringing those accused to justice;

11. Reaffirms that all persons who perpetrate or authorize crimes against humanity or other grave breaches of international humanitarian law are individually responsible for those breaches and that the international community will exert every effort to bring them to justice, and calls on all parties to provide all pertinent information to the Commission of Experts in accordance with Security Council resolution 780 (1992);

12. Calls upon all States to consider the extent to which the acts committed in Bosnia and Herzegovina and in Croatia constitute genocide, in accordance with the Convention on the Prevention and Punishment of the Crime of Genocide;

13. Urges the Commission of Experts, with the assistance of the Centre for Human Rights, to arrange for an immediate and urgent investigation by qualified experts of a mass grave near Vukovar and other mass grave sites and places where mass killings are reported to have taken place, and requests the General Assembly to provide the resources necessary for this undertaking;

14. Expresses its grave concern at the information contained in the third report of the Special Rapporteur (A/47/666 - S/24809) on the dangerous situation in Kosovo, Sandzak and Vojvodina, and urges all parties in those areas to engage in a meaningful dialogue under the auspices of the International Conference on the Former Yugoslavia, to act with utmost restraint and to settle disputes in full compliance with human rights and freedoms, and calls on the Serbian authorities to refrain from the use of force and immediately to stop the practice of ethnic cleansing, and to respect fully the rights of persons belonging to ethnic communities or minorities in order to prevent the extension of the conflict to other parts of the former Yugoslavia;

15. Welcomes the call of the Special Rapporteur for the opening of humanitarian relief corridors to prevent the imminent death of tens of thousands of persons in besieged cities;

16. Welcomes Security Council resolution 787 (1992) of 16 November 1992 in which it invites the Secretary-General in consultation with the United Nations High Commissioner for Refugees and other relevant agencies, to study the possibility and the requirements for the promotion of safe areas for humanitarian purposes and the recommendation of the Special Rapporteur for the creation of such security zones for the protection of displaced persons, while keeping in mind that the international community must not acquiesce in demographic changes caused by ethnic cleansing;

17. Affirms that all the parties in the former Yugoslavia share the responsibility for finding peaceful solutions through negotiations under the auspices of the International Conference on the Former Yugoslavia, and welcomes the acceptance by the Government of Bosnia and Herzegovina of the constitutional proposals of the Co-Chairmen as a basis for negotiations;

18. Requests the Special Rapporteur to continue his efforts, especially by carrying out such further missions to the former Yugoslavia as he deems necessary, to call on other existing mechanisms of the Commission on Human Rights to assist him and to report his findings and recommendations at its forty-ninth session, and requests the Secretary-General to continue to make the reports of the Special Rapporteur available to the Security Council;

19. Urges the Secretary-General to take steps to ensure the full and effective cooperation of all United Nations bodies to implement the present resolution and calls upon those bodies entrusted with human rights monitoring in the former Yugoslavia to cooperate closely with the Special Rapporteur and the Commission of Experts.

20. Requests the General Assembly and the Secretary-General, within the overall budgetary framework of the United Nations, to make all necessary resources available for the Special Rapporteur to carry out his mandate and to comply with the request of the Special Rapporteur for staff based in the territory of the former Yugoslavia to enhance effective continuous monitoring of the human rights situation there;

21. Decides to examine the situation of human rights in the former Yugoslavia at its forty-ninth session under agenda item 12.

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