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COMISION DE DERECHOS HUMANOS
52º período de sesiones
Tema 8 del programa provisional

CUESTION DE LOS DERECHOS HUMANOS DE TODAS LAS PERSONAS SOMETIDAS
A CUALQUIER FORMA DE DETENCION O PRISION Y, EN PARTICULAR:
CUESTION DE LAS DESAPARICIONES FORZADAS O INVOLUNTARIAS

Carta de fecha 20 de marzo de 1996 dirigida al Presidente
de la Comisión de Derechos Humanos por el representante
de la República de Croacia ante la Oficina
de las Naciones Unidas en Ginebra

El 1º de marzo de 1996, la Cámara de Representantes del Parlamento croata adoptó una declaración en la que afirmó que la cuestión de las personas desaparecidas o encarceladas y las personas que se han llevado por la fuerza es una cuestión política de primordial importancia para la República de Croacia. En el anexo* a la presente carta se facilita una copia de la declaración. La situación de estas personas, especialmente las desaparecidas en 1991, no se ha aclarado y sigue siendo motivo de máxima preocupación para la República de Croacia y especialmente para las familias de esas personas.

Los Ministros de Relaciones Exteriores de la República de Croacia y de la República Federal de Yugoslavia (Serbia y Montenegro) firmaron un acuerdo de cooperación para la búsqueda de las personas desaparecidas. Sin embargo, este acuerdo no ha conseguido resultados significativos, en gran parte debido a la intransigencia de las autoridades de la República Federal de Yugoslavia (Serbia y Montenegro). A causa de esta falta de progresos la República de Croacia desearía plantear de nuevo este año la cuestión de las personas

* El anexo se reproduce como se ha recibido y únicamente en el idioma en que fue presentado.

desaparecidas en la Comisión de Derechos Humanos. Pese a la mejora de las relaciones entre la República de Croacia y la República Federal de Yugoslavia (Serbia y Montenegro) las conversaciones bilaterales sobre el tema de las personas desaparecidas por sí solas no han dado frutos y, por consiguiente, es necesario un procedimiento multilateral para resolver este problema.

Averiguar la suerte corrida por estas personas es decisivo para aplicar el acuerdo de paz de Dayton, y en particular el acuerdo básico sobre la región de Eslavonia oriental, Baranja y Sermium occidental en la República de Croacia. En esta región concreta, sería útil garantizar la protección de las fosas colectivas, como la de Ovčara, y comenzar el proceso de exhumación.

Otra medida que facilitaría la búsqueda de las personas desaparecidas en Croacia sería establecer un centro regional con este fin en Vukovar. Además, la propuesta hecha por el experto del Grupo de Trabajo sobre las desapariciones forzadas o involuntarias encargado del proceso especial relativo al problema de las personas desaparecidas en el territorio de la antigua Yugoslavia, Sr. Manfred Nowak, de que se establezca una comisión multilateral para acelerar el intercambio de información sobre las personas desaparecidas, también sería de gran ayuda.

En conclusión, es necesario averiguar la suerte corrida por las personas desaparecidas en la República de Croacia no sólo para aliviar el sufrimiento de sus familias y allegados, sino para contribuir al proceso de paz en la República de Croacia y en toda la región.

Le agradecería que tuviera la amabilidad de distribuir el texto de la presente carta y de su anexo como documento de la Comisión de Derechos Humanos, en su 52º período de sesiones, dentro del punto c) del tema 8 del programa: Cuestión de los derechos humanos de todas las personas sometidas a cualquier forma de detención o prisión, y en particular cuestión de las desapariciones forzadas o involuntarias.

(Firmado):

Neven Madey
Embajador
Representante Permanente

ANNEX

After the discussion of 28 February 1996 on the Croatian Government's Report on the Search for Croatian Soldiers and Civilians, Missing, Taken Away by Force or Imprisoned, conducted in 1994 and 1995, the House of Representatives of the Croatian Parliament adopted in its session of 1 March 1996 the following

DECLARATION

The issue of missing and imprisoned persons and persons taken away by force is the most painful humanitarian and the most important political issue in the Republic of Croatia. Since the Serbian aggression against Croatia, there are 2,792 missing persons, of whose fate nothing is known. Most of them disappeared during the barbarous destruction and occupation of Vukovar.

Despite great efforts by the Croatian Government, the Government's Commission for Imprisoned and Missing Persons and the associations of families of persons missing, imprisoned and taken away by force: the fate of these persons, particularly those who disappeared in 1991, has not yet been clarified. Many members of these families have fallen seriously ill, and the insecurity is directly damaging their health. This is the reason why the search for persons taken away by force and the clarification of the fate of missing persons was an issue of upmost concern for the Croatian delegation during the negotiations in Dayton and during the search for an overall peaceful solution for former Yugoslavia. It has also been raised during numerous bilateral talks.

These efforts have resulted in the signing of the Agreement on Cooperation in the Search for Missing Persons by the foreign ministers of the Republic of Croatia and the so-called Federal Republic of Jugoslavia. However, despite of its clear commitment within this Agreement, the Serbian side has not done anything to fulfil it.

The Croatian Parliament recalls that the Serbian side keeps suspending negotiations on the exchange of prisoners and missing persons in order to exert a political pressure and, by refusing to admit the presence of prisoners in prisons under its control, obstructs the process of prisoners exchange and opposes the main principles of the Dayton peace agreement. In order to solve this problem, support by the entire international community is necessary. The Croatian Parliament requested from the Transitional Administration for Eastern Slavonia, Baranja and Srijem to make the issue of imprisoned and missing persons of the upmost priority in the implementation of UNTAES mandate and suggested that a Regional Centre for the protection of human rights of persons imprisoned, missing and taken away by force - "Vukovarske majke" ("Vukovar Mothers") - to be established in Vukovar. The Croatian Parliament supports the proposal of the UN Special Envoy for Missing Persons, Mr. Manfred Nowak, to establish a multilateral commission to speed up the exchange of information on missing persons.

It is the position of the Republic of Croatia that all future negotiations with the so-called SRV must primarily solve the issue of persons who disappeared or were imprisoned during the recent war in the Republic of Croatia. Without a solution to that issue the peace process for former Yugoslavia is not possible.

The Croatian Parliament commits the Ministry of Foreign Affairs of the Republic of Croatia to approach the United Nations Secretary-General again and ask for assistance in solving the biggest humanitarian problem in the Republic of Croatia. When passing a document on human rights situation in Croatia, the United Nations should bear in mind and express an opinion on the human

rights of persons who disappeared during the aggression against Croatia and of thousands of people who are still looking for the truth as to their destiny.

The Croatian Parliament commits the Government to mark appropriately the sites of mass graves and the sites where bodies of Croatian soldiers and civilians were exhumed. It is essential to secure additional teams to identify the remains, and therefore the Parliament requests the provision of additional funds for the work of the Government's Commission for Imprisoned and Missing Persons. A representative of the Parliament should also participate in the work of the Commission. For the purpose of better public information, the Parliament commits the Government to inform the Parliament on the work of the Government's Commission within three months.

The Parliament of the Republic of Croatia calls upon the United Nations and all its human rights organizations, as well as the parliaments of all democratic countries, to raise their voice in the name of humanism and international humanitarian law for the protection of these people, whose fate is unknown, and to exert further pressure upon the so-called SRV to cooperate in solving these issues.

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Zagreb, 1 March 1996

HOUSE OF REPRESENTATIVES
OF THE PARLIAMENT OF THE REPUBLIC OF CROATIA

CHAIRMAN
OF THE HOUSE OF REPRESENTATIVES

Vlatko Pavletić