



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/Sub.2/1996/L.4
14 August 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth 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, Mr. Joinet,
Mr. Mehedi and Mr. Weissbrodt: draft resolution

1996/... 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 resolutions 1993/9 of 20 August 1993 and 1995/10
of 18 August 1995,

Recalling also Commission on Human Rights resolutions 1993/7 of 23 February 1993 and 1994/76 of 9 March 1994, and General Assembly resolutions 49/204 of 23 December 1994 and 50/190 of 22 December 1995,

Gravely concerned at the various discriminatory measures taken in the legislative, administrative and judicial areas, acts of violence and arbitrary arrests committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and at the further deterioration of the human rights situation in Kosovo, including:

(a) Police brutality against ethnic Albanians, killings, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees, discrimination in the administration of justice, arbitrary dismissals of civil servants, notably from the ranks of the police and the judiciary, doctors and other medical staff;

(b) Discrimination against Albanian pupils and teachers, and the closing of Albanian-language secondary schools and the university, as well as other cultural and scientific institutions;

(c) The systematic harassment, persecution, intimidation and imprisonment of members of political parties, human rights organizations and journalists, the elimination in practice of the Albanian language in the public administration and services, and the disruption of the Albanian-language media;

(d) The serious and massive occurrence of discriminatory and repressive practices aimed at Kosovo Albanians as a whole, resulting in widespread involuntary migration, and the absence of clear guarantees for their returning home, and noting that these measures and practices constitute a form of silent "ethnic cleansing";

(e) The obvious deterioration of the situation in Kosovo in the past few months, which is a threat to peace in the region,

Expressing appreciation at the opening of an office of the United Nations High Commissioner for Human Rights in Belgrade, and the establishment of a United States information agency in Prishtina,

Considering that the re-establishment of the international presence in Kosovo to monitor and investigate the situation there, and recalling in this context Security Council resolution 855 (1993) of 9 August 1993, is of the greatest importance in preventing the situation in Kosovo from deteriorating into violent conflict,

1. Strongly condemns the large-scale repression, measures and practices of discrimination and the violation of human rights committed against the defenceless ethnic Albanian population by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), aimed at forcing ethnic Albanians to leave their land;
2. 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 and revoke all discriminatory legislation, in particular that which has entered into force since 1989;
 - (b) Allow the establishment of genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of its inhabitants as the best means of preventing the escalation of conflict there;
 - (c) Reopen all the educational, cultural and scientific institutions of the ethnic Albanians;
 - (d) Release all political prisoners from Kosovo;
 - (e) Commence an internationally brokered dialogue with the representatives of the ethnic Albanians in Kosovo;
3. Encourages the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the office of the United Nations High Commissioner for Refugees and other appropriate humanitarian organizations, with a view to taking practical steps towards the safe return of the ethnic Albanian asylum-seekers from Kosovo to their homeland;
4. 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;
5. Calls upon the Special Rapporteur on the situation of human rights in the former Yugoslavia to continue to monitor closely the human rights situation in Kosovo and to pay special attention to this matter in her reporting;

6. 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 adopted recently by the Parliament of the Federal Republic of Yugoslavia (Serbia and Montenegro);

7. Decides to continue the examination of the situation of human rights in Kosovo at its next session, under the agenda item entitled "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)".
