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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-eighth session
Agenda item 10

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS
OF DETAINEES

Mr. Bengoa, Mr. Bossuyt, Mr. Chernichenko, Mr. Guissé and
Mr. Park: draft resolution:

1996/... Right to restitution, compensation and rehabilitation
for victims of gross violations of human rights and
fundamental freedoms

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

Recalling Commission on Human Rights resolution 1994/35 of 4 March 1994,
in which the Commission recommended that the Sub-Commission, in conformity
with Sub-Commission resolution 1993/29 of 25 August 1993, take measures to
examine the basic principles and guidelines proposed by the Special
Rapporteur, Mr. Theo van Boven, in his study on the right to restitution,
compensation and rehabilitation for victims of gross violations of human
rights and fundamental freedoms (E/CN.4/Sub.2/1993/8) with a view to making
proposals thereon and reporting to the Commission;

Recalling also its decision 1995/117 of 24 August 1995, in which it requested the former Special Rapporteur to submit, without financial implications, in time for the Sub-Commission's consideration at its forty-eighth session, a revised set of the proposed basic principles and guidelines in the light of the existing relevant international instruments;

Taking note of Commission on Human Rights resolution 1996/35 of 19 April 1996, in which the Commission encouraged the Sub-Commission to continue to give consideration to the basic principles and guidelines proposed by the former Special Rapporteur with a view to making substantial progress on this matter;

Expresses its appreciation to the former Special Rapporteur for having submitted, in time for the Sub-Commission's consideration at its forty-eighth session, a revised text of the basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law (E/CN.4/Sub.2/1996/17);

1. Decides to transmit the revised draft basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law to the Commission on Human Rights for its consideration together with the comments of the sessional working group on the administration of justice and the question of compensation (E/CN.4/Sub.2/1996/16, paras. 10-32), and the comments of the Sub-Commission during the present session;

2. Requests the former Special Rapporteur, Mr. Theo van Boven, to prepare, without financial implications, a note taking into account the comments and observations of the working group and the Sub-Commission referred to in the previous paragraph, in order to facilitate the examination by the Commission on Human Rights of the draft revised basic principles and guidelines.
