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COMMISSION ON HUMAN RIGHTS
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Agenda item 17

PROMOTION AND PROTECTION OF HUMAN RIGHTS

Albania*, Angola*, Armenia*, Bosnia and Herzegovina*, Botswana, Canada, Costa Rica*, Cyprus*, Czech Republic, Ecuador, Equatorial Guinea*, Finland*, Georgia*, Germany, Guatemala, Hungary*, Iceland*, Liechtenstein*, Lithuania*, New Zealand*, Poland, Republic of Korea, Rwanda, South Africa*, Spain and Switzerland*: revised draft resolution

2000/... Impunity

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, and the Vienna Declaration and Programme of Action,

Recalling all previous resolutions and decisions by the Commission and Sub-Commission on the Promotion and Protection of Human Rights on impunity, as well as part II, section E, paragraph 91, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

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

Recalling also the universality, interdependence and indivisibility of all human rights, civil, cultural, economic, political and social,

Noting all previous United Nations reports on the issue of impunity,

Taking note of the reports of the Secretary-General (E/CN.4/2000/90 and E/CN.4/2000/91),

Recognizing the importance of combating impunity for all human rights violations that constitute crimes,

Expressing satisfaction at the adoption on 17 July 1998 of the Rome Statute of the International Criminal Court (A/CONF.183/9), while acknowledging the work of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda, as measures in the fight against impunity,

Convinced that the practice and expectation of impunity for violations of international human rights or humanitarian law encourage such violations and are among the fundamental obstacles to the observance of international human rights and humanitarian law and the full implementation of international human rights and humanitarian law instruments,

Convinced also that exposing violations of human rights, holding their perpetrators and their accomplices and collaborators accountable, obtaining justice for their victims, as well as preserving historical records of such violations and restoring the dignity of victims through acknowledgement and commemoration of their suffering, will guide future societies and are integral to the promotion and implementation of all human rights and fundamental freedoms and to the prevention of future violations,

Recognizing that accountability of perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the establishment, by a number of States where serious human rights violations have occurred in the past, of mechanisms to expose such violations, including commissions of inquiry or commissions for achieving truth and reconciliation,

Conscious that the phenomenon of impunity affects all spheres of society,

Convinced of the need for Governments to combat impunity by addressing past or ongoing abuses, taking measures aimed at preventing the recurrence of such violations,

1. Emphasizes the importance of combating impunity to the prevention of violations of international human rights and humanitarian law and urges States to give necessary attention to the question of impunity for violations of international human rights and humanitarian law, including those perpetrated against women and children, and to take appropriate measures to address this important issue;
2. Recognizes that, for the victims of human rights violations, public knowledge of their suffering and the truth about perpetrators of these violations are essential steps towards rehabilitation and reconciliation, and urges States to intensify their efforts to provide victims of human rights violations with a fair and equitable process through which these violations can be investigated and made public and to encourage victims to participate in such a process;
3. Welcomes in this regard the publication in some States of the reports of commissions of truth and reconciliation established by those countries to address human rights violations that have occurred there in the past and encourages other States where serious human rights violations have occurred in the past to establish appropriate mechanisms to expose such violations;
4. Emphasizes the importance of taking all necessary and possible steps to hold accountable perpetrators of violations of international human rights and humanitarian law, and urges States to take action in accordance with due process of law;
5. Recalls the Secretary-General's call on all countries to sign and ratify the Rome Statute of the International Criminal Court as a means to end the culture of impunity, contained in the report entitled "We the peoples: the role of the United Nations in the twenty-first century" (A/54/2000);
6. Welcomes in this context the progress made in the fight against impunity including the recognition of the principle of complementarity in the Rome Statute of the International Criminal Court;
7. Calls upon States to continue to participate actively with the Preparatory Commission that is engaged, inter alia, in drafting the rules of procedure and evidence and the elements of crime of the International Criminal Court and to consider signing and ratifying the Statute of the International Criminal Court;
8. Calls upon States and the United Nations High Commissioner for Human Rights to consider providing to States, upon their request, concrete and practical assistance and cooperation in seeking to achieve the goals set out in the present resolution;

9. Calls upon States to continue to support the work of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda;

10. Requests the Secretary-General to seek the views of Governments, intergovernmental and non-governmental organizations on the issue of the possible appointment of an independent expert charged with examining all aspects of the issue of impunity of perpetrators of human rights violations, with a view to a decision on this matter at the fifty-seventh session of the Commission;

11. Also requests the Secretary-General again to invite States to provide information on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to provide information on remedies available to the victims of such violations;

12. Further requests the Secretary-General to collect the information and comments received pursuant to the present resolution and to submit a report thereon to the Commission at its fifty-seventh session;

13. Invites the special rapporteurs and other mechanisms of the Commission to continue to give due consideration to the issue of impunity in the discharge of their mandates;

14. Decides to continue its consideration of this matter at its fifty-seventh session under the agenda item entitled "Promotion and protection of human rights".
