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COMMISSION ON HUMAN RIGHTS  
Fifty-eighth session  
Agenda item 17

**PROMOTION AND PROTECTION OF HUMAN RIGHTS**

**Albania\*, Australia\*, Belgium, Bosnia and Herzegovina\*, Canada,  
Cyprus\*, Czech Republic, Denmark\*, Finland\*, France, Germany,  
Guatemala, Iceland\*, Ireland\*, Italy, Liechtenstein\*, Lithuania\*,  
Luxembourg\*, Malta\*, Netherlands\*, New Zealand\*, Norway\*, Peru,  
Poland, Slovakia\*, Slovenia\*, South Africa, Spain, Switzerland\*,  
United Kingdom of Great Britain and Northern Ireland,  
Yugoslavia\*: draft resolution**

**2002/... 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 of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights on impunity, as well as Part II.E, paragraph 91, of the Vienna Declaration and Programme of Action,*

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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.

*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 report of the Secretary-General on impunity (E/CN.4/2002/102),

*Taking note also* of Sub-Commission resolution 2001/22 of 16 August 2001 entitled, “International cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity”,

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

*Recognizing* the establishment of the International Criminal Court as an important contribution to ending impunity,

*Acknowledging* the work of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda,

*Welcoming* the fact that the sixtieth instrument of ratification of the Rome Statute of the International Criminal Court has been deposited, resulting in the entry into force of the Statute on 1 July 2002,

*Welcoming also*, as measures in the fight against impunity and in promoting accountability, the conclusion of the agreement between the United Nations and the Government of Sierra Leone on the establishment of a Special Court for Sierra Leone, the establishment of the Sierra Leone Truth and Reconciliation Commission and the establishment of the Commission for Reception, Truth and Reconciliation in East Timor and the Special Panel for Serious Crimes in the Dili District Court,

*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, including their accomplices 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,

*Recalling* the provisions relating to combating impunity of the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

*Recognizing* that accountability of perpetrators, including their accomplices, for 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 which complement the justice system,

*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 violations, taking measures aimed at preventing their recurrence,

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. *Emphasizes* the importance of taking all necessary and possible steps to hold accountable perpetrators, including their accomplices, of violations of international human rights and humanitarian law, recognizes that amnesties should not be granted to those who commit violations of international humanitarian and human rights law that constitute serious crimes and urges States to take action in accordance with their obligations under international law;

3. *Recognizes* the fundamental importance of the principle of complementarity in the Rome Statute of the International Criminal Court;

4. *Acknowledges* the historic significance of the entry into force of the Rome Statute on 1 July 2002 and calls upon all States to consider ratifying or acceding to it;

5. *Calls upon* States to continue to participate actively in the Preparatory Commission for the International Criminal Court;

6. *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;

7. *Calls upon* States to continue to support the work of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda and consider ways of supporting the initiatives to establish judicial mechanisms currently under consideration in a few countries in cooperation with the United Nations, and in this regard encourages the continuation or resumption, where needed, of discussions regarding the establishment of appropriate legal frameworks in accordance with international standards of justice, fairness and due process of law;

8. *Commends* those States which have given financial and other support to the Special Court for Sierra Leone and expresses its satisfaction that the Court is in the process of becoming operational;

9. *Recognizes* that, for the victims of human rights violations, public knowledge of their suffering and the truth about the perpetrators, including their accomplices 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;

10. *Welcomes* in this regard the establishment in some States of commissions of truth and reconciliation to address human rights violations that have occurred there, welcomes the publication in those States of the reports of those commissions and encourages other States where serious human rights violations have occurred in the past to establish appropriate mechanisms to expose such violations, to complement the justice system;

11. *Recognizes* that crimes such as genocide, crimes against humanity, war crimes and torture are violations of international law and that perpetrators of such crimes should be prosecuted or extradited by States, and urges all States to take effective measures to implement their obligations to prosecute or extradite perpetrators of such crimes;

12. *Requests* the Secretary-General to seek the views of Governments and intergovernmental and non-governmental organizations on the Set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, Annex II) and on the follow-up thereto;

13. *Requests* the Secretary-General to seek the views of Governments and intergovernmental and non-governmental organizations on the issue of impunity regarding violations of economic, social and cultural rights;

14. *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;

15. *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-ninth session;

16. *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;

17. *Decides* to continue its consideration of this matter at its fifty-ninth session under the same agenda item.

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