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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:  
INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE,  
IMPUNITY**

**Written statement\* submitted by Society for Threatened Peoples International, a non-  
governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2005]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## JUSTICE FOR THE VICTIMS OF MASSIVE HUMAN RIGHTS VIOLATIONS IN SUDAN AND BOSNIA-HERZEGOVINA

Chaos is looming in Sudan's Western Darfur region as violence increases, order collapses, and the number of desperate people in need of humanitarian aid reaches nearly 2.3 million. For two years, the people of Darfur have endured a vicious campaign of violence and terror which has led to huge numbers of death and forced more than 1.6 million people to flee from their destroyed villages in search of safety. Darfur continues to disintegrate into a horror zone of killing fields, mass rapes and "ethnic cleansing". Over 15 months after their escape from their villages and after countless promises from the Government of Sudan and world leaders, safety still has not been found, abuses and killings are persisting and "ethnic cleansing" nearly achieved.

The victims of violence were forced out of their homes, their fountains were poisoned, their houses burned down and destroyed. During their flight they were pursued, harassed and violated. There is no refuge or safe haven for them, their persecutors have followed them and continued to harass them in the refugee camps. Hundreds of women and girls have been raped around these camps. In miserable settlements, often lacking basic facilities, they have continued to be persecuted and intimidated. The failure to stop the violence against the civilian population in Darfur was matched with an equally shocking failure to guarantee the assistance for these suffering people during the first 12 months of the armed conflict.

The massive scale and huge impact of violence has been documented in many reports of international human rights organisations and aid agencies since May 2003. These surveys did not only show the appalling consequences of the atrocities committed by Janjaweed militias and Sudanese soldiers, but documented in detail the close relationship between the Sudanese authorities and the militias. The reports proofed that the Sudanese Government has been responsible for these crimes against humanity and continues to terrorize its own citizens. Sudan's Foreign Minister brazenly declared that his government was not conducting aerial attacks on civilians, despite evidence to the contrary collected by African Union monitors. All parties continue to violate the April 8, 2004, humanitarian ceasefire agreement.

Furthermore the Sudanese authorities brutally silenced human rights defenders in Western Sudan and intimidated the staff of international aid agencies. During months The Sudanese Government systematically blocked international humanitarian aid and used famine as a weapon of war. This has been a deliberate violation of the most basic principles of International Humanitarian Law. Many reports of human rights organisations have been spotlighting the urgent need to ensure an effective protection of the civilian population against abuses by the conflict parties.

Despite these massive violations of International Conventions, justice is still denied for hundreds of thousands of people in Western Sudan. We are deploring that only a few lower ranking Sudanese soldiers have been brought to justice. Widespread is impunity of those responsible for crimes against humanity. The United Nations Commission on Human Rights should address the legitimate demands for justice of hundreds of thousands of victims of gross human rights violations in Darfur.

In Bosnia-Herzegovina too, ten years after the end of the war justice still is denied for the victims of war crimes. The two most essential conditions for the implementation of the Dayton Peace Accords for Bosnia-Herzegovina, namely the safe return of refugees and the arrest and surrender of war criminals to the International War Crimes Tribunal in The Hague have, as of

today, still not been fulfilled. Bosnia has not become a state under the rule of law. It is poverty-stricken and de facto divided. 49% of its regions are dominated by the SDS (Serb Democratic Party) whose representatives are accused of genocide by The Hague.

Bosnia-Herzegovina does not offer a safe haven for the war refugees to return. Of 2.2 million Bosnians who fled their home during the war, only 1 million has returned (75% of them to the Federation of Bosnia-Herzegovina, 25% to the Srpska Republic). Furthermore, about 311,000 internally displaced people still await a return to their home. Indeed, attacks by Serb extremists against returning refugees are not punished.

Bosnia-Herzegovina's cooperation with the Tribunal in The Hague to surrender war criminal is less than minimal. The International War Crimes Tribunal in The Hague is stuck in an impasse. All investigations should have been done by the end of 2004 and all procedures completed by the end of 2008. Yet, there is no regional cooperation with regards to arresting and handing over criminals. In fact, the countries of the former Yugoslavia directly or indirectly refuse to cooperate with The Hague and even agree among one another not to hand over each other's criminals. Indeed, many of the war criminals are still considered heroes and are guaranteed impunity. Consequently, the "search" for Radovan Karadzic and General Ratko Mladic as well as of seventeen other accused is only pursued ineffectively. Moreover, the Society for Threatened People estimates that 500 war criminals who took part in the Srebrenica massacre of 7,800 men in July 1995 are still on the loose in the Serb region of Bosnia-Herzegovina, the Srpska Republic. Many even occupy prestigious positions in the government, with the police, or in courts.

The Society for Threatened Peoples International and a large part of the public find it inadmissible that international peacekeepers in Bosnia-Herzegovina have failed to arrest major war criminals such as Radovan Karadzic and General Ratko Mladic as well as to protect the return of war refugees. The Society therefore demands that the UN Commission on Human Rights:

- puts pressure on the UN Security Council not to end the works of The Hague Tribunal until the supposed war criminals and, above all, Radovan Karadzic and General Ratko Mladic, have been arrested and handed over to the Tribunal and until an efficient plan to end impunity in Bosnia, Croatia, Serbia, and Montenegro has been put in place;
- encourages EUFOR-troops to take their mandate seriously and to capture every supposed war criminal in the Srpska Republic and bring them either to a national or an international court, as well as to facilitate the return of war refugees;
- pressures the High Representative of the international society in Bosnia, Paddy Ashdown, to dismiss all supposed war criminals from administrative bodies and to ban the Serb Democratic Party (SDS) because it was involved in genocide;
- calls for a program that will protect international and national witnesses;
- strongly condemns the crimes against humanity committed by the allied forces of the Sudanese authorities and the abuses against the civilian population and the violations of the humanitarian ceasefire agreement;
- insists on an immediate end of the persecution, slaughter and "ethnic cleansing";
- appeals to the international community to ensure the safety of the refugees and to guarantee their safe return;
- urges the Government of Sudan and U.N. Security Council to bring all perpetrators of massive human rights violations to justice.

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