

23 October 1992

INTERGOVERNMENTAL INITIATIVES TO PROTECT HUMAN RIGHTS IN THE FORMER YUGOSLAVIA

AN OPEN LETTER FROM AMNESTY INTERNATIONAL TO FOREIGN MINISTERS OF STATES PARTICIPATING IN, OR MEMBERS OF:

- ◆ **THE EUROPEAN COMMUNITY**
- ◆ **THE UN COMMISSION ON HUMAN RIGHTS**
- ◆ **THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE STEERING COMMITTEE ON THE FORMER YUGOSLAVIA**
- ◆ **THE UN-EC INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA**
- ◆ **THE ORGANIZATION OF THE ISLAMIC CONFERENCE CONTACT GROUP ON THE SITUATION IN BOSNIA-HERZEGOVINA**
- ◆ **THE UN SECURITY COUNCIL**

Dear Foreign Minister,

Amnesty International continues to be gravely concerned about the human rights abuses committed by all parties to the conflict in the former Yugoslavia. Enclosed is our latest report, **Bosnia-Herzegovina: Gross abuses of basic human rights** (AI Index: EUR 63/01/92), which documents abuses including torture and ill-treatment, deliberate and arbitrary killings and arbitrary detention of civilians.

Leaders of parties to the conflict within Bosnia-Herzegovina, as well as the Governments of the Federal Republic of Yugoslavia and Croatia, must all bear some responsibility for human rights abuses which have occurred. Amnesty International is calling on them to ensure that their forces strictly respect and adhere to international human rights and humanitarian law standards. The organization is calling for the unconditional release of all prisoners detained solely because of their national origin or held as hostages, with adequate protection for their safety following their release. The International Committee of the Red Cross (ICRC) must be granted full access to all places of detention. Amnesty International is also calling upon all the parties to initiate full and impartial investigations into gross human rights abuses. Anyone who ordered or carried out such abuses must be brought to justice. Furthermore, all parties to the conflict must give unimpeded access to all areas under their control to missions dispatched by humanitarian organizations and intergovernmental organizations, with guarantees that people who provide information to these missions will not suffer reprisals.

Amnesty International takes no position on territorial questions. We would, however, like to raise our concerns about various human rights initiatives taken by the United Nations (UN) and its agencies, the European Community (EC) and the Conference on Security and Co-operation in Europe (CSCE).

Coordinating International Initiatives

An unprecedented number of intergovernmental organizations are involved in documenting the situation in the former Yugoslavia and/or seeking to protect human rights. The initiatives include:

- ◆ the appointment by the UN Commission on Human Rights of a Special Rapporteur on the former Yugoslavia;
- ◆ the setting up of an impartial Commission of Experts pursuant to Security Council Resolution 780 (1992) to examine and analyze evidence of grave breaches of the Geneva Conventions and other violations of humanitarian law;
- ◆ activities of field staff of the Office of the United Nations High Commissioner for Refugees (UNHCR);
- ◆ activities of the civilian police monitors within the UN Protection Force (UNPROFOR) in Croatia;

- ◆ negotiations, including on human rights issues, in the joint UN-EC sponsored International Conference on the Former Yugoslavia (the Geneva talks), and
- ◆ fact-finding missions dispatched by the CSCE.

Several of these bodies have expressed their willingness to cooperate with each other. Some of these international bodies are also sharing reports of their fact-finding missions.

Amnesty International is concerned, however, that given the complex nature of the overlapping intergovernmental activities, *ad hoc* arrangements by individual bodies to share information with other bodies are not sufficient. Amnesty International considers that full coordination is essential if resources are not to be wasted and if decisions about how to protect human rights are to be based on accurate facts. Amnesty International would urge that a process of regular consultations involving the UN and relevant agencies, the CSCE, key participants in the Geneva talks, and, as appropriate, other bodies, such as the Council of Europe, be established to coordinate their human rights activities relating to the former Yugoslavia.

Such consultations could most usefully take place at two levels: firstly, at the operational level in the field to share information and coordinate fact-finding activities and, secondly, at the political level to ensure that resources and expertise are rationally shared and deployed. Rather than setting up a new mechanism, the Steering Committee and/or working groups at the Geneva talks may be an appropriate forum for regular consultations, provided that all relevant intergovernmental bodies participate.

There are many possible areas where coordination is necessary. For example, the CSCE is to send long term observers to monitor the situation in Kosovo, Sandjak and Vojvodina, a subject of importance also to the Special Rapporteur on the former Yugoslavia, UNHCR and the Geneva talks. It is crucial that all these bodies consult jointly to coordinate their respective efforts and to share information. More and more fact-finding missions are collecting evidence in the field and it is also vital for these missions to work together to ensure that people who provide information do not suffer reprisals. The sharing of expertise is discussed below.

Coordination, however, should not mean centralisation which blunts useful, parallel initiatives taken by different intergovernmental bodies independently. As long as these initiatives are coordinated through regular, joint consultations, every organization can and should still act wherever it has the expertise and resources.

The UN Special Rapporteur on the former Yugoslavia

Amnesty International welcomed the appointment by the UN Commission on Human Rights of a Special Rapporteur on the former Yugoslavia, Mr Tadeusz Mazowiecki, whose work is being supported by the combined expertise of the Commission's own thematic mechanisms on summary or arbitrary executions, torture and arbitrary detention and the Secretary-General's representative on internally displaced persons. The Special Rapporteur is the only international mechanism relating to the former Yugoslavia with a comprehensive and exclusive human rights mandate. Amnesty International considers that Mr Mazowiecki should play a central role in documenting the human rights situation and making recommendations about preventive measures. He must therefore be an integral part of any coordination process.

We also urge the UN to examine closely the results of his fact-finding missions and take urgent steps to implement relevant recommendations included in his reports. In particular, we would draw attention to his recommendations for an international mechanism to monitor the escalating situation in Kosovo, Sandjak and Vojvodina; the importance of full access for the ICRC to all places of detention; and the need to prosecute those responsible for gross human rights violations or breaches of humanitarian law.

To be able to fulfil his mandate, however, the Special Rapporteur must be given sufficient financial and political support. Firstly, it is necessary for the Special Rapporteur to be provided with adequate medical, forensic and other expertise, without which proper investigation into reports of torture and ill-treatment and killings is impossible. If immediate resources in the UN Centre for Human Rights are inadequate, other intergovernmental organizations - particularly the CSCE and Council of Europe - may be able to provide assistance. As recently as 11 September, the Committee of Ministers of the Council of Europe reaffirmed its willingness to contribute to the work of other intergovernmental organizations on the former Yugoslavia. The provision and sharing of such expertise could be addressed in the regular consultations suggested above.

Secondly, Amnesty International supports the recommendation of the Special Rapporteur in his first report (UN Doc: E/CN.4/1992/S-1/9, para.72-73), that as a matter of urgency some members of his staff should be based in the former Yugoslavia in order to coordinate and further his work. Such staff should be able to remain in the region for as long as the Special Rapporteur considers necessary. He also recommended that "an adequate professional and logistical infrastructure" be created within the Centre for Human Rights in Geneva. The first steps have been taken to give the Special Rapporteur more staff, but only in a way which accentuates other staff shortages at the UN Centre for Human Rights. The UN still has a responsibility - particularly the General Assembly and the Security Council - to ensure that the Special Rapporteur is urgently provided with the necessary assistance in Geneva and in the field.

Thirdly, it is clear that the Geneva talks are considering issues which are also directly relevant to the mandate of the Special Rapporteur, such as the release of civilian detainees under international supervision and the closure of the detention camps, and ensuring compliance with international humanitarian law. Amnesty International considers that the Special Rapporteur should be given access to the Steering Committee and/or working groups so that he is fully informed of developments and can participate in relevant discussions.

The International Conference on the former Yugoslavia - the Geneva talks

Reference has already been made to the contribution that the Geneva talks could make to the proper coordination of intergovernmental human rights initiatives. Amnesty International also hopes that the Steering Committee of the Geneva talks and at least three of the six working groups - on humanitarian issues, on ethnic and national communities and minorities and on Bosnia-Herzegovina - will actively consider the human rights issues raised by reports from Amnesty International, other non-governmental organizations and intergovernmental fact-finding missions.

In the longer term, Amnesty International believes that any eventual political settlement of the conflict in the former Yugoslavia must include a strong human rights component. This could include on-site human rights monitoring and measures to reform or strengthen institutions essential for the long-term promotion and protection of human rights. In his *Agenda for Peace*, the UN Secretary-General himself has also rightly emphasized that advancing efforts to protect human rights must be part of comprehensive post-conflict peace-building measures¹.

The Conference on Security and Co-operation in Europe (CSCE)

Amnesty International has welcomed the dispatch of CSCE missions to investigate the plight of detainees held in Bosnia-Herzegovina, attacks on unarmed civilians and the human rights situation in Kosovo, Sandjak and Vojvodina. While we welcome the public release of parts of Sir John Thomson's report of his mission to Bosnia-Herzegovina, we believe that the CSCE could make a larger contribution to the coordination of international action if it carried out its activities with greater transparency. We urge the CSCE to release in full the reports of all its fact-finding missions.

Amnesty International continues to receive reports of serious human rights violations in Kosovo province, inflicted by the Serbian authorities against the majority ethnic Albanian population. The organization fears that tensions between ethnic Albanians and the Serbs threaten to escalate into a major conflict of the kind that is devastating Bosnia-Herzegovina². We therefore welcomed the decision by the Committee of Senior Officials (CSO) on 14 August to deploy long term monitors in Kosovo, Sandjak and Vojvodina. We urge the CSCE to coordinate the work of these monitors with other intergovernmental initiatives.

The Organization of the Islamic Conference

Amnesty International recognises the keen interest of the Organization of the Islamic Conference in this situation, demonstrated by its establishment of a Contact Group on the situation in Bosnia-Herzegovina. We would strongly urge the Organization of the Islamic

¹. Boutros Boutros-Ghali, *An Agenda for Peace*, Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January, 1992, United Nations, New York, 1992, para.55.

². In June this year we documented the almost daily reports of ethnic Albanians being ill-treated or tortured by police, sometimes resulting in death - see *Yugoslavia: Ethnic Albanians - Victims of torture and ill-treatment by police in Kosovo province*, AI Index: EUR 48/18/92, June 1992.

Conference to consider what steps it can take specifically to address this grave human rights situation and to coordinate its efforts on human rights initiatives with other intergovernmental activities in this area.

We would urge your government as a matter of urgency to take all possible steps to ensure the necessary coordination and consultation between these different intergovernmental initiatives relating to human rights issues in the former Yugoslavia and to consider ways in which these can be further strengthened and the recommendations fully implemented.

I would also welcome any comments you may have on our concerns and recommendations.

Yours sincerely,

**Pierre Sané
Secretary General**