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Oral statement

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GROSS HUMAN RIGHTS ABUSES IN THE FORMER YUGOSLAVIA

Mr Chairman,

The Commission on Human Rights' concern about gross human rights abuses in the former Yugoslavia has been evinced by the appointment in August of a Special Rapporteur, and now the convening of this second special session. It is clear that the situation remains one of most serious concern. Representatives of Amnesty International returned yesterday from Bosnia-Herzegovina, where they were able to observe the situation at first hand. They could but conclude that international initiatives since August have failed to make any real impact on the scale and nature of abuses committed in the areas which had a substantial Muslim population in north western Bosnia-Herzegovina.

Amnesty International's representatives found in some towns and villages that the scale of abuses, particularly arbitrary killings, escalated in August, September and October. In the town of Bosanski Petrovac, for example, scores of civilians were killed in August and September, the majority in the last few days before the remaining Muslims left the town. Abuses in such towns and villages - arbitrary killings, arbitrary detention, ill-treatment and repeated threats, together with the burning of mosques and Muslim houses and the forced transfer of property - spread terror throughout the Muslim population to such an extent that they had no option but to leave Serbian-controlled territory. Even after being assured safe passage, refugee convoys were stopped and further abuses committed.

As many as 6,000 prisoners, the majority Muslims held by Serbian forces, remain detained in camps in Bosnia-Herzegovina, in part because they have nowhere to go. Many of them have been detained solely on account of their ethnic origin. Amnesty International is further concerned that, while the incidence of ill-treatment inflicted on detainees in camps visited by the International Committee of the Red Cross appears to have lessened, there are reports of unacknowledged camps where conditions and treatment of detainees are not subject to external monitoring. Remaining detainees face severe risks to their health and, indeed to their lives, on account of poor food and hygiene.

Amnesty International is deeply concerned by continuing reports of abuses in eastern Bosnia-Herzegovina where there is virtually no international presence.

The conflict in Bosnia-Herzegovina also risks spreading to the Sandak region in Serbia and Montenegro, which has a large Slav Muslim population. Already large numbers of Muslims have left the region following numerous incidents in which Muslim-owned property has been destroyed or Muslims have been threatened.

In Serbia, Kosovo Province, Amnesty International is particularly alarmed that ethnic Albanians have been beaten and ill-treated by police. Other reports appear to indicate the increased harassment of political activists by police, in the form of house-searches and interrogations. The organization is disturbed by a number of incidents in which ethnic Albanians have died after being shot by police in disputed circumstances. It is essential that such incidents are investigated by an independent and impartial body whose findings are made public.

The potential for ethnic conflict in Macedonia is a matter of equally grave concern. Amnesty International would hope that specific measures for human rights protection, including on-site investigation and monitoring by civilian human rights experts, will form an integral part of any UN operation there.

Amnesty International has welcomed the steps taken by the Special Rapporteur and representatives of the Commission's thematic mechanisms to investigate and report on the situation, particularly the involvement of forensic experts in the last mission. It is important that this work continues and that there are adequate resources to enable the Special Rapporteur and the thematic mechanisms to intensify their efforts and to bring in additional experts to join UN teams as needed.

As the Special Rapporteur has himself indicated, periodic visits to the area are clearly insufficient. The proposed appointment of five UN personnel is welcome but Amnesty International believes that what is needed in this context is a substantial on-site human rights investigative and monitoring operation. Human rights monitors should also be immediately deployed in Kosovo, Sand_ak and Vojvodina where the conflict may soon spread. These human rights monitors must be properly trained, have a clear mandate and work on the basis of an agreed methodology. Regular reports should be published on their findings and recommendations. Such an operation must have adequate political, financial and logistical support as well as the necessary back-up from the Centre for Human Rights. Evidence of abuses should be preserved and specialized experts should be available to facilitate thorough investigation at the earliest opportunity.

With regard to the plight of detainees, the International Committee of the Red Cross should be given full and immediate access to all places of detention to ensure that conditions do not fall below internationally accepted minimum standards. In addition, the international community should press for the immediate and unconditional release of those held solely on account of their ethnic origin or otherwise arbitrarily or unlawfully detained.

Amnesty International also believes it is important for all intergovernmental organizations involved in documenting the situation in the former Yugoslavia, and seeking to protect human rights there, to work in cooperation. In October, Amnesty International sent an open letter¹ to all Foreign Ministers of the governments involved calling for the greater coordination of international initiatives. We still believe that this requires attention and that the work of the Special Rapporteur and of the human rights monitors must be channelled into and inform other debates.

It is deplorable that many hundreds, perhaps thousands, of those fleeing the conflict in Bosnia-Herzegovina - many of whom are at risk of serious human rights abuses - are not being granted adequate protection. Some continue to face difficulties in obtaining access to territories immediately adjacent to the areas of conflict. Amnesty International continues to receive reports that the Croatian authorities are refusing access to refugees who arrive at the border and who have insufficient documents, in violation of international standards which prohibit *refoulement* (forcible return) at the border even in situations of large-scale influx. The organization also condemns the use of restrictive measures, such as the imposition of visa requirements, which have been resorted to by some European states in an apparent attempt to obstruct those in need of protection from gaining access to their territory. There has been a pitifully inadequate response to the plea of the United Nations High Commissioner for Refugees for offers of resettlement in countries abroad.

It is important that all those suspected of responsibility for gross human rights violations or breaches of humanitarian law should be brought to justice either by national courts or through an international judicial process which strictly conforms to fundamental principles of justice and fairness, is competent and impartial and manifestly independent of the control or influence of individual states or groups of states. Any international judicial process should lead to the establishment of a permanent international judicial body. Of course, recognized standards for a fair trial should be scrupulously observed. Amnesty International would strongly oppose the death penalty being imposed on anyone convicted.

The international community, including the Commission, has a heavy burden of responsibility in the present situation for providing effective protection to the thousands of victims of the conflict, and, in the longer term, for ensuring that there is a strong human rights component in any post-conflict settlement. Amnesty International urges all members of the Commission, and all other governments represented at this meeting, to take the most prompt and effective action to bring relief to the victims and to ensure the protection of human rights in the former Yugoslavia.

Thank you, Mr Chairman.

¹ *Intergovernmental initiatives to protect human rights in the former Yugoslavia*, AI Index EUR 48/27/92, 23 October 1992