

BOSNIA AND HERZEGOVINA

Special Decisions or Action Taken Re: Reporting

CCPR A/48/40 (1993)

G. Other matters

Forty-sixth session

14. The Committee was informed by the Under-Secretary-General for Human Rights of the report of the Secretary-General on the work of the Organization submitted to the General Assembly at its forty-seventh session and took note with interest of the suggestion by the Secretary-General that expert human rights bodies might be empowered to bring massive human rights violations to the attention of the Security Council, together with recommendations for action. The Under-Secretary-General also informed members that the Commission on Human Rights, under the procedure established by Economic and Social Council resolution 1990/48, had held its first special session on 13 and 14 August 1992, devoted to the serious human rights situation in the former Yugoslavia. Among the material brought to the Commission's attention had been the comments adopted by the Committee in connection with its consideration of the third periodic report of Yugoslavia in March 1992. Members were also briefed on the fourth meeting of the persons chairing the human rights treaty bodies, on recent activities of the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the programme of advisory services of the Centre for Human Rights, as well as on the third session of the Preparatory Committee for the World Conference on Human Rights.

15. The Committee confirmed on 19 October 1992 (1178th meeting) a decision taken on 7 October 1992, through its Chairperson acting on behalf of and in consultation with the members of the Committee, whereby the Governments of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) were requested to submit special reports on events affecting human rights protected under the Covenant in respect of persons and events now coming under their jurisdiction (see para. 36 and annex VII below). The Committee also agreed that, in the case of an exceptional situation arising in the future when the Committee was not in session, a request for submission of a report should be made through the Chairperson acting in consultation with the members of the Committee and decided that a text amending the Committee's rules of procedure in that regard should be presented for adoption at the Committee's forty-seventh session.

III. REPORTS BY STATES PARTIES SUBMITTED UNDER ARTICLE 40 OF THE COVENANT

A. Submission of reports

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Requests for special reports

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36. Deeply concerned by recent events in the territory of the former Yugoslavia affecting human rights protected under the Covenant, having noted that all the peoples within the territory of the former Yugoslavia are entitled to the guarantees of the Covenant, finding that the new States within the boundaries of the former Yugoslavia succeeded to the obligations of the former Yugoslavia under the Covenant in so far as their respective territories were concerned, and acting under article 40, paragraph 1 (b), of the Covenant, the Committee, through its Chairman acting on behalf of and in consultation with the members of the Committee, requested on 7 October 1992, shortly before the session, the Governments of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to submit a special report in respect of persons and events now coming under their jurisdictions. That decision was confirmed by the Committee on 19 October 1992 (1178th meeting). Subsequently, such reports were received from the three Governments (see annex VII).

Annex VII

Special Decisions by the Human Rights Committee concerning reports of particular states

A. Bosnia and Herzegovina ^{1/}

The Human Rights Committee, through its Chairman acting on behalf of and in consultation with the members of the Committee,

Deeply concerned by recent and current events in the territory of the former Yugoslavia that have affected human rights protected under the International Covenant on Civil and Political Rights,

Noting that all the peoples within the territory of the former Yugoslavia are entitled to the guarantees of the Covenant,

Acting under article 40, paragraph 1 (b) of the Covenant,

1. Requests the Government of the Republic of Bosnia and Herzegovina to submit a short report, as soon as possible and not later than 30 October 1992, on the following issues in respect of persons and events now coming under its jurisdiction:

(a) Measures taken to prevent and combat the policy of ethnic cleansing pursued, according to several reports, on the territory of certain parts of the former Yugoslavia, in relation to articles 6 and 12 of the International Covenant on Civil and Political Rights;

(b) Measures taken to prevent arbitrary arrests and killings of persons, as well as disappearances, in relation to articles 6 and 9 of the Covenant;

(c) Measures taken to prevent arbitrary executions, torture and other inhuman treatment in detention camps, in relation to articles 6, 7 and 10 of the Covenant;

(d) Measures taken to combat advocacy of national, racial or religious hatred constituting incitement to discrimination, hostility or violence, in relation to article 20 of the Covenant;

2. Invites the Government of Bosnia and Herzegovina to appear, through its representatives, before the Human Rights Committee during the third week of its forthcoming session (2-4 November 1992);

3. Requests the Secretary-General to bring the present decision to the attention of the Government of Bosnia and Herzegovina.

^{1/} Adopted on 7 October 1992 by the Human Rights Committee, through its Chairman acting on behalf of and in consultation with the members of the Committee, and confirmed on 19 October 1992 (1178th meeting).

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III. METHODS OF WORK OF THE COMMITTEE UNDER ARTICLE 40 OF THE COVENANT: OVERVIEW OF PRESENT WORKING METHODS

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D. Implementation of the Covenant in new States that constituted parts of former States parties to the Covenant

48. In its decision of 7 October 1992, requesting the Governments of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia to submit reports on specific issues in respect of persons and events under their jurisdiction, the Committee emphasized that all the peoples within the territory of a new State that constituted a part of the former Yugoslavia were entitled to the guarantees of the Covenant. In its comments adopted at the end of the consideration of the report of Bosnia and Herzegovina, the Committee further noted that by complying with the Committee's request to submit a report, and by sending a delegation before it, the Republic of Bosnia and Herzegovina had confirmed its succession to the obligations undertaken under the Covenant by the former Socialist Federal Republic of Yugoslavia in respect of the territory forming part of the Republic of Bosnia and Herzegovina. It recommended that the Republic of Bosnia and Herzegovina formalize its succession to the Covenant by submitting the appropriate notifications to the Secretary-General. ^{13/} Subsequently, on 1 September 1993, the instruments of succession of the Republic of Bosnia and Herzegovina to the Covenant, with effect from 6 March 1992, were received by the Secretary-General.

^{13/} See Official Records of the General Assembly, Forty-eighth Session, Supplement No. 40 (A/48/40), para. 332.