

## **BOSNIA AND HERZEGOVINA**

### **Special Decisions or Action taken Re: Reporting, Including Urgent Action Procedure**

#### **CERD CERD/C/SR.983 (1993)**

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION  
Forty-second session  
PROVISIONAL SUMMARY RECORD OF THE 983rd MEETING

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SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1, OF  
THE CONVENTION (continued)

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#### Draft decisions on the former Yugoslavia

90. The CHAIRMAN drew attention to the draft decision submitted by Mr. Rechetov, which read:

"In view of recent reports of armed conflict within the territory of former Yugoslavia and in accordance with rule 65 of its rules of procedure relating to the provisions of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination requests further information by 31 July 1993 from the Governments of the Federation of the Republic of Yugoslavia (Serbia and Montenegro), Croatia and Slovenia, on the implementation of the Convention within their territories.

The Committee trusts that the Government of Bosnia-Herzegovina has given attention to the process of notifying its succession to the treaty obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and, if it proceeds accordingly, the Committee requests further information by 31 July from the Government of Bosnia-Herzegovina on the implementation of the Convention within its territory."

91. He then drew attention to the draft decision proposed by Mr. Aboul-Nasr, Mr. Banton, Mr. Garvalov, Mr. van Boven, Mr. Wolfrum and Mr. de Gouttes, which read:

"In view of recent reports of ethnic conflict within the Federal Republic of Yugoslavia (Serbia and Montenegro) and in accordance with rule 65 of its rules of procedure relating to the provisions of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination requests further information by 31 July 1993 from the Government on the implementation of the Convention within the territory.

The Committee on the Elimination on Racial Discrimination decides that at its forty-third session it will review the eighth and the tenth reports of Yugoslavia submitted and considered in 1985 and 1990 and the Committee's consideration of them to see whether any lessons can be learned about the processes generating ethnic conflicts and about the ways in which the Committee can react to signs of increasing tension."

92. Mr. DIACONU asked whether the sponsors of the two draft decisions could not agree to combine them into a single text.

93. Mr. RECHETOV said he could accept a combined text. He suggested that, in the decision he had proposed, the words "within their territories" at the end of the first paragraph should be deleted.

94. Mr. de GOUTTES said that he could agree that a reference to Croatia and Slovenia should be added to the text of the second draft decision.

95. Mr. RECHETOV pointed out that, since the Committee was requesting information from all successor States to the former Yugoslavia, it was important that the text adopted should include a reference to Bosnia and Herzegovina.

96. Mr. FERRERO COSTA said he agreed that the two texts needed to be brought into line, but he was not sure whether there had in fact been any reports of ethnic conflicts in Slovenia. He feared that to request information from all the Republics that had belonged to the former Yugoslavia without distinction might water down the central issue facing the Committee, which was the ethnic cleansing reported to be taking place in Serbia and Croatia.

97. Mr. WOLFRUM proposed that the beginning of the second draft decision should be amended to read: "In view of recent reports of ethnic conflict within the territory of the former Yugoslavia ...". The end of the paragraph would read: "... requests further information by 31 July 1993 from the Governments of the former Yugoslavia (Serbia and Montenegro), Croatia and Slovenia on the implementation of the Convention within their territories".

98. The text could then continue with the second paragraph of the first draft decision, with the wording brought into line with that of the recommendation already adopted on the subject and with the addition of the words "if possible".

99. Mr. RECHETOV said he could accept that suggestion.

100. Mr. FERRERO COSTA pointed out that the wording should be brought into line with article 3 of the Convention, which used the phrase "territories under their jurisdiction" rather than "their territories". That distinction was an important one.

101. Mr. WOLFRUM said that he had intended to use that wording.

102. Mr. SHAHI noted that the first part of the proposed text used the words "the former Yugoslavia", but later referred to "the Republic of Yugoslavia"; the texts should be made consistent.

103. In his view, it would be too much in the present circumstances to expect the Government of Bosnia and Herzegovina to be in a position to provide information, but he could accept the text if the words "if possible" were included.

104. The CHAIRMAN suggested that a small working group consisting of Mr. Yutzis, Mr. Rechetov, Mr. Diaconu, Mr. Ferrero Costa, Mr. Wolfrum and Mr. de Gouttes should be set up to prepare a revised text for adoption the following day.

105. He further suggested that Mr. Shahi should be designated to monitor the work of the fourth session of the Preparatory Committee for the World Conference on Human Rights.

106. It was so decided.

**CERD CERD/C/SR.984 (1993)**

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-second session

PROVISIONAL SUMMARY RECORD OF THE 984th MEETING

DECISIONS AND GENERAL RECOMMENDATIONS OF THE COMMITTEE

Draft decision concerning the former Yugoslavia

1. Mr. WOLFRUM read out the following revised draft decision concerning the former Yugoslavia, prepared by the Working Group appointed for that purpose:

"1. The Committee is gravely concerned about the ongoing ethnic conflict in the territory of the former Yugoslavia.

2. The Committee requests the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro) and of the Republic of Croatia to send it, as soon as possible and not later than 31 July 1993, further information on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

3. The Committee encourages the Republic of Bosnia and Herzegovina to confirm to the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination, that it continues to be bound by obligations under the Convention. If it proceeds accordingly, the Committee requests further information, as soon as possible and not later than 31 July 1993, on the implementation of the Convention.

4. The Committee decides to examine the situation in the territory of the former Yugoslavia, within the framework of its Convention, at its forty-third session to be held in August 1993."

2. Mr. RECHETOV proposed a drafting change in paragraph 4 of the text, where the word "its" should be deleted before the word "Convention" and the full title of the Convention should be reproduced.

3. Mr. SHAHI asked Mr. Wolfrum to confirm that the names of the countries mentioned in the draft decision were correct and in conformity with the designations accepted by the General Assembly. Also, he wondered whether, given the situation currently obtaining in Bosnia and Herzegovina, it was appropriate to request that country to provide the Committee with further information by 31 July 1993.

4. Mr. WOLFRUM confirmed that the names of the various republics in the territory of the former Yugoslavia were those found in the decision on the subject adopted by the Commission on Human Rights, which was correct. The request for information from Bosnia and Herzegovina in paragraph 3 of the draft decision had been very carefully formulated by the Working Group. The request would give Bosnia and Herzegovina an opportunity to report on the incidents that were taking place in its

territory but over which the official Government of Bosnia and Herzegovina had no control. Bosnia and Herzegovina was thus being offered a very interesting possibility.

5. Mr. FERRERO COSTA said that the Working Group, consisting of Mr. Rechetov, Mr. Wolfrum and himself, had reproduced in the draft decision all the concerns expressed by the Committee. He hoped that it would be adopted by consensus.

6. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to adopt the draft decision.

7. It was so decided.

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**CERD A/48/18 (1993)**

VIII. Decisions and General Recommendations Adopted by the Committee at its forty-second session

A. Decisions

1 (42) Further information requested from certain States of the former Yugoslavia

1. The Committee expresses its grave concern over the ongoing ethnic conflict in the territory of the former Yugoslavia.

2. The Committee requests the Government of Yugoslavia (Serbia and Montenegro) and the Government of the Republic of Croatia to submit, in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, further information on the implementation of the Convention. This information should be submitted as soon as possible and no later than 31 July 1993.

3. The Committee encourages the Government of the Republic of Bosnia and Herzegovina to confirm to the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination, that it continues to be bound by the obligations under that Convention. If the Government of Bosnia and Herzegovina proceeds accordingly, the Committee requests it to submit information by 31 July 1993 on the implementation of the Convention.

4. The Committee decides to examine the situation in the territory of the former Yugoslavia in regard to the International Convention on the Elimination of All Forms of Racial Discrimination at its forty-third session to be held in August 1993. In accordance with rule 64 of its rules of procedure, the Committee invites representatives of the States concerned to be present at the examination.

983<sup>rd</sup> meeting  
19 March 1993

**CERD A/50/18 (1995)**

**II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES**

**A. Decisions adopted by the Committee**

26. The following decisions were adopted by the Committee under this agenda item at its forty-seventh session.

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2 (47). The situation in Bosnia and Herzegovina 3/

The Committee on the Elimination of Racial Discrimination,

Concerned at the massive, gross and systematic human rights violations which continue to occur on the territory of Bosnia and Herzegovina, and reiterating its concluding observations adopted at its 1097th meeting, held on 16 March 1995,

Deeply concerned about reports that attacks, particularly on the United Nations Protected Areas of Srebrenica and Zepa, in the Krajina area, as well as in other places, were directed against civilians and civilian installations, and about grave mistreatment of, crimes committed against and killing of innocent civilians, contrary to international humanitarian law and relevant Security Council resolutions,

Alarmed that the hostilities in and around Srebrenica and Zepa, in the Krajina area, as well as in other places, have resulted in a significant flow of refugees and in the eviction and detention of persons, resulting in an "ethnic cleansing" of the areas concerned,

Deeply concerned that according to reports many of the former inhabitants of the United Nations Protected Areas of Srebrenica and Zepa, of the Krajina region and of other places have disappeared and still cannot be accounted for,

Decides:

(a) Firmly to re-emphasize that any attempt to change or to uphold a changed demographic composition of an area against the will of the original inhabitants, by whatever means, is a violation of international law;

(b) To demand that all parties to the conflicts fully ensure the safety of all detained persons under their control and disclose all information concerning all missing persons;

(c) Also to demand that persons be given the opportunity to return safely to the places they inhabited before the beginning of the conflict and that their safety be guaranteed, as well as their effective participation in the conduct of public life;

(d) Urgently to call upon the international community, in particular all the European States, to render assistance to refugees and detained persons directly and through the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and all other organizations involved in assistance to refugees;

(e) Firmly to re-emphasize that all those who commit violations of international humanitarian law or war crimes shall be held individually responsible for such acts, calls upon all States to cooperate fully with the International Tribunal for the prosecution of war crimes committed in the former Yugoslavia, and demands that States implement the necessary legislation to ensure their unimpeded and effective cooperation with the International Tribunal;

(f) Urgently to call for the provision to Bosnia and Herzegovina of all means to protect itself in accordance with Article 51 of the Charter of the United Nations and to live within safe and secure borders;

(g) To express its solidarity with the former Special Rapporteur of the Commission on Human Rights, Mr. Tadeusz Mazowiecki, agreeing with him that the response of the international community has been slow and ineffectual in reacting to the massive human rights violations in Bosnia and Herzegovina;

(h) To transmit the present resolution immediately to the Secretary-General of the United Nations for his attention and, through him, to the General Assembly and the Security Council, and recommends that the United Nations take all necessary measures to provide for the strict implementation of resolutions in the areas referred to and in particular to undertake urgent efforts for the assistance to refugees and detained persons.

1126<sup>th</sup> meeting  
17 August 1995

Mr. Diaconu explained that as the Committee did not vote separately on subparagraph (f), he could not approve the draft. He also stated that he had effectively been precluded from expressing his opinion on the competence of the Committee concerning the contents of subparagraph (f). He objected to the procedure for the adoption of the decision which, in his opinion, did not follow the Committee's rules of procedure. He therefore had abstained, even though he only objected to one paragraph.

Mr. de Gouttes explained that he had abstained for reasons of procedure and substance. Concerning the former, he indicated that he agreed with Mr. Diaconu that the rules of procedure necessitated that there first be a separate vote on subparagraph (f) of the draft. With regard to substance, he stated

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<sup>3/</sup> This decision was adopted by a vote. The following members made explanations after the vote: Mr. Diaconu, Mr. De Gouttes, Mr. Chigovera, Mr. Agha Shahi, Mr. Wolfrum, Mr. Rechetov, Mr. Ferrero Costa, Mr. van Boven, Mr. Yutzis, Mr. Song, Mr. Ahmadu, Mr. Banton and Mr. Gervalov. It should also be noted that the vote was preceded by an extensive exchange of views on



the matter (see CERD/C/SR.1125).

that he approved of the text in its entirety, with the exception of subparagraph (f) which he believed to be outside the competence of the Committee. He also considered that the text could have better distinguished between the situations in Srebrenica and Zepa on the one hand, and in Krajina on the other. Mr. de Gouttes concluded by regretting that more effort had not been made to find a draft text which would have been acceptable to all members.

Mr. Chigovera explained that he had abstained because he did not agree that subparagraph (f) was within the competence of the Committee. He stated, however, that he supported the draft in general except for that paragraph.

Mr. Agha Shahi explained that his reasons for voting against the draft decision were fully set out in his earlier statement in which he had commented paragraph by paragraph, pointing out the shortcomings which militated against a fair compromise and equitable balance in the text of the draft decision. Nevertheless, if the provisions had been put to a vote paragraph by paragraph, he would have abstained on several of the preambular paragraphs while supporting those dealing with the humanitarian aspects, in spite of their shortcomings. He would certainly have voted in favour of the paragraph urgently calling for the provision to Bosnia and Herzegovina of all means to protect itself in accordance with Article 51 of the Charter of the United Nations and to live within safe and secure borders. He maintained that this paragraph fell squarely within the ambit of the Convention because it was the only way of protecting the lives of the Bosnian Muslims. He reminded the Committee that the right to life was the most fundamental of human rights and must be guaranteed to all regardless of race, ethnicity, descent and so on, as set forth in article 1 of the Convention. He emphasized that as the international community had failed to fulfill its pledge to protect the population of the “safe areas” of Srebrenica and Zepa, the only way to ensure the right to life of this Bosnian group was not to deny it the right of self-defence. Mr. Agha Shahi went on to explain that his main reason for voting against the draft decision was the last paragraph, which did not call for immediate enforcement action by the United Nations Security Council, weakening the force of the recommendation, adopted at its forty-sixth session (March 1995), that called for the application of such measures by the Security Council in Bosnia and Herzegovina. Enforcement action was urgent in view of the fresh wave of “ethnic cleansing” after the fall of Srebrenica and Zepa and the war crimes against humanity committed against the Bosnian Muslim refugees and displaced persons. The first preambular paragraph, referring to the concluding observations as set forth at the forty-sixth session, had become greatly weakened by the wording of the last paragraph of the draft decision. Taking the draft decision as a whole, Mr. Agha Shahi found it to be unfair, unbalanced and failing to meet the challenge before the Committee. He also noted that two years ago, he was unable to associate himself with the findings of the Committee regarding Bosnia and Herzegovina because they had equated the victims of “ethnic cleansing” with its perpetrators.

Mr. Wolfrum explained his vote in favour of the draft, which he described as a compromise text. He stated that he was not completely happy with every element of the text but he believed that the outcome was more satisfactory than negative. Mr. Wolfrum stated that he was deeply impressed by the arguments put forward by Mr. Agha Shahi, Mrs. Sadiq Ali and Mr. de Gouttes. He would have preferred to have clarified the distinction between the events that occurred in, on the one hand, Zepa

and Srebrenica and, on the other, in Krajina; he would also have preferred a much stronger wording condemning “ethnic cleansing”. He would have preferred a consensus decision, but the result was the best that could be achieved under the circumstances.

Mr. Rechetov stated that, although the text of the draft was not ideal, in his opinion it was relatively balanced. He expressed concern over reports on atrocities according to which women and children were abused by Croatian troops in villages to which the United Nations had no access. He explained his abstention first by stating that the draft decision made reference to concluding observations adopted during the previous session which had been unbalanced and not fully impartial and because he objected to the reference made to article 51 of the Charter.

Mr. Ferrero Costa explained that he had voted in favour because he had found the draft decision fair and impartial. He would have preferred had the “ethnic cleansing” of the region been condemned more strongly and had the Committee called more strongly on the European States and international organizations to take more responsibility. He approved of mentioning Article 51 of the Charter in subparagraph (f) and generally agreed with what had been said by Mr. Wolfrum.

Mr. van Boven, having voted in favour of the decision, took the floor to explain his vote and also to respond to some comments made by Mr. Rechetov in relation to what Mr. van Boven had said earlier in the discussion. Mr. van Boven expressed the wish to have been able to make the distinction between what had happened in Zepa and Srebrenica and in the Krajina area. He was therefore not fully satisfied with the text. He had been following quite closely the events in the former Yugoslavia and he agreed with Mr. Rechetov that he challenged the view that this could be compared with the reported systematic liquidation of a part of the adult male population of Srebrenica. Had there been separate vote on the individual paragraphs he would have abstained on subparagraph (f) for reasons also expressed by other members of the Committee.

Mr. Yutzis expressed regret that he had not been present for the voting. The situation in Bosnia and Herzegovina was a very grave humanitarian situation and everyone knew that the events that produced it could happen in other parts of the world. If he had been present he would have voted in favour of the draft decision and requested that the systematic liquidation of groups of persons be condemned. He expressed the wish that the Committee had condemned systematic crimes more strongly.

Mr. Song, who had voted in favour of the decision, expressed his satisfaction with the draft. However, he indicated that the comments expressed regarding paragraph 10 were justified and that had there been a vote paragraph by paragraph, he would have abstained on paragraph (f).

Mr. Ahmadu explained that he had voted for the decision because he was a co-sponsor of the text. He believed that “if you can’t get what you want, you should like what you get”, and that this described his feelings about the draft resolution. He also expressed his profound hope that the situation in the region would soon improve.

Mr. Banton explained that he voted in favour of the motion although procedurally he agreed with Mr. Diaconu and he would have liked to have had the opportunity to vote against subparagraph (f). On

points of substance he agreed with what Mr. Diaconu, Mr. de Gouttes, Mr. Chigovera, Mr. Wolfrum and Mr. van Boven said and with some of what Mr. Shahi, Mr. Rechetov and Mr. Ferrero had said. He was only able to vote in favour because he knew he would have the opportunity to make an explanation of his vote.

Mr. Garvalov, in his personal capacity, stated that the reason he had voted in favour of the draft decision was that he felt that the Committee needed to make its position on Bosnia and Herzegovina known at the present session. For him, the language of the text was more satisfactory than unsatisfactory. Had it been possible to conduct a separate vote on each paragraph, he probably would have taken another position on one or two of them. On the whole, however, he felt that he was morally bound to give his support to the decision because it was what the Committee was expected to do.

## **CERD A/51/18 (1996)**

### **II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES**

#### **A. Decisions adopted by the Committee at its forty-eighth session**

30. The following decisions were adopted by the Committee under this agenda item at its forty-eighth session.

#### **Decision 1 (48) on Bosnia and Herzegovina**

The Committee on the Elimination of Racial Discrimination recalls its expressions of serious concern at the situation in Bosnia and Herzegovina, a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination, and in particular its decision 2 (47) adopted on 17 August 1995, and will continue to review the situation in Bosnia and Herzegovina under its early warning and urgent procedures.

The Committee notes the General Framework Agreement for Peace in Bosnia and Herzegovina drawn up in Dayton and signed in Paris on 24 November 1995 and is anxious to contribute to the implementation of the peace agreement from the perspective of the principles and objectives of the International Convention on the Elimination of All Forms of Racial Discrimination.

Accordingly, the Committee:

1. Entrusts its Chairman, in close communication with its officers, to consult, in close coordination with the United Nations High Commissioner for Human Rights and other United Nations bodies, notably the Special Rapporteur on the situation of human rights in the former Yugoslavia, as well as competent regional bodies, with a view to making recommendations for follow-up action by the Committee on the Elimination of Racial Discrimination.
2. Decides to institute a process of consultation with the State Party concerned on how the good offices of the Committee can be drawn upon in the future, in consultation with all interested parties, in order to promote understanding between races and ethnic groups and to build a society free from all forms of racial or ethnic segregation or discrimination.
3. Invites the State Party concerned to cooperate with the Committee in organizing, as soon as practically possible a meeting between a delegation of the Committee on the Elimination of Racial Discrimination and the newly established Commission on Human Rights for Bosnia and Herzegovina so as to place the Committee's experience at the disposal of the Commission.

1153<sup>rd</sup> meeting  
13 March 1996

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## II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

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### B. Decisions adopted by the Committee at its forty-ninth session

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#### Decision 1 (49) on Bosnia and Herzegovina

1. The Committee on the Elimination of Racial Discrimination recalls its earlier decisions relating to the situation in Bosnia and Herzegovina, a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination, in particular its Decisions 2 (47) and 1 (48).
2. The Committee emphasizes the importance of all measures aiming at the establishment of a peaceful, democratic, multi-ethnic and pluralist society in Bosnia and Herzegovina, the reconstruction of economy and the strengthening of democratic institutions, notably for the promotion and protection of human rights, which are essential conditions for the effective functioning of the civil society.
3. While fully conscious of the fact that free, fair and democratic elections are an important means to lay the foundation for representative government and to help ensuring the progressive achievement of democratic goals throughout Bosnia and Herzegovina, the Committee expresses its serious preoccupations and fear that as a result of the actual deficiencies in the process of voter registration, practices of intimidation, restrictions on the freedoms of association and expression, and abuses of the media, the holding of elections - important and advisable as they are - may under the present circumstances reinforce patterns of ethnic segregation and ethnic division contrary to the thrust and the basic principles of the International Convention on the Elimination of All Forms of Racial Discrimination.
4. The Committee urges all parties to the General Framework Agreement for Peace in Bosnia and Herzegovina to comply with their obligation to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia in fulfilling its major task of bringing to justice all persons guilty of the serious crimes falling within its jurisdiction and in particular to execute forthwith all warrants of arrest and expedite the transfer of the persons indicted by the Tribunal.
5. The Committee urgently appeals to all authorities to guarantee, in conformity with Article 5, paragraph (b), of the Convention, to all persons under their jurisdiction, without distinction as to national or ethnic origin, the rights to security of person and protection against violence or bodily harm, and to take appropriate measures against individuals and institutions violating these rights.
6. The Committee reiterates its readiness to contribute to the implementation of the peace accords from the perspective of the principles and objectives of the International Convention on the Elimination of All Forms of Racial Discrimination along the lines, indicated by the Committee in its

Decision 1 (48).

7. In addition, the Committee is fully prepared to offer guidance and good offices on the implications of Article 4 of the Convention with a view to the prevention and prompt suppression of written or verbal incitement, through media or otherwise, of ethnic or racial hostility or hatred.

8. The Committee is also ready to contribute to any programme of technical cooperation that the Centre for Human Rights may set up in cooperation with other competent agencies for the purpose of implementing Article 7 of the Convention which requires immediate and effective measures in the fields of teaching, education, culture and information with a view to combating prejudices and promoting understanding, tolerance and friendship among nations and racial or ethnical groups.

9. The Committee is apprehensive that the peaceful conditions brought about by IFOR may not continue to obtain after the envisaged withdrawal of this force by the end of 1996, and invites the attention of the Security Council through the Secretary-General to deal with any such emergency that may arise by the establishment of a successor force to IFOR.

1182<sup>nd</sup> meeting  
22 August 1996

**CERD A/52/18 (1997)**

**II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES**

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Decisions adopted by the Committee at its fifty-first session

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Decision 2 (51) on Bosnia and Herzegovina

1. The Committee on the Elimination of Racial Discrimination discussed the situation in Bosnia and Herzegovina in the context of the principles and objectives of the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee reaffirmed its decisions 1 (48) and 1 (49), adopted with a view to offering its contribution to the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina drawn up at Dayton and signed in Paris on 14 December 1995.
2. The Committee notes with great concern that little progress has been made in the implementation of the Peace Agreement. Bosnia and Herzegovina remains a deeply divided country, with boundaries not very different from confrontation lines between the entities and with clear patterns of discrimination and separation based on national or ethnic origin, which is contrary to the basic principles of the International Convention on the Elimination of All Forms of Racial Discrimination.
3. The Committee is also deeply concerned that in spite of the guarantees in the Peace Agreement, annex 7, concerning the right of all refugees and displaced persons to freely return to their homes of origin, serious obstacles to return continue to exist in Bosnia and Herzegovina, and that property laws which conflict with the Peace Agreement remain in effect in the two principal entities of Bosnia and Herzegovina. In this connection, the Committee draws the attention of all parties concerned to its General Recommendation XXII (49), in particular paragraphs 2 (a), (b) and (c).
4. The Committee is profoundly disturbed that little progress is being made in the apprehension of persons indicted by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia. The Committee again urges all parties to the Peace Agreement to comply with their obligation to cooperate fully with the Tribunal in fulfilling its task of bringing to justice all persons guilty of the serious crimes falling within its jurisdiction and, in particular, to execute forthwith all warrants of arrests and expedite the transfer of the persons indicted by the Tribunal.
5. The Committee decides to remain seized of the situation in Bosnia and Herzegovina under its agenda item on prevention of racial discrimination, including early warning and urgent procedures, and expresses the wish that the State party concerned will be present at the next examination of that situation.

1236<sup>th</sup> meeting  
18 August 1997



**CERD A/53/18 (1998)**

Chapter II

Prevention of racial discrimination, including early warning and urgent procedures

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A. Decisions adopted by the Committee at its fifty-second session

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Decision 3 (52) on Bosnia and Herzegovina

1. The Committee, referring to its decisions 2 (47) of 17 August 1995 and 1 (48) of 13 March 1996 on Bosnia and Herzegovina, reiterates its readiness and offer to contribute to the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina drawn up at Dayton and signed in Paris on 14 December 1995, having regard for the objectives of the International Convention on the Elimination of All Forms of Racial Discrimination.

2. The Committee re-examined the situation in Bosnia and Herzegovina under the early warning and urgent procedure and noted the absence of a delegation from Bosnia and Herzegovina at its fifty-second session.

3. The Committee decided to keep Bosnia and Herzegovina on the list of countries subject to the urgent procedure and to send a letter to the authorities of Bosnia and Herzegovina to inform them that the Committee will examine the situation of their country at its fifty-third session, in August 1998, and that it wishes to meet a delegation from the country at that time.

4. The Committee expresses the desire to gather up-to-date information urgently on the situation in Bosnia and Herzegovina by hearing from the representatives of the Secretary-General and issuing an invitation to the Special Rapporteur of the Commission on Human Rights for the former Yugoslavia.

5. The Committee reaffirms its wish to keep the situation in Bosnia and Herzegovina under active review.

1271<sup>st</sup> meeting  
19 March 1998

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## Chapter II

### Prevention of racial discrimination, including early warning and urgent procedures

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#### B. Decisions adopted by the Committee at its fifty-third session

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#### Decision 6 (53) on Bosnia and Herzegovina

1. The Committee discussed the situation in Bosnia and Herzegovina in the context of the principles and objectives of the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee reaffirmed its decisions 2 (47) of 17 August 1995, 1 (48) of 13 March 1996, 2 (51) of 18 August 1997 and 3 (52) of 19 March 1998 on Bosnia and Herzegovina and reiterated its readiness and offer to contribute to the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina drawn up at Dayton and signed in Paris on 14 December 1995. The situation in Bosnia and Herzegovina was re-examined under the early warning and urgent procedure and the Committee was pleased that the State party was able to accept its invitation to be present during the discussions and to contribute to a constructive and positive dialogue.

2. In its earlier decisions, the Committee expressed its alarm about the many violations of human rights in Bosnia and Herzegovina and the depth of the persisting divisions reflecting clear patterns of discrimination and separation based on national and ethnic origin. The Committee reiterated its alarm about the continuing violence and the danger to which refugees were exposed. Its dialogue with the State delegation, however, enabled it to note that important progress had been made towards peace in certain areas.

3. The Committee emphasizes the importance of the findings of the Special Rapporteur of the Commission on Human Rights in the reports of 15 October 1997 (E/CN.4/1998/13) and of 14 January 1998 (E/CN.4/1998/63), particularly the remarks on the challenges ahead contained in paragraphs 21-27 of the latter report.

4. Believing that tensions associated with ethnic differences are central to many of the existing problems within the territory of the State party, the Committee wishes to stress the importance of supporting and strengthening the Office of the Federation Ombudsman in its work for human rights and the rule of law.

5. The Committee also wishes to support the idea of reviewing school books and other educational materials in order to rid them of falsifications of history or incitement of ill will or contempt towards other peoples and ethnic groups.

6. It is the view of the Committee that the fate and the situation of the Roma population in Bosnia

and Herzegovina requires urgent attention and special measures by the authorities and international organizations.

7. The State and its constituent components should amend any relevant existing laws in order to provide amnesty to persons who, solely on grounds of their ethnic identification, avoided conscription or deserted during the hostilities in the former Yugoslavia and all attempts to track down and punish such persons should cease immediately.

8. Further, the State and its constituent components should by all means encourage the safe and voluntary repatriation of refugees and the return of displaced persons to their places of origin with a view to counteracting the effects of the war and "ethnic cleansing", which is of paramount importance to the full implementation of annex 7 of the Peace Agreement. To achieve this, effective measures have to be taken in order to guarantee the full protection of all returnees and to find a durable solution to problems related to property rights, in accordance with general recommendation XXII (49) of 16 August 1996 of the Committee. In this context, the Committee is of the view that repatriation programmes for refugees from Bosnia and Herzegovina should be considered with caution until such protection can be guaranteed.

9. The Committee is convinced that the continued presence, for as long as is necessary, in Bosnia and Herzegovina, with the consent of its Government, of the Office of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina, stabilization forces and other international organs and the intensified cooperation between them and the peace-building institutions within Bosnia and Herzegovina is an essential prerequisite for the success of peace efforts and for the promotion of human rights, including the objectives and purposes of the Convention.

1300<sup>th</sup> meeting  
19 August 1998

## **CERD, A/60/18 (2005)**

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### **Chapter V. Review of the implementation of the Convention in States parties whose reports are seriously overdue**

...

#### **C. Action taken by the Committee to ensure submission of reports by States parties**

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426. At its sixty-sixth and sixty-seventh sessions, the Committee reviewed the question of delays and non-submission of reports by States parties in accordance with their obligations under article 9 of the Convention.

427. At its forty-second session, the Committee, having emphasized that the delays in reporting by States parties hampered it in monitoring implementation of the Convention, decided that it would continue to proceed with the review of the implementation of the provisions of the Convention by the States parties whose reports were overdue by five years or more. In accordance with a decision taken at its thirty-ninth session, the Committee agreed that this review would be based upon the last reports submitted by the State party concerned and their consideration by the Committee. At its forty-ninth session, the Committee further decided that States parties whose initial reports were overdue by five years or more would also be scheduled for a review of implementation of the provisions of the Convention. The Committee agreed that in the absence of an initial report, the Committee would consider all information submitted by the State party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations. In practice the Committee also considers relevant information from other sources, including from non-governmental organizations, whether it is an initial or periodic report that is seriously overdue.

428. Following its sixty-fifth session, the Committee decided to schedule at its sixty-sixth session a review of the implementation of the Convention in the following States parties whose periodic reports were seriously overdue: Bosnia and Herzegovina... In the cases of Bosnia and Herzegovina, ... the reviews were postponed at the request of the States parties, which indicated their intention to submit the requested reports shortly...

429. Following its sixty-sixth session, the Committee decided to schedule at its sixty-seventh session a review of the implementation of the Convention in the following States parties whose initial and periodic reports were seriously overdue: Bosnia and Herzegovina... Bosnia and Herzegovina was withdrawn from the list prior to the sixty-seventh session following the submission of a report...