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III. CONCLUDING OBSERVATIONS

CERD

- Bosnia and Herzegovina, CERD, A/48/18 (1993) 87 at paras. 467 and 468.

Paragraph 467

Grave concern is expressed about the massive, gross and systematic human rights violations occurring in the territory of Bosnia and Herzegovina, as well as practices of "ethnic cleansing", including forced population transfers, torture, rape, summary executions, the blockading of international humanitarian aid and the commission of atrocities for the purpose of instilling terror among the civilian population. The lack of effective action to bring to an end these and other human rights violations is deplored.

Paragraph 468

Profound concern is expressed that the human rights violations occurring in Bosnia and Herzegovina are being committed on the basis of "ethnic identity" for the purpose of attempting to create ethnically pure States. It is emphasized that such attempts are completely contrary to the spirit and the principles of the Convention. Furthermore, the partition along ethnic lines in Bosnia and Herzegovina could encourage groups elsewhere who are unwilling to respect the territorial integrity of States.

- Bosnia and Herzegovina, CERD, A/50/18 (1995) 46 at paras. 219 and 220.

Paragraph 219

Grave concern and condemnation is expressed at the massive, gross and systematic human rights violations, most of which are committed in connection with the systematic policy of "ethnic cleansing" and genocidal acts in the areas under the control of the self-proclaimed Bosnian Serb authorities. All these practices, which are still occurring, constitute a grave violation of all the basic principles underlying the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee urges the immediate reversal of ethnic cleansing which must begin with the voluntary return of displaced people.

Paragraph 220

It is deeply regretted that no effective protection was afforded to the population, even in the Security Council-declared "safe areas".

- Zaire, CERD, A/51/18 (1996) 70 at para. 520.

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Grave concern is expressed at allegations of large-scale discrimination against the Pygmies (Batwa) and at reports of violent clashes in Kivu involving the Hunde, the Nyanga and the Nande ethnic groups (considered to be natives of Zaire), and the Banyarwanda and the Banaymulengue ethnic groups (considered to be non-natives of Zaire, although they have lived in the country for generations), causing thousands of deaths. Reports of alleged regional "ethnic cleansing" in Shaba against the Kasai ethnic group, which led to their massive displacement to other parts of the country, and of attacks and widespread discrimination against Rwandan and Burundian refugees, are also a subject of great concern.

- Germany, CERD, A/52/18 (1997) 25 at para. 159.

Genocide is rightly condemned as a crime against humanity. All genocidal acts should be condemned without any distinction as to time, place or groups of victims; it is hoped that schemes for compensation of the victims of genocide and for prevention of any future discrimination will cover all groups that have been or may become victims.

- Belgium, CERD, A/52/18 (1997) 31 at paras. 217 and 226.

Paragraph 217

Prohibiting the denial, minimization, justification or approval of the genocide committed by the German national socialist regime during the Second World War is noted. Concern is expressed that the scope of that Act of 23 March 1995, which does not refer to all types of genocide, is too restricted.

Paragraph 226

Adjustments should be made to the Constitution and the laws to permit more effective criminal prosecution of racist, negatory or discriminatory writings. The Act of 23 March 1995, which prohibits the denial, minimization, justification or approval of the genocide committed by the German national socialist regime during the Second World War, should be broadened to cover the different types of genocide. Dissatisfaction is shown with the replacement of the concept of "national or ethnic origin" by the concepts of "origin" or "nationality". An amendment should be made keeping with the terms used in article 1, paragraph 1, of the Convention.

- Colombia, CERD, A/54/18 (1999) 44 at para. 471.

Grave concern is expressed at reports of "social cleansing" in urban centres involving the murder of Afro-Colombian prostitutes and street children, some of whom appear to have been targeted on the

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basis of their race.

- Rwanda, CERD, A/55/18 (2000) 31 at paras. 138, 141 and 150.

Paragraph 138

The Committee bears in mind the events of 1994 and thereafter, involving genocide and the massive loss of life, and recognizes the difficulty for the population of the State party to overcome this recent history. The Committee is aware that the genocide continues to affect most aspects of life in the State. The problems posed by the attacks of armed opposition groups from outside its territory since 1994 are also recognized.

Paragraph 141

The efforts made by the State party to remove all references to ethnic distinctions from official texts and speeches, as well as from identity cards are noted. The State party's efforts to prevent impunity for perpetrators of genocide and other human rights violations and to bring those most responsible for such acts to justice are also noted. The State party's efforts to rehabilitate the judicial system is encouraging, including the training of judicial and law-enforcement officials.

Paragraph 150

The State party's efforts to establish a specialized centre for juveniles accused of participating in the genocide are recognized. Concern remains about the detrimental effect upon children of long periods of detention. While taking into consideration the very serious and tragic acts of which these juveniles are accused, it is nevertheless recommended that the State party make every effort to reintegrate such juveniles into the community as soon as is possible.

ICCPR

- Colombia, ICCPR, A/47/40 (1992) 83 at paras. 393 and 394.

Paragraph 393

Concern is expressed at the ongoing violence, causing a rate of homicide, disappearances and torture which, although decreasing, is unacceptable. The murders of sectors of the population in so-called social cleansing operations ("*limpieza social*") are of special concern. Moreover, the phenomenon of impunity for police, security and military personnel is also of concern. In that connection, the measures that have been taken do not seem to be sufficient to guarantee that all members of the armed forces who abuse their power and violate citizens' rights will be brought to trial and punished. Military courts do not seem to be the most appropriate ones for the protection of citizens' rights in a context where the military itself has violated such rights. The persistence of paramilitary groups also causes concern.

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Paragraph 394

The State party should intensify its action against all violence resulting in human rights violations. It should eliminate impunity; strengthen safeguards for individuals *vis-à-vis* the armed forces; limit the competence of the military courts to internal issues of discipline and similar matters so that violations of citizens' rights will fall under the competence of ordinary courts of law; and disband all paramilitary groups.

- Bosnia and Herzegovina, ICCPR, A/48/40 vol. I (1993) 69 at para. 332.

The Republic of Bosnia and Herzegovina should formalize its succession to the Covenant by submitting the appropriate notification to the Secretary-General of the United Nations. The measures already taken by the Republic should be further intensified and systematically monitored so as to ensure that ethnic cleansing does not take place, whether as a matter of revenge or otherwise; that prisoners are not taken for the purpose of eventual exchange of prisoners; that all places of detention are officially proclaimed; that records of all people detained are kept and made public; and that such places of detention are open to visits by the International Committee of the Red Cross and the families of the people detained. All places of detention that do not comply with these conditions should be immediately dismantled. Administrative arrangements should be made to enable persons to retrace members of their family who have disappeared and prompt investigations should take place to bring all those responsible for violations to trial.

- Yugoslavia (Serbia and Montenegro), ICCPR, A/48/40 vol. I (1992) 82 at paras. 386-388.

Paragraph 386

Various concordant sources of information describe mass arrests, summary and arbitrary executions, enforced or involuntary disappearances, torture, rapes and looting committed by Serbian nationalists both in Croatia (Krajina) and in Bosnia and Herzegovina. It is reported that some 20 camps are controlled by these armed men and that they are holding thousands of civilians, including women, children and elderly people, in conditions unworthy of the respect due to the human person. Massive violence has been unleashed, *inter alia*, against Dubrovnik and Vukovar and is still being directed against Sarajevo. It is also observed that the means deployed and the interests involved demonstrated the existence of links between the nationalists and Serbia which invalidated the Federal Government's claim to be exempt from responsibility.

Paragraph 387

The purpose of these acts is to displace or eliminate Muslims, Croats or other nationalities and thus constitute ethnically homogeneous areas.

Paragraph 388

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This situation is strongly deplored and it is regretted that the Federal Government refuses to acknowledge its responsibility for such acts on the grounds that they were committed outside its territory.

- Algeria, ICCPR, A/53/40 vol. I (1998) 52 at para. 354.

The widespread massacre of men, women and children in a great number of villages and towns is appalling. It is also of serious concern that women have been the victims of not only killings, but also of abduction, rape and severe violence. The lack of timely or preventive measures of protection to the victims from police or military officials in the vicinity and the persistent allegations of collusion of members of the security forces in terrorist attacks are also of concern. The State party is urged to adopt effective measures:

(a) to prevent those attacks and, if they nevertheless occur, to come promptly to the defence of the population;

(b) to ensure that proper investigations are conducted by an independent body to determine who the offenders are and to bring them to justice; and

(c) in all cases of massacres to conduct an independent enquiry into the conduct of the security forces, from the lowest to the highest levels, and where appropriate, to subject them to penal and disciplinary sanctions.

ICESCR

- Colombia, ICESCR, E/1996/22 (1995) 41 at paras. 184 and 195.

Paragraph 184

Concern is expressed that the Government's action is not sufficiently energetic to eradicate the odious practice of so-called "social cleansing", by which some criminal groups threaten and kill persons whom they consider disposable, including children.

Paragraph 195

The phenomenon of so-called "social cleansing" has not been eradicated and the utmost vigilance is recommended in this regard, in particular to the punishment of the perpetrators of such crimes. The root causes of this phenomenon should be addressed with all means available to the Government.

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CEDAW

- Rwanda, CEDAW, A/51/38 (1996) 36 at para. 321.

The Committee is dismayed at the deep psychological trauma, the unwanted pregnancies and the massive rape of women and girls during the genocide, which resulted in widespread HIV/AIDS and other sexually transmitted diseases. This can eventually lead to further illness and death for thousands of women and girls.