



General Assembly

Distr.  
GENERAL

A/51/556  
25 October 1996

ORIGINAL: ENGLISH

---

Fifty-first session  
Agenda item 110 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND  
REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Kosovo

Report of the Secretary-General

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION .....	1 - 3	2
II. ACCESS BY UNITED NATIONS HUMAN RIGHTS MISSIONS .....	4 - 11	2
III. ACCESS BY THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE/ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE .....	12 - 15	4

## I. INTRODUCTION

1. At its fiftieth session, the General Assembly adopted resolution 50/190 of 22 December 1995, in which it requested the Secretary-General to seek ways and means, including through consultation with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in the province of Kosovo in the Federal Republic of Yugoslavia (Serbia and Montenegro) and to report thereon to the Assembly.

2. In addition, the Commission on Human Rights, at its fifty-second session, adopted resolution 1996/71 of 23 April 1996, in section VI of which it called upon the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure full and free access to its territory to all institutions concerned with the implementation of the resolution, including non-governmental organizations; and requested the Governments of the territories within the mandate of the Special Rapporteur to cooperate with her and to provide her on a regular basis with information about the actions it was undertaking to implement her recommendations.

3. Furthermore, the Subcommission on Prevention of Discrimination and Protection of Minorities adopted at its forty-eighth session, in 1996, resolution 1996/8 on the situation of human rights in Kosovo, in which it reiterated the above-mentioned request of the General Assembly.

## II. ACCESS BY UNITED NATIONS HUMAN RIGHTS MISSIONS

4. On 23 February 1996, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) notified the Special Rapporteur on the Commission on Human Rights, Mrs. Elisabeth Rehn, that it had approved the establishment of an office of the Centre for Human Rights at Belgrade. The Government stated that:

"in an effort to promote cooperation with you and the Centre for Human Rights, the Federal Republic of Yugoslavia is pleased to respond positively and accept your request that an office be opened in Belgrade that would be staffed with the persons of your choice and would assist you in establishing the truth about the human rights situation in the Federal Republic of Yugoslavia."

5. Requests to the Government of the Federal Republic of Yugoslavia for the opening of such an office were first made by the then-Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki, during his visits to that country in August and October 1992. The purpose of establishing such an office was to provide assistance to the Special Rapporteur in the collection and analysis of first-hand information on the situation of human rights in that country. In its resolution 1993/7 of 23 February 1993, the Commission requested the Secretary-General to "provide for the appointment of field staff in the territory of the former Yugoslavia to provide first-hand, timely reports on observance of

violations of human rights in their area of assignment". Field staff of the Centre for Human Rights took up posts in 1993 elsewhere in the territory of the former Yugoslavia.

6. The Government of the Federal Republic of Yugoslavia declined repeated requests and recommendations, including recommendations from the Secretary-General, the United Nations High Commissioner for Human Rights and the Assistant Secretary-General for Human Rights for the establishment of a United Nations human rights field presence on its territory. In a letter dated 29 June 1993, the Government's Permanent Representative to the United Nations Office at Geneva wrote that the Federal Republic of Yugoslavia could not accept the appointment of a United Nations field officer in its territory since the reports of the Special Rapporteur were considered by the Government to be "one-sided, unbalanced and tendentious".

7. On 27 July 1995, Mr. Mazowiecki resigned as Special Rapporteur, and on 27 September 1995, the Chairman of the Commission on Human Rights appointed a new Special Rapporteur, Mrs. Elisabeth Rehn. Mrs. Rehn conducted her first mission to the region from 9 to 15 October 1995. On 13 October 1995, she visited Belgrade, and requested in her meetings with government officials that authorization be granted for the opening of an office of the Centre for Human Rights. She followed this with a letter to the Federal Minister for Human Rights on 17 October 1995, making the same request.

8. The Government gave its approval on 23 February 1996. On 15 March 1996, the Centre for Human Rights officially opened its office at Belgrade, and assigned an international human rights officer and a local staffperson to staff the office on a full-time basis. In September 1996 the Government authorized the assignment to Belgrade of a second international human rights officer at the request of the United Nations High Commissioner for Human Rights.

9. Since her appointment in September 1995, the Special Rapporteur has visited the Federal Republic of Yugoslavia four times, and she has travelled to the area of Kosovo twice. In addition, the staff of the Centre for Human Rights' office at Belgrade have visited Kosovo for the purpose of gathering information for the use of the Special Rapporteur. The Special Rapporteur has also visited other areas of the Federal Republic of Yugoslavia since her appointment, including the regions of Vojvodina and Sandzak. She has met with the President of the Republic of Serbia, the Minister for Foreign Affairs, the Federal Minister for Freedoms of the Citizen and National Minority Rights and other senior officials, as well as representatives of non-governmental human rights organizations and other persons concerned with human rights issues. In her report to the Commission on Human Rights dated 14 March 1996 (E/CN.4/1996/63), the Special Rapporteur stated that she was "highly encouraged by the continuing cooperation she has received from all of the parties" covered by her mandate, and she made particular note of the attention to her concerns shown by the Government of the Federal Republic of Yugoslavia. Neither the Special Rapporteur nor the staff of the Centre for Human Rights has noted any significant problems during the last year in moving throughout the country to gather human rights information.

10. The Government of the Federal Republic of Yugoslavia continues to deny permission to visit the country to the expert member of the Working Group on Enforced or Involuntary Disappearances on the special process on missing persons in the territory of the former Yugoslavia, Mr. Manfred Nowak. In a letter to the United Nations High Commissioner for Human Rights dated 12 September 1996, the Permanent Representative of the Government to the United Nations Office at Geneva reaffirmed its earlier denials of permission, stating that it had suspended cooperation with the expert since the activities he had carried out had been beyond his mandate and, thus, he had been abusing his status of expert while politicizing with extreme maliciousness the profoundly humanitarian problem of missing persons.

11. The United Nations High Commissioner for Human Rights visited the Federal Republic of Yugoslavia on 10 and 11 May 1996, during the course of a mission that also took him to Bosnia and Herzegovina and the Republic of Croatia. The High Commissioner met with leading government officials, including the Prime Minister of the Federal Republic of Yugoslavia and the Federal Minister for Freedoms of the Citizen and National Minority Rights, as well as with academic authorities and representatives of non-governmental human rights organizations. In a letter to the Secretary-General dated 17 May 1996, the High Commissioner noted that he had stressed in his meetings with government officials the importance of full cooperation with the Special Rapporteur and the expert on missing persons. The High Commissioner has continued to maintain close communication with the authorities of the Federal Republic of Yugoslavia.

### III. ACCESS BY THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE/ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

12. On 14 August 1992, by a decision of the fifteenth Committee of Senior Officials, the then-Conference on Security and Cooperation in Europe (CSCE) established a mission of long duration, which had as a task (a) to promote dialogues between authorities concerned and representatives of the communities in three regions (Kosovo, Sandjak, and Vojvodina); (b) to collect information on all aspects relevant to violations of human rights and fundamental freedoms and promote solutions to such problems; (c) to establish contact points for solving problems that might be identified; and (d) to assist in providing information on relevant legislation on human rights, protection of minorities, free media and democratic elections.

13. The mission maintained its presence in Kosovo for 10 months. It carried out its mandate with the formal consent and support of the authorities of the Federal Republic of Yugoslavia, in accordance with a memorandum of understanding signed on 28 October 1992.

14. Following the elections in the Federal Republic of Yugoslavia of December 1992 and its exclusion from CSCE membership, the Government withdrew its formal consent for the mandate. Therefore, the mission departed in July 1993. 1/

15. Despite repeated requests by CSCE/Organization for Security and Cooperation in Europe (OSCE) and the General Assembly to reinstate the monitoring mission, the Federal Republic of Yugoslavia has consistently denied access.

Notes

1/ See Final Report of the CSCE Mission, No. 14/93, of 6 August 1993.

-----