

stationing of human rights monitors throughout the country, especially the southern marsh area;

11. *Once again expresses its special alarm* at the continuation of all internal embargoes, which permit no exceptions for humanitarian needs and which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon the Government of Iraq, which has sole responsibility in this regard, to remove them and to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq and to act to take advantage of the "food for oil" formula as set forth in Security Council resolutions 706 (1991) and 712 (1991);

12. *Regrets* the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon it fully to cooperate and to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations to improve the situation of human rights in Iraq;

13. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient human and material resources for the sending of human rights experts to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

14. *Decides* to continue its consideration of the situation of human rights in Iraq during its fiftieth session under the item entitled "Human rights questions" in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

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#### 49/204. Situation of human rights in Kosovo

##### *The General Assembly,*

*Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>195</sup> the International Covenants on Human Rights,<sup>196</sup> the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>2</sup> the Convention on the Prevention and Punishment of the Crime of Genocide<sup>197</sup> and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>198</sup>*

*Recalling its resolution 48/153 of 20 December 1993,*

*Taking note of Commission on Human Rights resolution 1994/76 of 9 March 1994,<sup>199</sup> and recalling Commission resolutions 1992/S-1/1 of 14 August 1992,<sup>195</sup> 1992/S-2/1 of 1 December 1992<sup>196</sup> and 1993/7 of 23 February 1993,<sup>197</sup>*

*Taking note of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, dated 4 November 1994,<sup>174</sup> in which he stated that the situation in Kosovo had deteriorated further in the course of the six months prior to his report, as well as his earlier reports,<sup>197</sup> in which he described the various discriminatory measures taken in the legislative, administrative and judicial areas, acts of violence and arbitrary arrests perpetrated*

*against ethnic Albanians in Kosovo and the continuing deterioration of the human rights situation in Kosovo, including:*

(a) Police brutality against ethnic Albanians, the killing of ethnic Albanians resulting from such violence, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees and discrimination in the administration of justice;

(b) Discriminatory and arbitrary dismissals of ethnic Albanian civil servants, notably from the ranks of the police and the judiciary, mass dismissals of ethnic Albanians, confiscation and expropriation of their properties, discrimination against Albanian pupils and teachers, the closing of Albanian-language secondary schools and university, as well as the closing of all Albanian cultural and scientific institutions;

(c) The harassment and persecution of political parties and associations of ethnic Albanians and their leaders and activities, maltreating and imprisoning them;

(d) The intimidation and imprisonment of ethnic Albanian journalists and the systematic harassment and disruption of the news media in the Albanian language;

(e) The dismissals from clinics and hospitals of doctors and members of other categories of the medical profession of Albanian origin;

(f) The elimination in practice of the Albanian language, particularly in public administration and services;

(g) The serious and massive occurrence of discriminatory and repressive practices aimed at Albanians in Kosovo, as a whole, resulting in widespread involuntary migration;

and noting that the Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolution 1993/9 of 20 August 1993,<sup>131</sup> considered that these measures and practices constituted a form of ethnic cleansing,

*Recognizing* that the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo played a positive role in monitoring the human rights situation and in preventing an escalation of conflict there, and recalling in this context Security Council resolution 855 (1993) of 9 August 1993,

*Considering* that the re-establishment of the international presence in Kosovo to monitor and investigate the situation of human rights is of great importance in preventing the situation in Kosovo from deteriorating into a violent conflict,

1. *Strongly condemns* the measures and practices of discrimination and the violations of human rights of ethnic Albanians in Kosovo committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. *Condemns* the large-scale repression by the police and military of the Federal Republic of Yugoslavia (Serbia and Montenegro) against the defenceless ethnic Albanian population and the discrimination against the ethnic Albanians in the administrative and judiciary branches of government, education, health care and employment, aimed at forcing ethnic Albanians to leave;

3. *Demands* that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, the discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial and the practice of torture and other cruel, inhuman or degrading treatment;

<sup>195</sup> See *Official Records of the Economic and Social Council, 1992, Supplement No. 2A (E/1992/22/Add.1/Rev.1)*, chap. II.

<sup>196</sup> *Ibid.*, Supplement No. 2B (E/1992/22/Add.2-E/CN.4/1992/84/Add.2).

<sup>197</sup> E/CN.4/1993/50 and E/CN.4/1994/110.

(b) Revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(c) Establish genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of its inhabitants as the best means of preventing the escalation of the conflict there;

(d) Reopen the cultural and scientific institutions of the ethnic Albanians;

(e) Pursue dialogue with the representatives of ethnic Albanians in Kosovo, including under the auspices of the International Conference on the Former Yugoslavia;

4. *Demands* that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) cooperate fully and immediately with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia in the discharge of his functions as requested by the Commission by its resolution 1994/76 and other relevant resolutions;

5. *Encourages* the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, with a view to taking urgent practical steps to tackle the critical needs of the people in Kosovo, especially of the most vulnerable groups affected by the conflict, and to assist in the voluntary return of displaced persons to their homes;

6. *Urges* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate unconditional return of the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo, called for in Security Council resolution 855 (1993);

7. *Requests* the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly;

8. *Calls upon* the Special Rapporteur to continue to monitor closely the human rights situation in Kosovo and to pay special attention to this matter in his reporting;

9. *Decides* to continue examination of the human rights situation in Kosovo at its fiftieth session under the item entitled "Human rights questions".

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#### 49/205. Rape and abuse of women in the areas of armed conflict in the former Yugoslavia

##### *The General Assembly,*

*Guided* by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>11</sup> the International Covenants on Human Rights,<sup>17</sup> the Convention on the Prevention and Punishment of the Crime of Genocide,<sup>169</sup> the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>75</sup> the Convention on the Elimination of All Forms of Discrimination against Women,<sup>68</sup> the Convention on the Rights of the Child<sup>44</sup> and other instruments of human rights and international humanitarian law, including the Geneva Conventions of 12 August 1949<sup>170</sup> and the Additional Protocols thereto, of 1977,<sup>171</sup>

*Recalling* its resolution 3074 (XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection,

arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

*Taking note* of Commission on Human Rights resolution 1994/77 of 9 March 1994,<sup>32</sup> entitled "Rape and abuse of women in the territory of the former Yugoslavia", and recalling General Assembly resolution 48/143 of 20 December 1993, entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia",

*Appalled* at the continuing and substantiated reports of widespread rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, in particular its use by Serb forces against Muslim women and children in Bosnia and Herzegovina and other non-Serbs,

*Reaffirming* the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992, in which, *inter alia*, the Council strongly condemned those acts of unspeakable brutality,

*Welcoming* the reports and recommendations of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia,<sup>174</sup>

*Taking note with deep concern* of the reports on the findings of the Special Rapporteur regarding rape and abuse of women in the territory of the former Yugoslavia, particularly in Bosnia and Herzegovina,

*Convinced* that this heinous practice constitutes a deliberate weapon of war in fulfilling the policy of ethnic cleansing carried out by Serb forces in Bosnia and Herzegovina, and recalling its resolution 47/121 of 18 December 1992, in which it stated, *inter alia*, that the abhorrent policy of ethnic cleansing was a form of genocide,

*Welcoming* the fact that the proceedings of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 have now begun, and in this context encouraging the provision of all resources necessary, including full funding as well as voluntary contributions from States and intergovernmental and non-governmental organizations, so that the Tribunal can conduct, without any interference and further delay, its stipulated functions of trying those accused of and punishing those responsible for the perpetration of violations of international law,

*Desirous* of ensuring that persons accused of upholding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice by the International Tribunal where appropriate and without further delay,

*Underlining*, in this context, the need for the protection of the rape victims and the provision to them of effective guarantees of privacy and confidentiality, and desirous of facilitating their participation in the proceedings of the International Tribunal and ensuring that further traumatization will be prevented,

*Stressing* the need for further development and strengthening of a programme for protection of witnesses and survivors of sexual abuse and rape as a war crime who provide testimonies, in order to provide effective protection against retribution, and in this context expressing its support for the Victims and Witnesses Unit of the International Tribunal,

*Deeply alarmed* at the situation facing victims of rape in the conflicts in different parts of the world, in particular in Bosnia and Herzegovina, and the continuing use of rape as a weapon of war,

*Noting with appreciation* the work of the Office of the United Nations High Commissioner for Refugees, humanitarian