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COMMISSION ON HUMAN RIGHTS
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Agenda item 11 (d)

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF:
IMPUNITY

Albania*, Austria, Botswana, Canada, Chile, Czech Republic, Denmark*, Ecuador, Finland*, France, Georgia*, Germany, Guatemala, Hungary, Ireland, Italy, Latvia, Liechtenstein*, Luxembourg*, New Zealand, Norway, Portugal*, Romania, Sweden*, Switzerland*, The former Yugoslav Republic of Macedonia*, Uganda*, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

1999/... Impunity

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, and the Vienna Declaration and Programme of Action,

Recalling the universality, interdependence and indivisibility of civil, political, economic, social and cultural rights,

Recalling also its resolutions 1998/53 of 17 April 1998 and 1994/44 of 5 March 1994, and taking note of resolutions 1998/13 of 20 August 1998 and

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1997/28 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as Part II, paragraph 91, of the Vienna Declaration and Programme of Action,

Convinced that the practice and expectation of impunity for violations of international human rights or humanitarian law encourage such violations and are among the fundamental obstacles to the observance of international human rights and humanitarian law and the full implementation of international human rights and humanitarian law instruments,

Convinced also that exposing violations of human rights, holding their perpetrators and their accomplices and collaborators accountable, obtaining justice for their victims, as well as preserving historical records of such violations and restoring the dignity of victims through acknowledgement and commemoration of their suffering, will guide future societies and are integral to the promotion and implementation of all human rights and fundamental freedoms and to the prevention of future violations,

Recognizing that accountability of perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the establishment, by a number of States where serious human rights violations have occurred in the past, of mechanisms to expose such violations, including commissions of inquiry or commissions for achieving truth and reconciliation,

Expressing satisfaction at the completion of the mandate of General Assembly resolution 52/160 of 15 December 1997 by the adoption of the Statute of the International Criminal Court in Rome on 17 July 1998, while acknowledging the work of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda, as measures in the fight against impunity,

Conscious that the phenomenon of impunity affects all spheres of society,

Convinced of the need for Governments to combat impunity by addressing past or ongoing abuses, taking measures aimed at preventing the recurrence of such violations,

1. Emphasizes the importance of combating impunity to the prevention of violations of international human rights and humanitarian law and urges States to give necessary attention to the question of impunity for violations

of international human rights and humanitarian law, including those perpetrated against women, and to take appropriate measures to address this important issue;

2. Recognizes that, for the victims of human rights violations, public knowledge of their suffering and the truth about perpetrators of these violations are essential steps towards rehabilitation and reconciliation, and urges States to intensify their efforts to provide victims of human rights violations with a fair and equitable process through which these violations can be investigated and made public and to encourage victims to participate in such a process;

3. Welcomes in this regard the publication in some States of the reports of commissions of truth and reconciliation established by those countries to address human rights violations that have occurred there in the past and encourages other States where serious human rights violations have occurred in the past to establish appropriate mechanisms to expose such violations;

4. Emphasizes the importance of taking all necessary and possible steps to hold accountable perpetrators of violations of international human rights and humanitarian law, and urges States to take action in accordance with due process of law;

5. Calls upon States to cooperate with the Preparatory Commission that is engaged in drafting the rules of procedure and evidence of the International Criminal Court and in clarifying details of its operation, and to consider signing and ratifying the Statute establishing the Court;

6. Calls upon States and the United Nations High Commissioner for Human Rights to consider providing to States, upon their request, concrete and practical assistance and cooperation in seeking to achieve the goals set out in the present resolution;

7. Notes the report submitted by Mr. Louis Joinet pursuant to Sub-Commission decision 1996/119 of 29 August 1996 (E/CN.4/Sub.2/1997/20/Rev.1) and the Set of principles for the protection and promotion of human rights through action to combat impunity annexed to the report, thanks those States that submitted comments on the report pursuant to resolution 1998/53 and invites all other States, international organizations and non-governmental organizations to provide the Secretary-General with their views and comments on the report;

8. Requests the Secretary-General to again invite States to provide information on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to provide information on remedies available to the victims of such violations;

9. Also requests the Secretary-General to collect the information and comments received pursuant to the present resolution and to submit a report to the Commission at its fifty-sixth session;

10. Invites the special rapporteurs and other mechanisms of the Commission to continue to give due consideration to the issue of impunity in the discharge of their mandates;

11. Decides to continue its consideration of this matter at its fifty-sixth session under the same agenda item.
