

generally respected the "rules of the road" by arresting or detaining only those war crime suspects sought by the Tribunal and submitting all cases involving suspected war crimes to the Tribunal for review prior to prosecution by the national courts; called on the authorities, and particularly the authorities in Republika Srpska, to apprehend and surrender for prosecution all persons indicted by the Tribunal.

Section VI on missing persons: called on all parties to treat the subject of missing persons as an urgent humanitarian problem, to make full disclosure of available information to the Working Group on Missing Persons (chaired by the ICRC) and to abandon the principle of reciprocity in dealing with the question; requested the International Commission on Missing Persons to provide essential supplies for the Bosnian exhumation process; called on all parties to release any individuals held as a result of or in relation to the conflict, the so-called "hidden detainees"; called on all parties to resume and expand the joint exhumation process in Bosnia and Herzegovina and to comply with their obligations to investigate enforced disappearances; and called on the Bosnian Serb authorities to support the reconciliation process by reaching out to family associations from all ethnic groups and to allow the burial of remains in the Srebrenica area.

The resolution also renewed the mandate of the Special Rapporteur for a further year, maintained Bosnia and Herzegovina as one of the three countries of focus, and requested the Special Rapporteur to carry out missions to Bosnia and Herzegovina.

The resolution was adopted by a vote of 41 in favour, none opposed, 12 abstentions.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1998/43, paras. 21–22)

The report refers to the decision of the Commission on Human Rights in 1997 to discontinue the special process on missing persons which had been assigned to a member of the Working Group (WG). The WG decided that cases of disappearance which occurred in Bosnia and Herzegovina prior to the date of entry into force of the Dayton Peace Agreement (14 December 1995) would not be dealt with by the WG. The report notes that cases of disappearance after December 1995 will be examined. However, none were referred during the period covered by the report.

Freedom of opinion and expression, Special Rapporteur on: (E/CN.4/1998/40, para. 25)

The report refers to observations by the Special Rapporteur on the situation in the territory of the former Yugoslavia related to the September 1997 elections (E/CN.4/1998/13, para. 16) and the fact that "participa-

tion in political life was hindered by various obstacles, notably to freedom of the press". The problems encountered were reported to have prevented genuine inter-ethnicity (as well as intra-Federation) campaigning, and negatively affected the right of citizens to information.

Religious intolerance, Special Rapporteur on: (E/CN.4/1998/6, paras. 48, 50, 64)

The report refers to violations of freedom of religion and belief against Christianity and Islam, including attacks against and the destruction of places of worship. No details of cases or incidents were provided.

Violence against women, Special Rapporteur on: (E/CN.4/1998/54, Section I.A)

The report provides testimony by a woman who was raped during the war. The Special Rapporteur states that, despite the widespread nature of rape and sexual abuse and the many indictments that have been filed, no one had yet been convicted of sexual assault by the International Tribunal on the Former Yugoslavia.

Mechanisms and Reports of the Sub-Commission

Systematic rape, sexual slavery and slavery-like practices during armed conflict, Special Rapporteur on: (E/CN.4/Sub.2/1998/13, paras. 12, 13, 22, 25, 30, 38, 42, 44, 45, 50, 51, 58, 62, 66, 69, 75, 76, 78, 81, 110)

The report notes that, with regard to breaking the cycle of impunity, the International Criminal Tribunal for the Former Yugoslavia (ICTY) has issued numerous indictments charging crimes based on sexual violence. Various approaches and definitions used by the ICTY to deal with cases of systematic rape and sexual slavery and violence that occurred during the war are cited. Areas covered include: consent, lack of consent or the lack of capacity to consent; "rape camps"; crimes against humanity – arising from a widespread or systematic attack against a civilian population, including widespread or systematic persecution based on racial, ethnic, religious, political or other grounds; rape and enslavement as separate qualifying offences under the definition of crimes against humanity; rape as constituent acts of genocide and war crimes; the applicability of common article 3 of the Geneva Conventions; and the law of command responsibility.

The Special Rapporteur (SR) stated that sexual violence includes situations in which two victims are forced to perform sexual acts on one another or to harm one another in a sexual manner. The report cites charges brought by the Office of the Prosecutor to the ICTY for violations of the laws of war and crimes against humanity. The case involved one prisoner in a Bosnian Serb prison camp who was forced by a guard to bite off the testicle of another prisoner in the presence of a group of prisoners. In another case in a different detention facility, a Serb police chief was indicted for forcing two detainees to "perform sexual acts upon each other in the presence of several other prisoners and guards".