

stigma, fear of awakening bad memories, fear of reprisals, a lack of trust in the judicial system and the national legislature. The report notes that Office of the High Commissioner for Refugees has remained extensively involved in providing assistance and social services in the territory of the former Yugoslavia to refugees and displaced persons, giving special attention to victims of rape and abuse. However, while UNHCR has shown appreciation for the fact that women victims of violence may still be suffering from trauma or the physical effects of rape, the Office believes that, in the current context, other problems, including the reintegration of minorities and the plight of single female-headed households, have taken over in priority. Nonetheless, reference is made to the Bosnian Women's Initiative, a \$5 million UNHCR project funded by the United States which covers more than 106 micro-projects supporting communities throughout Bosnia and Herzegovina and focusing on war-affected women and their families as key participants to their rehabilitative efforts. The report also notes that the UNHCR has supported community projects in Bosnia and Herzegovina through local NGOs, to provide various types of assistance to victims of rape and sexual violence.

On the issue of the International Tribunal, the report refers to articles 2 and 5 of the Statute, under which the Office of the Prosecutor is to investigate and prosecute sexual assaults as serious violations of international humanitarian law and notes that article 5 (g) of the Statute includes rape as a crime against humanity. A summary of the activities of the Tribunal includes reference to the conclusion of the prosecution of Duško Tadic, a Bosnian Serb, in December 1996, and recalls that during the case-in-chief, the Prosecution introduced evidence of rape and sexual mutilation through witness testimonies. In May 1997, the Trial Chamber convicted Tadic, *inter alia*, of cruel treatment, a violation of the laws or customs of war, inhumane acts and crimes against humanity based upon acts of sexual violence. The report also refers to the commencement, in March 1997, of the case against four Bosnian Muslim men accused of committing serious violations of international law against Bosnian Serb civilians at the Celibici detention camp. The Prosecution has introduced testimony concerning rape and other sexual abuse inflicted upon female and male detainees to substantiate charges of rape and torture alleged in the indictment. The report notes that during 1997, the Investigation Unit of the Office of the Prosecutor has continued to amass evidence of rape, sexual torture, sexual abuse and other forms of sexual assault that occurred in the former Yugoslavia during the war and states that, although charges of sexual violence are not contained in the indictments issued between July 1996 to September 1997, the Prosecutor expects to include such evidence in future indictments.

#### **Resolution adopted by the General Assembly**

In the resolution on the situation of human rights in Bosnia and Herzegovina, Croatia and Yugoslavia (A/C.3/52/L.69/Rev.1) adopted by the General Assembly at its 1997 session, the GA, *inter alia*: expressed grave concern at the continuing evidence of violations of human rights and fundamental freedoms taking place in varying degrees in B&H; expressed concern for fostering democracy and the rule of

law in the area and noted that the recommendations made by the OSCE have not been followed; called attention to the reports and recommendations of the CHR Special Rapporteur; called for the full and consistent implementation of the Dayton Accord and its annexes; expressed serious concern about continuing human rights violations and the delays in fully implementing the human rights provisions of the Dayton Accord; condemned in the strongest terms the continued forcible expulsion of individuals from their homes and the practice of destroying the homes of those forcibly expelled; called for the immediate arrest and punishment of individuals engaged in these actions; also condemned the continuing restrictions on freedom of movement between the two entities and urged all parties to guarantee the freedom of movement of returnees and residents; urged all parties immediately to create conditions conducive to the safe and voluntary return of refugees and internally displaced persons to their pre-war homes; called upon all entities to repeal property laws which prevent pre-war residents from returning to their homes and to ensure the passage of non-discriminatory legislation as soon as possible; encouraged all parties to cooperate with and support the work of the property commission to resolve outstanding property claims; expressed concern for women and children who were victims of rape used as a weapon of war, and called for the perpetrators of rape to be brought to justice while ensuring that victims and witnesses receive adequate assistance and protection; urged all states and relevant organizations to continue to give serious consideration to the recommendation concerning provision for the continuation of necessary medical and psychological care to victims of rape; expressed its concern, in particular, for the welfare of those victims of rape who are currently among the internally displaced or otherwise affected by the war and who have experienced severe trauma and require psychological and other assistance; insisted that all parties act to promote and protect democratic institutions of government at all levels, ensure freedom of expression and of the media, allow and encourage freedom of association, including with respect to political parties, and ensure freedom of movement; insisted that the parties comply with the human rights provisions of their national Constitution; insisted that all authorities cooperate fully with the Commission on Human Rights for Bosnia and Herzegovina, in particular by providing the information and resource reports requested by the Human Rights Ombudsman and by participating in hearings before the Human Rights Chamber; demanded that the Republika Srpska cease its pattern of non-cooperation with the Commission; called on the Commission on Human Rights for Bosnia and Herzegovina to intensify its activities concerning alleged or apparent violations of human rights, or alleged or apparent discrimination of any kind; urged the parties to implement results of recent municipal elections; welcomed the easing of border crossing between Bosnia and Herzegovina and Croatia; urgently called on all parties to meet their obligations to cooperate fully with the International Tribunal; strongly condemned the continuing refusal of the authorities of the Republika Srpska to arrest and surrender indicted war criminals known to be present in the territory; welcomed the increased cooperation with the Tribunal by the central authorities of B&H which have enacted implementing