

greater efforts to strengthen and implement fully democratic norms, particularly with respect to the principle of free and fair elections, the rule of law, respect for human rights and administration of justice; called on the government to protect and expand opportunities for free and independent media, end torture and ill-treatment, repeal the 1989 Law on Special Conditions for Real Property Transactions, apply all other legislation without discrimination, and respect the rights of persons belonging to minority groups; condemned the violent repression of non-violent expression of political views in Kosovo; insisted that the government put an end to the continuing repression of, and prevent violence against, the ethnic Albanian and other communities in Kosovo, and ensure the complete withdrawal of its special police from Kosovo; insisted that the government release all political detainees, allow the return in safety and dignity of ethnic Albanian refugees to Kosovo and improve the situation of ethnic Albanian women and children; insisted that the government allow for the establishment of democratic institutions in Kosovo and agree to the establishment of an office of the OHCHR in Pristina; insisted that the government implement the September 1996 memorandum of understanding on education in Kosovo immediately and without conditions; emphasized the importance of a substantive, unconditional dialogue between authorities in Belgrade and the Kosovo Albanian leadership; welcomed the positive developments in Montenegro, including in the areas of freedom of the media and the treatment of ethnic minorities as well as the formation of a multi-ethnic coalition government; and called on the international community to safeguard and ensure the security and fair treatment, upon return, of persons who sought temporary protection and asylum and to support existing national democratic forces and NGOs.

In Section V on the International Criminal Tribunal, the CHR: called on all states and especially the FRY government to cooperate with the International Tribunal; recommended that the Office of the Prosecutor of the Tribunal begin gathering information relating to the violence in Kosovo that may fall within the Tribunal's jurisdiction; called on the government to apprehend and surrender for prosecution all persons indicted by the Tribunal.

In Section VI on missing persons, the Commission: called on all parties to treat the subject of missing persons as an urgent humanitarian problem, make full disclosure of available information to the Working Group on Missing Persons (chaired by the ICRC) and abandon the principle of reciprocity in dealing with the question; and called on all parties to release any individuals held as a result of or in relation to the conflict, the "hidden detainees".

The resolution also renewed the mandate of the SR for a further year, maintained the FRY as one of the three countries of focus and requested the SR to carry out missions to the Federal Republic of Yugoslavia (Serbia and Montenegro).

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

Chairman's statement on the situation in Kosovo

In addition to the resolution on the situation in the FRY, the Commission adopted a Chairman's statement on the situation in Kosovo. The statement was not directed at the points raised in the SR's report on the two trials but rather was in response to events that were occurring in the region as the Commission was in session and the need to exert pressure on the authorities to avoid continuing or greater conflict.

In the statement, the Commission, *inter alia*: expressed deep concern at the recent outbreak of violence in Kosovo; deplored the death of a large number of civilians, including women, children and the elderly; condemned the excessive and brutal use of force by the Serbian police; called on the authorities in Belgrade to cease violations of human rights and to take urgent steps to protect and promote internationally accepted standards of human rights in Kosovo; stated that government authorities have a clear duty to protect the rights of all citizens and to ensure that public security forces act with restraint and in full respect of internationally agreed norms and standards; stressed its condemnation of terrorism in all its forms and from any quarter and denounced all acts of violence, including by Kosovo Albanian groups; called on the leaders of the Kosovo Albanian community to make clear their total rejection of terrorism; urged the FRY government and the leadership of the Kosovo Albanian community to start a genuine dialogue with the aim of finding a peaceful solution consistent with respect for the territorial integrity of the FRY, taking into account the rights of the Kosovo Albanian community as well as all others who live in Kosovo; called on the Belgrade authorities to cooperate fully with the High Commissioner for Human Rights and, in particular, facilitate the deployment of additional human rights officers in Kosovo, and to agree to the establishment of an office of the High Commissioner in Pristina; requested the newly appointed Special Rapporteur on the former Yugoslavia to make an early visit to the region and to report back to the Commission; called on the authorities in Belgrade to cooperate with the new SR; welcomed the initiative of the Special Rapporteur on arbitrary, extrajudicial or summary executions in seeking to visit Kosovo and to report to its current session and called on the authorities in Belgrade to cooperate fully with this special rapporteur; called on the Belgrade authorities to permit independent investigation — including by relevant international bodies — into allegations of extra-judicial killings and, if these allegations are borne out, to prosecute and punish those responsible; and, stated that there must be no impunity for such acts.

Follow-up to the Chairman's statement

As requested in the Chairman's statement, Mr. Jiri Dienstbier, the new Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, Croatia and the FRY, visited Belgrade and Pristina from 5 to 8 April 1998. The report of the visit (E/CN.4/1998/164) provides information on, *inter alia*: background to the actions of