CHAPTER 3

THE UN SPECIAL RAPPORTEUR

Introduction

The Special Rapporteur initially appointed by the UN Commission on Human Rights to investigate the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki, former Solidarity Prime Minister of Poland, was undoubtedly a stirring voice of conscience on behalf of the victims of abuses in the former Yugoslavia. His successors continued in the path he had mapped out in highlighting the plight of the victims. In this chapter we review the endeavours of the Special Rapporteur and discuss his relations with the peacemakers and peacekeepers.

By way of background, it is useful to recall the message Cyrus Vance and Lord Owen sent on 30 November, 1992 to the second special session of the Commission on Human Rights. Vance and Owen welcomed the Commission’s decision to convene a second special session to consider the serious situation of human rights in the area of the former Yugoslavia, especially in Bosnia and Herzegovina and declared:

“Regrettably, the disgraceful practice of ethnic cleansing has not ceased and violations of international norms on human rights and humanitarian law are rampant. We condemn these violations in the most categorical terms.”

They added that in their efforts to promote peace with justice in the area of the former Yugoslavia, they had placed emphasis on the provision of humanitarian assistance; the strict application of sanctions; helping to bring about a cessation of hostilities in Bosnia and Herzegovina; and the preparation of a constitution for Bosnia and Herzegovina. They had also sought to promote preventive measures to avoid the spread of the conflict. They continued:

“We urge the distinguished members of the Commission on Human Rights, all Member States of the United Nations, and non-governmental organizations, to do everything possible to support and to strengthen the endeavours being undertaken in accordance with decisions of the Security Council of the United Nations.”
“We hope that your session will help in bringing an end to the violations of human rights and humanitarian law taking place. We also hope that you will give attention to the important question of protecting the rights of minorities. This issue is of great importance to the future stability and security in the area of the former Yugoslavia.”

1. Mandate of the Special Rapporteur

At its first special session on the former Yugoslavia, the Commission on Human Rights adopted resolution 1992/S-1/1 on 14 August 1992 in which it requested its Chairman to appoint a special rapporteur to investigate first hand the human rights situation in the territory of the former Yugoslavia, in particular within Bosnia and Herzegovina, and to receive relevant, credible information on the human rights situation there from Governments, individuals, intergovernmental and non-governmental organizations, on a continuing basis, and to avail himself or herself of the assistance of existing mechanisms of the Commission on Human Rights. The Chairman of the Commission appointed Mr. Tadeusz Mazowiecki, former Prime Minister of Poland, as Special Rapporteur.55

2. Initial report

The Special Rapporteur visited the region from 21-26 August and, in his first report to the Commission,56 submitted the following conclusions to the Commission based on the information that he marshalled in his report: Massive and grave violations of human rights were occurring throughout the territory of Bosnia and Herzegovina. Human Rights violations were being perpetrated by all parties to the conflicts. There were also victims on all sides. However, the situation of the Muslim population was particularly tragic. They felt that they were threatened with extermination.

Acts of violence, he continued, were tolerated and often even encouraged by responsible authorities. Consequently, the rule of law

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55 Amnesty International’s Conception of the Role of the Special Rapporteur was as follows: ‘The Special Rapporteur ‘should play a central role in documenting the human rights situation and making recommendations about preventive measures’—Amnesty International, Open Letter, 27 October, 1992.

56 The UN Secretary-General circulated the report to the UN General Assembly and the Security Council on 3 September, 1992: UN doc. A/47/418; S/24516.