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Commission of Experts Meeting Minutes Session 7

M. Cherif Bassiouni 1937-2017

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APPROVED

COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO
SECURITY COUNCIL RESOLUTION 780 (1992)

SEVENTH SESSION (GENEVA, 30-31 AUGUST 1993)

First meeting

Monday, 30 August 1993, 10.00 a.m.

Members present:

Mr. Torkel Opsahl (Acting Chairman)
Mr. M. Cherif Bassiouni
Mr. William J. Fenrick
Mr. Keba Mbaye

Secretariat staff present:

Mr. Ralph Zacklin, Deputy Legal Counsel
Mr. Vladimir S. Kotliar, Secretary
Ms. Bruna Molina-Abram, Deputy Secretary
Mr. Julio A. Baez, Assistant Secretary

Others:

LT-Col Ton Kempenaars, Personal Assistant to the Chairman
Mr. Morten Bergsmo, Personal Assistant to Professor Opsahl

1. Chairman's sick leave

Mr. Zacklin stated, for the record, that the Chairman, Mr. Fritz Kalshoven, requested sick leave for an indefinite period of time. Under those circumstances, the Legal Counsel suggested that Mr. Opsahl, who has been Acting Chairman for the last month, continues to serve in that capacity both during this session and for some time in the future. The longer term situation will be discussed by the Legal Counsel with the Secretary-General and the views of the Commission shall be transmitted to his Office in due time.

Mr. Bassiouni extended, on behalf of the Commission, the good wishes to Mr. Kalshoven for a prompt recovery. In regard to the nomination of Mr. Opsahl as Acting Chairman, he believed that it was valid as an interim measure until the Secretary-General decides on the matter. This temporary nomination should not be construed as an appointment made by the Office of Legal Affairs. He proposed that the Commission should discuss this situation in an executive session.

Mr. Fenrick associated himself with the comments made by Mr. Bassiouni.

Mr. Mbaye reflected on the question of procedures for nominating the replacement for Mr. Kalshoven, and welcomed the appointment of Mr. Opsahl as Acting Chairman.

(The members of the Commission met for consultation, in closed session with only the members present).

The Acting Chairman stated for the record, after the consultations in closed meeting, that the members took note of the Chairman's sick leave for an indefinite period, and the Commission requested Mr. Opsahl to continue as Acting Chairman until such time as the Secretary-General proceeds with a new appointment. The Commission expressed a wish to see the Secretary-General, who was present in Geneva. The Commission also put on record their expressions of good wishes and prompt recovery to be transmitted to Mr. Kalshoven. Finally, he expressed gratitude to the colleagues for their trust, and stated that he will discharge his duties at his best, keeping in mind that this was a temporary arrangement.

The Chairman drew to the attention of the Commission the draft provisional agenda, which was adopted with two amendments:

1. To include a sub-item 6 (a) to discuss the on-site report on Sarajevo;
2. To postpone discussion of item 9 related to the second interim draft report, to Tuesday 31 August.

2. Minutes of the Sixth Session

The Acting Chairman drew the text of the minutes of the Sixth Session to the attention of the Commission; after clarifications made by MM. Fenrick, Bassiouni and the Acting

Chairman, the minutes were adopted with some amendments and corrections regarding the 2nd, 3rd and 4th meetings; those corrections were incorporated into the text by the Secretariat.

3. Status of the Commission

Mr. Kotliar stated that he had received information from Headquarters that funds would be allocated from the regular budget to cover the period of September-December 1993; contracts for the members of the Commission have also been issued to cover the same period.

4. Report by Mr. Opsahl on his mission to Zagreb

The Acting Chairman drew the attention of the Commission to the report on his mission to Zagreb from 11 to 14 August 1993. The mission was conducted upon an oral invitation extended by the Croatian authorities to the Chairman, Mr. Kalshoven, on 19 July 1993. The purpose was to hear alleged war prisoners, of Serbian extraction, before their possible exchange. The prisoners had been charged with or sentenced for war crimes committed in the territory of Croatia, in accordance with Croatian laws. Only five prisoners (4 Serbs and 1 Croat) were produced by the authorities for interviews. Four of them had been charged and one had already been sentenced to 20 years imprisonment. It should be noted that this was the first time that the Commission was granted access to detainees and to their files by any authorities of the former Yugoslavia. For lack of time and because no in-depth investigation was carried out, this mission should not be considered as a model one. During the interviews, the prisoners accused prison guards of ill-treatment and in fact some of them looked like they had been beaten. Unfortunately, medical examinations were not requested for lack of time. With regard to the cases mentioned in the mission report, a 67 years old woman was charged with genocide just on account of rumours and suspicion. She came from a mixed family background, was expelled by the Serbs and then arrested by the

Croats during the battle of Vukovar. Another case involved what appeared to be a decent military man, who had commanded a mortar battery and admitted to have shelled military targets. He was of a Croatian extraction but had served as an officer for the former Yugoslav National Army, left the army at the beginning of the war and turned himself in to the Croatian police. In both cases, a fair trial appears to be very unlikely. The Commission will have to undertake a thorough analysis of these cases once all relevant information is made available to our investigators. The hearings were recorded by the Commission and a copy of the tapes was sent to Croatian authorities at their request.

Mr. Bassiouni stated that the Acting Chairman touched upon a problem that he himself and Mr. Fenrick were confronted with during their mission to Sarajevo. They spoke to 3 detainees there, who were kept for an extended period of time, (more than 9 months) without charges, on pure suspicion, although they did not complain of ill-treatment. The Commission has the duty to inform the authorities as well as the different war crimes commissions of the applicability of the International Human Rights standards for the treatment of prisoners and detainees.

The Acting Chairman stated in reply that he did react to this situation during the hearings; so did the Croatian authorities and the Judge present at the hearing (see para. 11 of the report). Statements made by the prisoners during our hearings will not be used in criminal proceedings against them. In fact, prisoners did not make confessions, but rather denied allegations during our hearings.

Mr. Bassiouni stated that as a matter of policy, evidence gathered by the Commission should not be turned over to any party to the conflict. Field investigations should be done for the benefit of the Commission only in keeping with its mandate.

The Acting Chairman agreed with this in principle; he reflected on the nature of the invitation extended by the

Croatian authorities to the Commission which referred to a "visit" and not to interviews. The local authorities had no technical facilities for recording the interviews and insisted that if the Commission wanted to record the interviews, a copy should be provided to them. Since, in our view, the tapes would be in the interest of the prisoners because they denied the allegations and complained of torture, we agreed to cooperate with the local authorities.

Mr. Bassiouni proposed that policy guidelines should be prepared on matters related to on-site interviews, and suggested that Mr. Fenrick, as Rapporteur on the Issues of Law, could work out a draft for the Commission. Interviews of witnesses should not be carried out in the presence of local authorities. The Commission could create a false expectation of protection and the local authorities may use the Commission to get access to additional information.

Mr. Mbaye stated that conducting this kind of hearings was one of the tasks entrusted to the Commission by the United Nations, and that the question of interviews could be extremely delicate. A difference should be made between the hearing of witnesses and those who are considered potentially guilty of having committed a crime. Caution must be exercised towards the conclusions reached by the local Commissions. Hearings must always be carried out in private with the implicit safeguards of confidentiality. He supported the suggestion that Mr. Fenrick provides the Commission with draft guidelines for hearing witnesses and those who have been charged with a crime, in order to enable the Commission to have a certain uniformity in dealing with this question.

Mr. Fenrick agreed to prepare the draft guidelines.

The Acting Chairman referred to the letter sent to the Croatian government on 18 August 1993, in which mention is made of his report to the Commission and the methodology on which the

interview were based. Agreed that any evidence or information gathered by the Commission should in principle be protected by the Commission itself and not handed over to the authorities, as it was in his case due to conditions imposed by the authorities.

5. Questions regarding the missions by Lieutenant-Colonel Kempenaars and Mr. Baez, respectively.

Mr. Fenrick asked whether it would be possible to have an overall assessment of Mr. Kempenaars's mission and its link to the OVCARA excavation.

Mr. Kempenaars replied that the purpose of his mission was to assess the technical support requirements for future excavations and their modalities. This support should not be a problem. On the other hand, getting the permission from the local authorities could present difficulties. Mr. Milan Milanovic, in charge of Sector East, did not appear to be willing to co-operate with these operations. In fact, he said he was not aware of the oral permission granted to Mr. Fenrick by the "central authorities" of the Krajina for the excavations.

Mr. Fenrick asked whether, at the present time, the Dutch Unit was thinking of proceeding with one big excavation, one after the other, or with two simultaneous excavations.

Mr. Kempenaars replied that when assessing technical means, it was envisaged at the beginning to proceed with the excavation on a one by one basis; Sector East first, followed by Sector West. After encountering the resistance of Mr. Milanovic, it was thought that excavation should probably be carried out simultaneously.

Mr. Kotliar added that this matter was brought to the attention of Mr. Stover from the Physicians for Human Rights and of the Dutch Unit. The Dutch are prepared to proceed either way

(one by one, or simultaneously). The Physicians for Human Rights are at this stage planning the operation in the following way: the operation should begin in Sector East, and after 7 to 10 days, 3 Physicians will be sent to Sector West to make preparations for the excavation. Their first task will be to verify the fact that indeed there is a mass grave and to establish its parameters. Should that be confirmed, the experts will be moving at the end of the third or fourth week from Sector East to Sector West. At the end, the major operation will be underway in Sector West, while in Sector East, the experts will be finalizing their work; this schedule should also enable us to cut the cost of the operation.

The Acting Chairman referred to the question of permissions from the local authorities and to the letter sent to Mr. Bjegovic through UNPROFOR.

Mr. Kotliar said that after receiving the alarming information from Mr. Kempenaars regarding the attitude of Mr. Milanovic, the Secretariat got in touch with the Special Representative of the Secretary-General who sent a confidential memo to the UNPROFOR field administration to clarify the situation with the local authorities in Krajina, to avoid all misunderstanding. The latest news was that Mr. Bjegovic was prepared to confirm in writing the previously granted oral authorization.

(Discussion off the record).

The meeting rose at 13.00

COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO
SECURITY COUNCIL RESOLUTION 780 (1992)

SEVENTH SESSION (GENEVA, 30-31 AUGUST 1993)

Second meeting

Monday, 30 August 1993, 3.00 p.m.

Members present:

Mr. Torkel Opsahl (Acting Chairman)
Mr. M. Cherif Bassiouni
Mr. William J. Fenrick
Mr. Kéba Mbaye

Secretariat staff present:

Mr. Ralph Zacklin, Deputy Legal Counsel
Mr. Vladimir S. Kotliar, Secretary
Ms. Bruna Molina-Abram, Deputy Secretary
Mr. Julio A. Baez, Assistant Secretary

Others:

LT-Col Ton Kempenaars, Personal Assistant to the Chairman
Mr. Morten Bergsmo, Personal Assistant to Professor Opsahl

6. Report by Mr. Bassiouni on the database and data-gathering

Mr. Bassiouni, before beginning his introduction, raised the question whether the reports he brought from Chicago would be appended to the second interim report of the Commission and if so, he would suggest to label them as progress reports or draft reports since these documents will be updated as time progresses.

Referring to the report on "Mass graves" he stated that it contains a specific analysis of mass graves in Bratunac and Ovcará. This analysis must be considered as tentative, since the entire area, where combats had taken place, contains a large number of mass graves. However, the expression "mass graves" does not necessarily mean that this graves contain deceased bodies, killed in violation of the international humanitarian law. By just looking at a mass grave it is difficult to reach a conclusion. If bodies are in uniform, the assumption could be

that they were killed in a combat as combatants; but this may not be necessarily the case as they may be killed as POW. If civilians are found, the assumption may be that they were innocent civilians killed during a confrontation. In addition, one would not know whether these civilians were armed or in combat, or if they were killed, deliberately, when they were "hors de combat". Therefore, the approach to identify mass graves and their content must be of cautious nature. The Commission is just beginning to receive reports on mass graves. In that regard, it would appear that the sources of reporting have made in their own mind a classification on what is more serious and what should be reported first. Consequently, in the earliest reports, focus was placed on prison camps, killing of civilians, torture and rape; only later the reports on mass graves and destruction of property began to emerge. It is certain that much of these reports lack details. People would speak indiscriminately of "a mass grave" not knowing that this term could mean a grave with a number of bodies ranging from 5 to 1,000 with the implications that the contents in the grave were people killed in on unlawful manner. Numbers also pose a problem; for example in Brcko people speak of a mass grave containing 4,000 bodies which, however, appears very doubtful. In regard to Bratunac mass graves (containing Serb bodies) conflicting reports mention different numbers. The first four reports to appear speak of 39 corpses, while other published at a later stage speak of 200. By looking at the coincidence in reporting, the 200 figure is similar to the numbers used for Ovcara in the first interim report of the Commission published in March 1993. It is certain that the studies on Bratunac and Vukovar would benefit from receiving ongoing information as they progress.

The Acting Chairman, raised a question about the methodology for the entry of data into the computer. By looking at the list, attached to the report, he wondered whether the same grave was listed in several instances. The numbers and locations would appear to be repetitive.

Mr. Bassiouni, answered that the entry of data is done by reported incidents. If the reported incidents coincide in the description in time and place, they would be repetitive; if they do not coincide, they would be considered as a separate case and, therefore, listed separately. A word of caution: what goes into the database, as input, is not necessarily accurate. In the report of Bratunac, the raw data have been analyzed and complemented by testimonies; it also contains a list of perpetrators. In Bratunac, there are mass graves containing bodies of Serbs as well as those of Muslim victims; both factions accuse each other of being responsible for those incidents.

The Acting Chairman, made reference to page 5 of the report, where a figure of 98 mass graves is mentioned, and inquired whether a multiple entry of the same incident resulted in such a high number.

Mr. Bassiouni, disagreed and said that multiple reports present evidence of the existence of more than 200 mass graves, and after a close scrutiny and because of potential duplicity the number was narrowed down to 98. Therefore, this figure appears to be more realistic.

The second report is on "Camps and Detention Facilities" At the end of the report, a map is attached showing circles around certain areas, to facilitate the identification of the object of the study. Most of the victimization occurred by areas as opposite to single places. For example, in Brcko, there were multiple camps. Evidently, this is not a conventional war. Military operations are directed towards civilian populated areas. The less predominant one of ethnic groups is in a given area, the more violations will be perpetrated by the other side. Going back to Brcko. In that place there is more or less an even population; so if Serbs attack first, a larger number of violations against Muslims and Croats, living in that city, is likely to occur. On the other hand, if one finds a predominant population of Serbs in a city, this large number will create an

inhibiting factor. Also a smaller minority will have a tendency to flee and do not resist; consequently, a smaller number of violations will be perpetrated. As a strategy of attack, it would appear that one group usually takes a portion of the city and gradually enlarges its domain, spreading out to other adjacent areas. In this case, a multiple succession of detention facilities are created. A larger perimeter is occupied, with a central facility, which usually feeds the rest. Brcko and Banja Luka are examples of this strategy. Some of these places will be used as prison facilities or interrogation centres. Others will house women and children, still others will select people that will be used for trade-offs. The criteria for each of the centres will depend of the nature of the conflict in a particular area and of the person in command in that area. The total number of reported camps, including detention facilities amounts to 353. There is also an extraordinary coincidence in time and locations of reported cases of systematic rapes with the establishment of those facilities. By looking at the data it can be observed that as the conflict moved on, systematic rape was reported to occur in the geographic area where prison camps were located, and very close in time to the functioning of these camps. In most cases this type of rape happened within the prison facilities, and sometimes in the neighbouring city. There are two possible explanations for this behaviour. First, that there was a degree of systematicity and second that this type of violence is endemic in the nature of the combatants and therefore it was not part of a policy plan designed to commit such acts. An analogy could be made with the destruction of property. It could be observed that once a faction walks into a city, the first thing that combatants will do is to burn or destroy the houses of those of the opposing ethnic group. So, if Croats walk into a Croat village they may destroy all the Serb or Muslim houses or vice versa. So at the end everybody destroys everybody's properties. This appears almost a spontaneous reaction on all sides, and the question is whether the same sort of spontaneous reaction could be applicable to the rape cases, and therefore draw a conclusion that the sexual assault was not part of a policy but rather a reflection

of human nature. The places of detention have been divided in the report by camps in alphabetical order as well as by the party controlling the camp and the location. Coordinates for identification of the location of camps have been drawn on the map, and a detached analysis of the following camps is also available: Brcko, Keraterm, Omarska, Trnopolje, Manjaca, Stajicevo, Foca, Zora, Doboj, Zenica and Mostar. This analysis contains substantive statements and testimonies as well as a clear identification of some of the perpetrators as well as the victims. For Omarska and Keraterm the report contains drawings of the interior of the camps to corroborate the testimonies of people who were in those facilities. Some of these testimonies have been reproduced and included in the report (Manjaca, Trnopolje, Keraterm and Omarska). To have an idea of the magnitude of the data, a pile of 6 to 7 feet of print-out information was produced and distilled for the report on the prison camps.

The Acting Chairman, inquired how many of these facilities or detention centres are still operational and how many have been closed.

Mr. Bassiouni, replied that most of the facilities listed in the report have been closed. Omarska, also closed for several months, used to be a factory and it still could be seen and used for verification of what had happened. Videotapes are also available. The same goes for Keraterm. On the other hand, Foca is still in operation and it has adjacent multiple camps. It would appear that the ICRC has not visited this site since it does not show in their public listing. One can conclude that the camp has been closed or that they have stopped inspecting it. Perhaps, the ICRC weekly reports could be compared in order to see which ones are still opened and which ones have been closed. The utility of visiting prison camps is questionable but the interview of witnesses who have been in those camps, is essential for establishing the facts.

The Acting Chairman, suggested that the Commission takes a decision on the modalities for conducting these investigations and for the interviews of witnesses. The Commission should also make efforts to obtain certain facts from the ICRC without compromising their own rules of confidentiality. One of the possibilities would be for the ICRC to take a look at the Commission's files and assist the Commission in making a proper selection.

Mr. Bassiouni, added that once the study of the Order of Battle is completed, a link could be established with the prison camps to ascertain which military units and commanders were in control at that time. Due to the nature of the conflict, which is essentially an internal civil conflict, it is difficult to sort out those who were in regular army units and those who were not. Some people entered army units because they were prominent politicians in civilian life and then became regular army personnel. For example, in April 92, the JNA had declared that they were pulling out of Bosnia. Between 89 and 92, the JNA suffered a very important transformation. It went from 7 army corps to 4 army corps. It radically changed its structure and military command. It re-staffed its forces on the basis of an ethnic distribution which was the opposite of what had existed in the old JNA, which emphasized the mixing of different ethnic groups. At that point, one can see a 90% concentration of Serbs from Bosnia in the JNA, stationed in Bosnia. So, when the JNA officially pulled out and, on paper, demilitarized the forces which consisted of Serbs of Bosnian origin, these Serbs were already in Serbia; they didn't have to come from elsewhere. The data show that at the beginning of the conflict, they had 35 to 85,000 men although 35,000 appears to be a more realistic figure, particularly because the present estimate of Serbian forces in Bosnia is 85,000, and it would seem strange that at the beginning of the conflict and at present we would have the same number of 85,000. This was a reversal or a return to the military doctrine that Tito had developed which was essentially predicated on his World War II partisan warfare experience; that is one of the

reasons for seeing the return of the old partisan name: the Drugue brigade, the Sarajevo brigade, the Tuzla brigade, etc. But the word Brigade does not mean that each unit is in fact of a brigade strength. In many cases there are less soldiers in them. What used to be the territorial units, of the territorial defense (again a system that had been established under Tito) was predicated on the local people defending themselves. It was also predicated on the local indigenous political leadership, so one would often have these leaders as commanders of at the territorial defense units. Civilian political leaders merged with the others, wearing a uniform. Basically, the result was a mixtur of field grade officers from major to senior colonels (what used to be the JNA career officers) with younger political leaders, strong in zeal and combativeness. And, because of the nature of the conflict, young political leaders become much more relevant than colonels who have gone to the staff school. Therefore, the professional officer corps of the JNA has disappeared and at present most of the people at the officer levels, from major to colonels, are new names coming up from the political ranks of the territorial defense units and other local activities. That may explain many of the violations which took place, since in the command of the military there were people who were not military by training and profession; the loss of professionalism in the officer corps reduced compliance with the law and also reduced command and control as it has been so evident through the conflict. A logic in the events could be deduced by looking at the doctrine, at the evolution in the field and at the number of perpetrated violations.

Mr. Fenrick, said that his observations were linked to those of Mr. Bassiouni. His experience, after visiting Knin and Vukovar, showed that every male was wearing an uniform. This does not mean that they in fact belong to the armed forces. Therefore, Mr. Fenrick was not sure that establishing information on the Order of Battle would be directly relevant to the information regarding the detention camps. Those camps could be controlled by the paramilitary or police organization, or simply

by people who think that uniforms look good. It is important to get the Order of Battle information but at the same time one would presume that efforts have been made to identify camp commanders and people who were in position of command regardless of any form of military affiliation.

Mr. Bassiouni, agreed with that premise and added that when an area is under the firm control of an army unit with a disciplined military person in command, there is a decrease of the number of violations. A well trained officer makes a difference. This should also be true in this conflict. We shall also draw computer simulated maps of battle lines with superimposed indications of camp locations.

Speaking on the report on Rape investigations, be referred to its methodology which is described on the first page of the document. The definition of rape is contained in footnote 1, though that this definition should not be considered conclusive. In regard to the terminology, the report measures carefully the qualifications (e.g.: "alleged" rape, "alleged" information, "alleged systematic rape, "reported" incidents), and a special disclaimer can be found on page V, stating that nothing in the report confirms or denies the facts, figures or estimates that have been provided by various organizations and sources. Eleven geographic areas, where rape has allegedly occurred, have been identified. They were chosen because of the highest concentration of alleged reported cases (see page VI). In regard to its occurrence, rape has been perpetrated under custodial and non custodial settings (see page VII). The report also contains a format describing all types of rapes (see page VIII) and a fact-sheet for all possible data collection. As stated above, rape accounts were grouped by region, and the last part of the report contains the accounts of individual cases. 353 actual cases, including direct testimonies of persons are contained in the report. The names of the victims have not been disclosed. Only their initials have been kept. However, each case has a file number for identification purposes. In almost every case,

the victim refers to a number of other victims. In some cases the other victims could also be identified, like in the case of Sarajevo, were two girls who were in the house in Foca reported about other girls who were with them, and provided their names and address. In cases of rape under the custodial setting, the Commission deals with prison camps rather than brothels; and the report makes reference to a significant large number of reported cases of rape committed under the custodial setting. The reason is that women and children were kept in a given location. At night guards would walk in with search lights; they would look around and pick up the women who were then taken away. The information may come from the victim or from the witness. Even though the Commission could assume that there is some degree of reliability in what the victims or witnesses are stating regarding the number of people taken away, those cannot be considered as proven facts. The case of the brothels is another situation. Some details come out of a number of victimatological studies. Many times, when a person himself or herself has not been victimized, in cases of group suffering, the sense of guilt for not having been subjected to these tortures is so great that the person will attempt to represent himself or herself as being victimized. Many of the reports indicate similar accounts by young women who were in fact hidden by their mothers or their friends. It could well be that there is an element of exaggeration in-built into the accounts. This is a delicate area in terms of the psychology of the victim. In conclusion, the 353 cases constitute a large sampling and there is a connection between the place and timing of these violations. The largest number of violations occurred between May and December 1992 (90 to 85%). The possible explanation for the drop in number of violations from December to January 1993 is that the world public attention rose significantly on the subject, and an enormous amount of pressure was brought to bear against this kind of practice. The other explanation is that any kind of human violence runs its course and that this type of violence went on a descending spiral. The first conclusion would lead to the existence of a policy which had an element of control, and the

second leads to a conclusion that there was an endemic type of violent trend in this conflict, that it ran its course and thus ended. This assumption should not be considered as a scientific position. It is hard to believe that the social psychology of the people would lead to this kind of violence. This behaviour would rather appear to be a product of a policy. However, this phenomenon could be divided into two types: a policy by commission or by omission, or simply there was not enough command and control exercised by the political and the military leadership. Those hypothesis must be verified with additional information.

The Acting Chairman, asked how many of the 353 alleged rape victims were held prisoners.

Mr. Bassiouni, replied that it would be difficult to reach a conclusion. Some reports speak of 200 prisoners that were subjected to rape. Objectively it would be difficult to ascertain this fact.

Mr. Fenrick, agreed that verification of facts is extremely difficult. Many cases go unreported, and a substantive number victims have been killed. He questioned whether other kind of methodology other than the database could be devised by the Commission to ascertain the truth, perhaps on a most modest scale like the findings from the last mission to Sarajevo, with interviews of rape victims. Another way could be the assistance of social scientists who could provide estimates or multiples in terms of numbers. Certainly, this data would be of little evidence to the prosecution but could assist the Commission in its assessment of what had happened in that country.

Mr. Mbaye, congratulated Mr. Bassiouni for the work done and inquired whether, on the basis of the information that the Commission has now at its disposal, it is possible to determine that systematic rape on a large scale has been practised; whether it is possible to identify the victims, the witnesses and the

perpetrators in such a way that these findings could be submitted to the prosecution. Those elements are essential and perhaps in the next missions the cases mentioned in Mr. Bassiouni's report could be followed and completed.

Mr. Bassiouni, replied that on page 262 there is a case of a girl whose name has been identified, who has identified the perpetrator and other soldiers present as well as the witnesses. In the cross-reference, the Commission could see more than one source of information for the same act. On other witnesses (page 274 of the report on rape) the Commission had the case of a 20-year old woman who has identified the perpetrator, but her name has not been disclosed. Generally, when names of the victims have been omitted in the report, it does not mean that the Commission does not have it in its files. In regard to the perpetrators, sometimes they could not be identified. Other could be, because they belonged to an army unit, and in other cases the report contains a generic description. Those files contain enough information for the Prosecutor to begin his work. It is true that some of the cases would need more investigatory follow-up. In replying to Mr. Fenrick, Mr. Bassiouni agreed that it would be a good idea to have a sociologist-specialist in methodology, a psychologist-rape expert and even a victimologist to review the report and its data. This scholars could eventually come up with an analysis that would provide the Commission with additional information, and the Commission should benefit from this exercise.

Mr. Mbaye, disagreed with this proposal and stated that the work of the Commission should be undertaken with a view that the cases contained in the report will be ultimately used by the office of the Prosecutor. The Commission must work within the limits of facts and it should produce criminal prosecutorial evidence. Therefore the proposed intellectual exercise could be very interesting but it will not contribute enormously to the work of the Commission.

Mr. Fenrick, inquired whether funds could be made available, in case the above-mentioned scholars would be needed to perform the tasks.

Mr. Kotliar, informed that the Trust Fund could have sufficient money to cover these experiences, since the contribution pledged by the Government of The Netherlands has been ear-marked for the question of rape. A request could be made to the UN Headquarters to authorize these studies.

Mr. Bassiouni, referred again to the 353 cases of rape victims contained in the report and said that in terms of evidence, the original information consisted of affidavits or statements made by the victims in their original language and then translated. In some cases their statements could be corroborated by other witnesses. Depending upon the evidenciary standards it should be noted that for the rules operating within the Anglo-Saxon common law system none of these documentation is considered as an evidence. On the other hand, under the civil law system all of that is considered to be sufficient evidence for the judges instructing the case or for the "parquet" to commence its investigation. In both cases this information is sufficient for the Prosecutor to start his work. But what is alternatively needed will largely depend on the legal system that will be developed. It is possible that the international tribunal will develop a hybrid system (a little bit of the common law and a little bit from the French civil system), and the type of evidence that the Prosecutor will search will have to conform to these rules of evidence which the Commission does not know at this stage.

The Acting Chairman, expressed regrets that, for lack of time, these discussions could not develop at a full level of detail and asked Ms. Molina-Abram, who is responsible in the Secretariat for this subject, to take note of this debate for the follow-up actions. He also informed the Commission of a conference to take place in Oslo with the participation of the

medical association from the former Yugoslavia who may be interested in taking part in these investigations.

Mr. Mbaye, welcomed this initiative, or any other that would help the Commission to discharge its mandate at no cost for the United Nations.

Mr. Bassiouni, stated that matters dealing with a future plan of action should be left for a later stage. Probably the Commission could use outside experts at a reduced cost for us.

Mr. Kotliar, spoke of the possibility of acquiring such services as raised by Mr. Fenrick. The Commission could also be in a position, he said, to finance this project. Nevertheless, he would be inclined to accept Mr. Bassiouni's idea, since his proposal contains limited expenses for the experts' trips and DSA. Formally, he said that the Commission should take a decision on this matter.

Mr. Bassiouni, warned the Commission about financial implications of additional studies. Taking into account the existing financial resources, every penny will be needed for the field work to interview witnesses. A contact has been made with two groups that could be of an invaluable assistance to the Commission at a minimum cost: one is the American Physicians Association in Chicago and the other the Albert Schweizer Institute in Boston, headed by Mr. Woodford. He has a network of specialists. In addition the project of rape investigation has to be looked at within a context of other matters. If the Commission sends a team to a refugee camp, it would be able to interview not only rape victims but also torture victims and other victims. Therefore a more integrated plan of action, dealing with multiple categories of violations should be envisaged.

The Acting Chairman, asked, on the request of Mr. Kotliar, whether the Commission was in a position to take a decision on

the allocation of resources for additional research on the question of rape by engaging scholars.

Mr. Fenrick, stated that the Commission could endorse the suggestions from Mr. Bassiouni that scholars should be engaged on a pro bono basis, but travel expenses and DSA should be paid to these experts.

Mr. Bassiouni, agreed with the suggestion and proposed that specific amount be set aside in the budget to cover these cost, so that the Commission could count on these resources. In addition, those scholars could also assist the Commission to develop the methodology for the rape questionnaire. Then the Commission could get "two birds with one stone".

Mr. Mbaye, strongly disagreed with the previous speakers. The Commission should not waste its resources on additional scholar such as sociologists, psychologist and methodologist. The Commission must use the funds at its disposal for fact-finding missions and other related matters but not for work that could be useful; perhaps useful but certainly not indispensable for this investigation.

Mr. Fenrick, stated that his approach to the work of this Commission has always been of a strict legalistic nature, like preparing cases for the prosecution, but believed that the mandate of the Commission is potentially broader. It calls for advising the Secretary-General on humanitarian law violations in the territory of the former Yugoslavia. The rape issue is of a "sui generis" nature, and the Commission should try to give some guidance and advice on what has been happening in the former Yugoslavia. The question of multiple rapes must be addressed and perhaps the extra resources could be allocated within the limits of the Commission's budget and mandate.

The Acting Chairman, felt that no decision should be taken at this meeting on the various points related to the study of the

planning of systematic rape allegations, and proposed to the Commission to proceed with the discussion on the study of Sarajevo. Therefore he called upon Mr. Bassiouni to present his report.

Mr. Bassiouni, said that volume I of the Sarajevo study contains a day by day chronology of events, which we started after the first meeting of the Commission. This study continues to grow as more information becomes available. It is a large study. 22 people worked 10 to 12 hours per day, including the week-end for the last months. The study contains an enormous amount of information. The database covers over 30.000 documents. This work could also benefit from additional information, and the study produced by Mr. Fenrick is more than welcome. He suggested to integrate both studies and to produce a joint project, as well as to keep adding information as received either from Sarajevo, UNRPOFOR or other sources. At the end, all leads should be put together and appropriate conclusions should be drawn.

Mr. Fenrick, stated that he was impressed with Mr. Bassiouni's work. In principle, he believed that it is a good idea to produce an integrated study. The end result must be a substantial analytical component. He hoped that his work would contribute to it in a useful manner. Speaking specifically on his study on Sarajevo dated 25 of August he said that annexed to his report is the plan of action; the Co-operation Service Agreement, a pilot Legal study on the rape issue as well as a print out of the database which has been handed to the Members of the Commission. There is also a short legal police report on a specific incident regarding a mortar shelling of a soccer field in Sarajevo on June 1993, a study on the Battle of Sarajevo and the Law of armed conflict. For this last study, the UN provided documentation which was not marked "classified". However, some documents may nevertheless be perceived as sensitive. The UNPROFOR perspective on some issues is quite different from what has been published in the Western press. It does not look with

great enthusiasm at the Croatian or at the Muslims side all the time. Everyone reporting on this conflict has a bit of a bias, most people of the West seem to have a pro-Muslim bias. UNPROFOR has a bit of a different bias based on two things: it is essentially a military organization - soldiers tend to like good soldiers and, generally speaking, Serbs are better soldiers than the other side, and secondly UNPROFOR is much more irritated because Muslims are killing UNPROFOR people.

7. Report by the Acting Chairman on talks with the Government of The Netherlands on the military engineering unit and with the Governments of Austria and Norway on providing the Commission with experts.

The Acting Chairman stated the excavations of Ovcara, and possible of another mass grave, will depend on the availability of the military engineering unit. Since early July, the negotiations between the UN and the Governments of The Netherlands have been progressing. At that stage, the Agreement has not been yet finalized since the Government of The Netherlands insists that their team be in uniforms and armed; this requires a discussion by the Security Council. Experts on mission, under the UN terminology, are never armed. In regard to other possible Agreements for assistance, the Acting Chairman referred to the negotiations with the Governments of Norway and Austria to provide the Commission with experts.

Mr. Kotliar, clarified that, as a result of the talks with Norway, the Commission may receive the assistance of two military lawyers, two police investigators specialized in sexual abuse (both women) and two forensic experts. Those experts would be available to the Commission in September and others in early October. In regard to the text of the draft Agreement, comments are expected from the Norwegian Government prior to its formalization. In regard to Austria, the Commission was originally promised a team of lawyers, police investigators and

forensic experts. However, the Austrian Government has subsequently reached the conclusion, for historical and political reasons, that their authorities do not want their military or police experts be seen in Yugoslavia. Nevertheless, under some pressure they agreed to provide a forensic expert and an expert on the evaluation of cultural damage. Confirmation from the Government is still to arrive.

Mr. Bassiouni, believed that the Security Council had already acted on the question of the Dutch assistance, and continued to comment on the assistance from Austria. In this regard he said he knew that Mr. Baez went to Austria to speak to Austrian Military intelligence on the question of command responsibility. Since Mr. Baez is not a military expert he wondered whether this was the most appropriate manner to deal with this questions. Therefore, Mr. Bassiouni believed that the Commission should re-think this entire subject on the order of battle. There are different approaches, he said, and the Commission could go probably back to the Austrian Government. He would feel more comfortable if somebody would be entrusted with that task. This is a very sensitive issue which could lead to command responsibility up the Chain of Command and therefore it has serious potential implications. Therefore, this subject must be handled in a very discrete way but also the information must be reliable. Nothing is more dangerous than to accumulate information which it has nothing to do with reality. One of Mr. Bassiouni's assistants, who used to be a captain in NATO dealing with intelligence issues, warned him about the high degree of sensitivity in this area. This issue should be further discussed. In regard to the Austrian Government, contacts must be kept with them and hopefully the Commission will receive additional information on this matter.

Mr. Baez stated that the line of communications is quite opened with the Government of Austria and the Ministry of Foreign Affairs has assured that the Commission has access to the Ministry of Defence whenever the Commission wishes so. In

addition, Lt. Col. Kempenaars could assist in this matter. In regard to the points of the Agenda "Question regarding the mission by Lt. Col. Kempenaars and Mr. Baez, respectively", Mr. Baez said that he had nothing else to add.

The Acting Chairman, invited Mr. Zacklin to inform the Commission on the status of the question of the Dutch engineering unit.

Mr. Zacklin, believed that the matter is still pending, since this matter requires a comment of the Security Council and the latest news is that a letter from the Secretary-General proposing the incorporation of the Dutch unit into UNPROFOR has been drafted, and it should be ready for signature after which it will be sent to the Security Council. Should the Council agree to this incorporation it will suffice that the President of the Council informs the Secretary-General of this action, and thereupon the Dutch unit will become part of UNPROFOR contingent for the purpose of its operation.

8. Status of the Trust Fund

The Acting Chairman, draw the attention of the Commission to this item, and invited Mr. Kotliar to make its presentation.

Mr. Kotliar, said that he received information from Headquarters to the effect that the Commission can count upon a significant sum of money, which has been transferred to the Trust Fund, and is therefore available to the Commission. After the expenses which the Commission had already incurred, due to the mission to Sarajevo in June and to acquiring the equipment for the Commission for its future use, the Commission has available over \$ 700.000 in cash, plus \$ 300.000 in pledges.

The meeting rose at 18.00

Approved

Commission of Experts Established
Pursuant to
Security Council Resolution 780 (1992)

Seventh Session (Geneva, 30 and 31 August 1993)

Third Meeting

Tuesday, 31 August 1993, 9.45 a.m.

Members present:

Mr. Torkel Opsahl, Acting Chairman
Mr. M. Cherif Bassiouni
Mr. William J. Fenrick
Mr. Keba Mbaye

Secretariat staff present:

Mr. Ralph Zacklin, Deputy Legal Counsel
Mr. Vladimir S. Kotliar, Secretary
Mrs. Bruna Molina-Abram, Deputy-Secretary
Mr. Julio A. Baez, Assistant Secretary

Others present:

Mr. Antonius Kempenaars, Personal Assistant to the Chairman
Mr. Morten Bergsmo, Personal Assistant to the Acting
Chairman

9. Discussion and adoption of the second interim report

The Acting Chairman mentioned that in addition to the draft second interim report, the Commission had before it written comments made by Commissioners and additional amendments prepared by the Acting Chairman and the Secretary. He suggested that the Commission go through the draft report paragraph by paragraph.

Mr. Bassiouni asked if the comments he had forwarded to the Secretariat had been incorporated into the draft report.

The Acting Chairman responded that those comments had not yet been incorporated, but that they would be presented to the meeting with the additional amendments of the Secretariat on a paragraph by paragraph basis.

Mr. Mbaye informed the meeting that he had not yet received the written comments to the draft report.

The Acting Chairman apologized and said that this was a mistake. He then made a summary of the proposals submitted by Mr. Bassiouni in a letter of 23 July 1993, and they were subsequently discussed one by one.

It was decided to include a footnote to paragraph 2 with a list of the projects in progress, reflecting the decision made to this effect during the Sixth Session of the Commission.

It was decided to amend paragraph 5 as follows: "through one of them who is also the Special Representative of the Secretary-General co-ordinating all the activities in that area".

Mr. Mbaye suggested paragraph 3 be amended to reflect that all Commission sessions since the first interim report have dealt with substantive, organizational and methodological issues.

It was decided that the word "also" be added in the last sentence.

It was decided to change the order of paragraphs 5 and 6.

Mr. Mbaye brought a weakness in the French translation of the title of chapter II to the attention of the meeting.

It was decided to add a final sentence to paragraph 16: "It also offered them technical help and provided them with forms for the collection of such information."

Mr. Zacklin suggested to include in the report a footnote which lists the documents submitted by states to the Commission with their United Nations document numbers.

It was so decided.

Based on Mr. Bassiouni's written proposal, it was decided to delete the word "similar" in paragraph 21.

The Secretary suggested that the words "in the public domain" be inserted into paragraph 24.

It was so decided.

Mr. Bassiouni observed, in connection with paragraph 25, that the amount of information which the Commission has received from refugees is very limited compared with the extremely large number of people concerned. The report should not give the impression that a lot of information has been received, especially since the Commission wants to make an effort to get this information.

It was decided to insert a second sentence in paragraph 25 starting: "Information of this kind has begun to come ...".

It was decided to add the word "published" in the third sentence of paragraph 26.

Mr. Bassiouni stressed, in connection with paragraphs 26 and 27, the importance of shielding the Commission when referring to Rapporteur dealings with television networks and the Minnesota Advocates for Human Rights in the report.

It was decided to add the word "observe" in the last sentence of paragraph 28.

It was decided to use the date 31 August 1993 in paragraph 29.

It was decided to delete "prosecutorial or" in the first sentence of paragraph 34, and thus only say "evidentiary value", and to exchange the word "limited" with "qualified".

The Acting Chairman brought to the attention of the meeting Mr. Bassiouni's written proposal to insert the word "pilot" before the colon in the first sentence of paragraph 48 (i.e. "three pilot studies").

Mr. Fenrick objected to this proposal, as the systematic rape study was very clearly intended as a pilot study that was going to be followed by a subsequent in-depth study. The other studies were intended to be self-contained. If all the work the Commission is doing is to be called "pilot" then he had no objection to the amendment.

It was decided not to insert the word "pilot" as suggested, but to delete "in-depth" in the third line of paragraph 48.

Mr. Bassiouni stressed the general importance of presenting our work without an appearance of definitiveness, e.g. by saying that it is a "draft" or is "ongoing", in order to make it easier for the Commission to come back to its work and expand or build upon it.

Mr. Mbaye suggested something be done with draft paragraph 50 describing the interview with only one rape victim in Sarajevo.

It was decided that paragraph 50 be turned into a footnote to the second sentence of paragraph 49.

It was decided to add the words "Under these circumstances" at the beginning of the second sentence of old paragraph 50 (c).

The Acting Chairman introduced old paragraphs 52-55 and the relation between the work done by the two Rapporteurs on the siege of Sarajevo. He said the integration of the two approaches remained to be done, and that the Secretary in collaboration with the Acting Chairman had prepared a compromise proposal based on Mr. Bassiouni's written suggestion. He said that the problem was of a structural nature.

Mr. Fenrick suggested that there be separate paragraphs on the work done by Mr. Bassiouni and that done by himself. He was concerned that the two not be mixed, as the nature of the work was different.

The Acting Chairman said that the objective of the Secretary and the Acting Chairman when they elaborated their compromise

proposal was to transform the outcome and observations of the work of the two Rapporteurs into something which the Commission as a whole could adopt and present to the Secretary-General. He admitted that this could have been done more efficiently, as it should have been done in consultation with the two Rapporteurs, but that was not feasible. He said there must be a way to unite the studies or missions, and to integrate them into one document.

Mr. Bassiouni suggested that in the future it would be useful for those directly responsible for partial studies that should be integrated to consult beforehand to unite the contributions. As the Commission expands its activities it becomes more important to start thinking about how to put together the various components of the work of the Commission. Until this process of integration starts, it is the Rapporteur's work that is being described when specific mission reports are mentioned, since the Commission has not yet adopted the findings of the Rapporteur. In cases like this the reports should be presented separately. He suggested the three paragraphs on Mr. Fenrick's work be kept intact, and that a separate paragraph be introduced on the database research project. To the extent that they are inconsistent they should be introduced as the work of the responsible Rapporteurs.

Mr. Fenrick supported the view expressed by Mr. Bassiouni. He said that it takes time to do the intellectual work that is required to synthesize the two reports.

The Secretary explained that the source of the problem was incompatibility between the summaries submitted by Mr. Bassiouni and Mr. Fenrick, e.g. in that Mr. Fenrick in his text asks some open questions which are attempted answered in Mr. Bassiouni's report. He said that there should be one line of thought, and that the logical thing to do is to harmonize the two, and if that cannot be done to explain the differences in footnotes.

Mr. Fenrick suggested that the problem is more complicated, as questions and answers did not necessarily refer to the same phenomenon.

It was delegated to the Acting Chairman to formulate the compromise paragraphs on Sarajevo.

Mr. Mbaye brought several weaknesses in the French translation of the draft report to the attention of the meeting.

It was decided to send the adopted English version of the second interim report together with the existing French translation to the Documentation Service in New York and express that the latter was not good enough.

Mr. Zacklin said he had a general problem with some formulations in the draft report on the difficulties the Commission has had to obtain a self-sustaining engineering unit, in that the Commission could be seen to be reproaching certain states and that there were also inconsistencies in the text. He

suggested it would be sufficient to indicate that there was a difficulty.

Mr. Bassiouni supported Mr. Zacklin's recommendation, and suggested that the four draft paragraphs on the engineering unit be summarised in one paragraph without pointing the finger at anyone.

The Acting Chairman said it had been frustrating to go through the efforts to get an engineering unit and that the Commission had been criticized for not doing enough in this field. However, he continued, the Commission is dependent on the good-will of member states and the experience of the United Nations Organization. He was not opposed to changing the draft.

It was delegated to Mr. Bassiouni to draft a proposed compromise.

Mr. Mbaye suggested, in connection with the paragraphs describing the interviews with alleged war criminals, that a paragraph be included indicating the intention of the Commission to prepare guidelines for future interviews of alleged war criminals and witnesses.

It was decided that Mr. Fenrick prepare draft guidelines for statement-taking for the Eight Session of the Commission.

It was decided to use the formulation "330 reported cases reviewed in the study" in the second paragraph in chapter 6 on rape investigations.

The meeting rose at 13.05 p.m.

Commission of Experts Established
Pursuant to
Security Council Resolution 780 (1992)

Seventh Session (Geneva, 30 and 31 August 1993)

Fourth Meeting

Tuesday, 31 August 1993, 3 p.m.

Members present:

- Mr. Torkel Opsahl, Acting Chairman
- Mr. M. Cherif Bassiouni
- Mr. William J. Fenrick
- Mr. Keba Mbaye

Secretariat staff present:

- Mr. Ralph Zacklin, Deputy Legal Counsel
- Mr. Vladimir S. Kotliar, Secretary
- Mrs. Bruna Molina-Abram, Deputy-Secretary
- Mr. Julio A. Baez, Assistant Secretary

Others present:

- Mr. Antonius Kempenaars, Personal Assistant to the Chairman
- Mr. Morten Bergsmo, Personal Assistant to the Acting Chairman

9. Discussion and adoption of the second interim report (continued)

Mr. Fenrick gave an outline of the planned on-site investigations in connection with chapter III B of the report.

It was decided to say at the end of the second paragraph under chapter III B that the Commission "is planning to send a mission to Ahmici-Vitez and other areas at a later stage".

It was decided to reformulate the second sentence of the first paragraph of chapter III F as follows: "Torture, rape, and other forms of physical and psychological mistreatment are reported to have taken place on a large scale."

It was decided to insert the phrase "and a greater number of alleged violations" in the first sentence of the second paragraph of chapter III E.

The Acting Chairman stressed the importance of trying to send its representatives to one or more detention camps, being aware of the dangers of raising too high expectations on the one

hand and, on the other, of being criticised for not even having tried to visit camps.

Mr. Zacklin expressed that he found the part of the report on resources and budgetary requirements too detailed.

The Acting Chairman suggested that the most important information in this part of the report is the Commission's dependancy on voluntary contributions.

It was decided to have a short paragraph on the regular budget.

Mr. Zacklin reminded the meeting that under the financial rules and regulations of the United Nations one cannot accept earmarked contributions, so the word "earmarked" should not be used in the report. Furthermore, he suggested that the paragraphs dealing with the Secretariat staff should be reduced, but that information on other Commission staff is of interest.

It was decided to state in the first paragraph of chapter III C that the Commission "continues to be serviced by a small staff which includes three professional staff members provided by the Office of Legal Affairs".

Mr. Mbaye expressed dissatisfaction with the concluding remarks of the draft report, as the conclusion should reflect the achievements of the Commission in the period covered by the report. He said the conclusion should clearly express how the plan of action of the Commission has been implemented.

Mr. Bassiouni supported Mr. Mbaye's intervention, and suggested that the conclusion must be redrafted in order to reflect clearly and forcefully what the Commission has done during the last seven months. He said it should be written like an executive summary.

Mr. Zacklin suggested that the concluding remarks of the report should link up with the conclusion of the first report. He felt the conclusion should describe the concrete results of the Commission's work concisely, emphatically and explicitly.

It was decided to redraft the conclusion, and that it should be a summary of chapters II and III of the report.

It was decided that the final paragraph of the report will read: "In light of the results of the Commission's work so far, and of its projected plans and continued activities, the Commission remains ready and willing with its work in fulfilment of its broad mandate as set out by the Security Council resolution 780 (1992) and in support of the International Tribunal and in particular of its Prosecutor."

It was decided that the concluding remarks will make references to Security Council resolution 780 (1992).

Mr. Bassiouni suggested that the material which will be submitted to the Secretary-General together with the report should be listed by title in a footnote in the introductory part of the report.

It was so decided, and that the documents to be included are Mr. Fenrick's three and Mr. Bassiouni's four studies.

It was decided that the supporting documentation would be submitted for the information of the Secretary-General and the members of the Security Council, but not for general publication.

The report was provisionally adopted on the condition that the Acting Chairman and the Secretary amend the report as decided by the Commission.

10. Co-ordination of statement-taking among refugees from the former Yugoslavia

The Acting Chairman said that several governmental agencies and NGOs are willing to submit information based on interviews with refugees and asylum seekers from the former Yugoslavia. There is a need to invite these agencies and organizations to submit their information to the Commission.

It was decided that the Secretariat will do what it can formally or informally to collect such information until the next Session.

The Acting Chairman expressed that he would like to do something in this area, without taking on a major responsibility.

11. Tentative schedule of missions

The Acting Chairman went through the list of upcoming projects: Sarajevo, UNESCO and Dubrovnik have been approved during the Seventh Session; Ahmici-Vitez is so far kept in abeyance; and the rape field investigations and the mass grave excavations have been decided upon, but remain conditional. The Karlovac transit camp interviews is a recent proposal made by Mr. Bassiouni, and the Acting Chairman suggested it may be a feasible operation.

Mr. Fenrick expressed doubts as to the availability of personnel for conducting interviews at the Karlovac transit camp.

Mr. Bassiouni mentioned that there are many organizations which are already tapping information from refugees. He mentioned the examples of the preliminary report by United Kingdom authorities and the Danish Helsinki Committee. He suggested we should not go into the Karlovac project without a thorough research of what has already been done. On the basis of that information the Acting Chairman will decide how to proceed.

The Acting Chairman mentioned that he was prepared to undertake the tasks generated by the Commission's decision under agenda item 10, but that the situation was less clear in terms of statement-taking among refugees. He mentioned that the Commission did not have a rapporteur for in-depth investigations as such.

Mr. Bassiouni mentioned that there is considerable academic expertise in the field of victimology which the Commission should use. Through this a particular methodology could be shaped, by the Acting Chairman, Mr. Fenrick and Mr. Bassiouni together, with the Acting Chairman playing a leading role.

Mr. Fenrick supported Mr. Bassiouni and suggested Mrs. Molina-Abram work together with the Acting Chairman on the systematic sexual assault project.

Mr. Mbaye offered to take on more responsibility for the Commission from October 1993 onwards.

The Acting Chairman expressed appreciation to Mr. Mbaye and said that the Commissioners should start thinking about the final report. He suggested that Mr. Mbaye could start conceptualizing the structure of the final report.

The Acting Chairman proceeded to ask who is authorised to spend money from the Trust Fund.

The Secretary informed the meeting that the Controller's Office in New York formally controls the use of the Trust Fund, but that the money would be released almost automatically upon request by the Commission.

The Secretary said that he had just been informed by the Secretary of the Security Council that the Dutch offer to the United Nations of an engineering unit had been accepted by the Council.

Mr. Bassiouni suggested it would be logical if the Acting Chairman supervise both the collection of information gathered through interviews with refugees and the visits to camps.

The Acting Chairman agreed and suggested that Mr. Mbaye assist with the planning of visits to camps and that if the Commission gets access to such camps there may be missions as well.

12. Press release

The draft press release was adopted with one minor amendment.

13. Future sessions

It was tentatively decided to have a meeting 25-27 October 1993, and that the following days are reserved for possible meetings: 15-17 November 1993 and 13-15 December 1993.

14. Other business

The members exchanged views on the meeting with the Secretary-General.

Mr. Mbaye inquired what the agenda for the meeting with the Secretary-General was.

Mr. Zacklin said that following a discussion earlier that day with the Secretary-General he had been asked to submit a note on the meeting to him, which he had done after consultation with the Acting Chairman. In this note he mentioned first, the chairmanship in the light of Mr. Kalshoven's illness and indefinite absence. Since this creates the need to appoint a new chairman the Commission members may wish to convey their views and suggestions to the Secretary-General on this matter. Secondly, he raised the issue of the future of the Commission itself in the light of the Commission's own mandate and work and the establishment of the International Tribunal.

Mr. Bassiouni suggested that the Acting Chairman gives an introduction to the consultation with the Secretary-General, stressing the second interim report and the work that the Commission has done.

The Acting Chairman recalled the previous meeting with the Secretary-General and that he would try to fill the role suggested.

Annex to the minutes of the Fourth Meeting of the Seventh Session:

Project responsibility, as decided at the Seventh Session:

- Sarajevo: the two Rapporteurs
- Ovcar/Vukovar: Mr. Fenrick
- Dubrovnik: Mr. Fenrick
- Ahmici-Vitez: Mr. Fenrick
- Detention camps: Mr. Opsahl
- Investigations of systematic rape: Mr. Bassiouni and Mr. Opsahl
- Ethnic cleansing: Mr. Bassiouni and Mr. Opsahl
- UNESCO: Mr. Mbaye
- Final report: Mr. Mbaye