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Fax from Hans Corell to M. Cherif Bassiouni on 31 August 1994

M. Cherif Bassiouni 1937-2017

Hans Corell

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UNITED NATIONS



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31 August 1994

Dear Mr. Bassiouni,

This refers to your telefax of 29 August 1994 concerning the Annexes to the Final Report of the Commission of Experts. Upon receipt of the completed version, as agreed upon between yourself and the Prosecutor of the International Tribunal, we will forward the Annexes to the Secretary-General for transmittal to the members of the Security Council.

As for designating a focal point in my Office, I note that this Office will, of-course, remain responsible for the follow up of the publication of the Annexes. However, as the latter involves financial as well administrative issues, it will be dealt with by more than one person, under Mr. Zacklin's supervision.

In this connection, I attach herewith a copy of a letter addressed to the Secretary-General from the Foreign Minister of the Federal Republic of Yugoslavia, Mr. Vladislav Jovanovic, concerning the Final Report of the Commission. Although it is not our intention to address the substance of the findings nor the conclusions of the Commission, we would appreciate your clarifications on the allegations made in paragraphs 5 to 7 of the letter (page 2) regarding the Report of the Yugoslav State Commission on the destruction of orthodox churches, cemeteries and tombstones; the list of documents submitted by the Government of the FRY and the transfer of the data-base to the Tribunal.

Hans Corell Under-Secretary-general

for Legal Affairs The Legal Counsel

Mr. M. Cherif Bassiouni International Human Rights Law Institute DePaul University, College of Law Chicago

AUG 2 2 1994



PERMANENT MISSION

OF THE FEDERAL REPUBLIC OF YUGOSLAVIA TO THE UNITED NATIONS 854 FIFTH AVENUE, NEW YORK, N. Y. 10021 TEL (212) 879-8700/4 FAX (212) 879-8705

No. 753 /94

22 August 1994

Your Excellency,

I have the honor to transmit, enclosed herewith, the letter of His Excellency Mr. Vladislav Jovanovic, Minister of Foreign Affairs of the Federal Republic of Yugoslavia, concerning the Final Report of the United Nations Commission of Experts headed by Professor Cherif Bassiouni.

Please accept, Your Excellency, the assurances of my highest consideration.

مسرون مناهدة

Dragomir Djokic Ambassador Charge d'affaires a.i.

His Excellency
Dr. Boutros Boutros-Ghali
Secretary-General of
the United Nations
N e w Y o r k

FEDERAL REPUBLIC OF YUGOSLAVIA Federal Minister of Foreign Affairs

Belgrade, 18 August 1994

AUG 2 L .354

Excellency,

I am writing in connection with your letter addressed to the President of the United Nations Security Council and the enclosed Final Report (S/1994/674) of the United Nations Commission of Experts, headed by Professor Cherif Bassiouni. The said Report is, unfortunately, much more reminiscent of an indictment, a one-sided indictment against Serbs, than of objective findings of the Commission of Experts which had such a responsible task entrusted by the United Nations. It is with regret that I also noted that you "fully concur with the conclusions reached by the Commission".

Without any proof or evidence it is implied in the Report that the Federal Republic of Yugoslavia and the former JNA are responsible for armed conflicts in the territory of the former SFR of Yugoslavia, while Serbs are attached the principal blame for crimes against international humanitarian law. This has been done with an obvious intention to present events as if they were a pre-meditated and deliberate policy of the ethnic cleansing of, and crimes against, Muslims and Croats, whereas the crimes of the Muslim and Croatian sides are described as sporadic and unrelated to their official policy. The Croatian and Muslim authorities are being excused as they "publicly deplored these practices", while frequent public condemnations of these crimes by the Government of the FR of Yugoslavia and the authorities of the Republic of Srpska and the Republic of Serbian Krajina are passed by unaccounted.

The evidence to corroborate such a report should have been provided in an annex, but no such annex has been published with this Report. You said in your letter that the 'final report includes several annexes containing reports of investigations and studies, which as a whole constitute an integral part of the report' and added that it had been suggested that, for cost purposes, they be published only in English. With all due respect for United Nations interest in effecting savings, the publication of these annexes only in English after the release of the Report in all United Nations official languages and the failure to include them in the Report in the first place does appear as an unfortunate attempt to withhold some very important evidence.

H.E. Dr Boutros Boutros-Ghali Secretary-General United Nations Headquarters New York, N.Y. 10017

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Excellency.

In your letter, you inform the Security Council and United Nations member-States that upon your instructions "the data-base and all of the information gathered by the Commission in the course of its work have been forwarded to the Office of the Prosecutor of the Inbunal." In that contem, you will certainly be very surprised to know that, in his talks in the Federal Ministry of Foreign Affairs of the FR of Yugoslavia on I August 1994, Mr. William Stuebner, Senjor Adviser of the Prosecutor. said that neither the Prosecutor nor the International Tribunal had received any report of the Yugoslav Government. Furthermore, during the visit of the former Secretary of the Yugoslav State Commission for War Crimes, Dr. Milan Bulajić, to Chicago from 8 to 13 July 1994, the Chairman of the Commission of Experts, Professor Bassiouni, told bim that the Commission had not received the Report of the Yugoslav State Commission on the destruction of Orthodox churches, cemeteries and tombstones, as well as some other Yugoslav reports. r'rofessor Bassiouni's claims are very worrisome indeed, so much so that the Permanent Mission of the FR of Yugoslavia to the United Nations Office at Geneva is in possession of the copies of the letters accompanying the service of these documents on the Commission of Experts.

Excellency,

As it appears that there is a discrepancy between what the Yugoslav side has firm evidence to have submitted and what is alleged to have been received and as Professor Bassiouni has provided no list of the documents which have actually been received, I would appreciate very much if such a list would be kindly forwarded to the Yugoslav side since the said discrepancy has raised serious doubts that many of its Reports have not been used in the preparation of the United Nations Commission of Experts Report.

The Yugoslav side is also in possession of an information of the intention of the Institute for International Human Rights of the De Paul University in Chicago, headed by the Commission of Experts Chairman Professor Bassiouni, to keep the database on the crimes committed in the territory of the former Yugoslavia at the University. We consider that these documents, received by the United Nations Commission of Experts on the basis of the resolution and mandate of the United Nations Security Council, must be handed over to the relevant organs of the United Nations.

Closely related to this matter is also the information that the collection of evidence in the former Yugoslavia has not been financed from United Nations funds, but by private organizations such as the Soros Foundation, Open Society, MacArthur Foundation and some other establishments. You will agree with we, Excellency, that the FR of Yugoslavia has every right to request that it be established who has financed the collection of evidence, in what amount and who is allowed access to, and use of, these documents.

3.

Excellency,

Bearing in mind all what has been said above, I consider that the conduct of the United Nations Commission of Experts Chairman Professor Bassiouni is contrary to the mandate he has been given by the United Nations. Particular neglect of duty has been his failure to see to it that the annexes to his Commission's Report are published with the Report. Considering their paramount importance for the overall import of the Report, the Government of the FR of Yugoslavia kindly requests that the annexes to the Final Report be published in all United Nations official languages as soon as possible and distributed to all United Nations member-States, together with this letter.

Instead of a conclusion and with Your Excellency's permission, I wish to advise that it has been noted that in his public statements in the capacity of the Chairman of the United Nations Commission of Experts Professor Bassiouni has displayed an unacceptable amount of bias and partiality in treating the parties in conflict which is very detrimental to the reputation and role of the United Nations and its organs in the solution of the Yugoslav crisis and puts in very serious doubt the validity of the Final Report of the United Nations Commission of Experts itself.

Please accept, Excellency, the assurances of my highest appreciation.

TOTAL P.06