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Commission of Experts

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RULES OF PROCEDURE OF THE COMMISSION
ESTABLISHED PURSUANT TO PARAGRAPH 2
OF SECURITY COUNCIL RESOLUTION 780 (1992)
ADOPTED BY THE COMMISSION AT THE SECOND MEETING OF ITS
SECOND SESSION ON 14 DECEMBER 1992

Rule 1. Mandate

The Commission shall examine and analyse the information submitted by States, international humanitarian organizations, or other persons or bodies pursuant to Security Council resolutions 771 (1992) and 780 (1992), as well as such further information as the Commission may obtain through its own investigations or efforts, with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions of 12 August 1949 and other violations of international humanitarian law committed in the territory of the former Yugoslavia.

Rule 2. Meetings and quorum

1. The Commission shall hold its meetings in private but may open them to the public as and when it deems it necessary for the enhancement of the effectiveness of its work.
2. The Commission shall meet at such times as it may designate; meetings may otherwise be called by the Chairman, as a rule with at least one week's notice.
3. The Chairman may declare a meeting open when at least a majority of the members of the Commission are present. The presence of a majority of the members shall be required for any decision to be taken.

Rule 3. Restraint in the disclosure of information

Members of the Commission shall exercise restraint in disclosing information. They shall refrain from taking a stand in public on any confidential question under discussion in the Commission. The Chairman will make information on the work of the Commission available to the extent he deems it appropriate.

Rule 4. Powers of the Chairman

The Chairman shall declare the opening and closing of each meeting of the Commission and, at such meetings, shall direct the discussions, accord the right to speak, put questions to the vote, announce decisions, rule on points of order and have complete control of the proceedings.

Rule 5. Secretariat

The Secretary of the Commission shall be responsible for making all arrangements connected with the work of the Commission including arrangements for the meetings of the Commission. He or she shall distribute documents and materials to the members of the Commission as requested by the Commission, its Chairman or any member thereof, and shall be responsible for the preparation of the records of the meetings of the Commission.

Rule 6. Records

1. The Commission will be provided with records of its meetings in English and French.
2. The Commission will arrange for the safe keeping and conservation of its records and files. After the conclusion of its work, the Commission will transmit its records and files to the Secretary-General of the United Nations.

Rule 7. Participation of States, international humanitarian organizations, or other persons or bodies

The Commission may invite States, international humanitarian organizations, or other persons or bodies to participate in its discussions, when the Commission deems it necessary for the enhancement of the effectiveness of its work.

Rule 8. Investigations

1. The Commission may hear witnesses or experts, on its own initiative or upon proposal by States, international humanitarian organizations, or other persons or bodies. In such cases, the Commission shall determine the modalities for summoning witnesses and experts. States whose nationals have been summoned to appear before the Commission as witnesses or experts may be invited to be present when their nationals are heard.
2. The Commission may decide to request States to hear witnesses or experts.
3. The Commission may decide to visit the territory of one or more of the States that formed part of the former Yugoslavia, or any other State, upon invitation or on its own initiative with the consent of any such State. Visits may be carried out by the Commission in its entirety, by one or more of its members, or by staff of the Commission, as decided by the Commission.

Rule 9. Decisions

The Commission will make every effort to take its decisions by consensus. In the absence of consensus, decisions of the Commissions will be taken by a majority of the members present and voting.

Rule 10. Reports

1. The Commission may designate a rapporteur for any question of a general or specific nature.
2. The Commission shall report its conclusions to the Secretary-General in accordance with Security Council resolution 780 (1992).
3. Members of the Commission who wish to make a separate statement may have such a statement appended to the report.

Rule 11. Other procedural matters

Any procedural matters arising at a meeting which are not covered by these rules shall be dealt with by the Chairman in the light of the rules of procedure applicable to Committees of the General Assembly.

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Appendix

Rules of procedure of the Commission

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