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LETTER DATED 24 MAY 1994 FROM THE SECRETARY-GENERAL
TO THE PRESIDENT OF THE SECURITY COUNCIL

Addendum

ANNEXES TO THE FINAL REPORTY OF THE COMMISSION OF
EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL
RESOLUTION 780 (1992)

VOLUME I - ANNEXES I TO V

INTRODUCTION

1. The Annexes contained herein consist of reports derived from the database and other research and investigative efforts of the Commission. These reports constitute the factual basis of the Commission's findings and set out in detail certain aspects of the Commission's work.

2. The Commission deemed the Annexes to be an integral part of its Final Report. The Secretary-General concurred, as he stated in his transmittal Letter of the Commission's Final Report, dated 24 May 1994, to the President of the Security Council:

I have examined the final report carefully, and I fully concur with the conclusions reached by the Commission...The annexes will be forwarded to members of the Council as soon as they become available (S/1994/674 at 2).

3. The Annexes are published by the Secretary-General at the request of the Commission. As stated in the Secretary-General's transmittal Letter, referred to above:

The final report includes several annexes containing reports of investigations and studies, which as a whole constitute an integral part of the report. In his letter to me of 6 May 1994, the Chairman of the Commission requested that the annexes be published, although for cost purposes and given their volume (approximately 3,000 pages) it was suggested that they be published in English only and funded from the remaining surplus in the Trust Fund of the Commission of Experts (S/1994/674 at 2).

4. The Annexes have not each been approved by the entire Commission. However, each has been prepared by or under the direction of a member of the Commission and all have been reviewed and approved by the Chairman. The names of those who assisted in the preparation are mentioned on the title page of each Annex.

5. The Annexes are based on the data contained in some 65,000 pages of documents received by the Commission's database, established at DePaul University's International Human Rights Law Institute, Chicago, as well as on the investigations of the Commission and the research of its members and their staff.

6. With some exceptions, the information and allegations contained therein have not been verified. However, the cumulative nature of the information, as well as its corroboration from multiple sources evidences a degree of reliability, in the aggregate and in many individual cases. The recurrence of certain factual information from multiple or unrelated sources provides a basis for an inference of reliability and credibility. Viewed in its entirety, the combination of this information warrants the Commission's findings as to the general patterns and policies described in the Final Report and in the Annexes.

7. It must be noted that the information upon which these Annexes are based is limited in comparison to all that which could have been obtained had the Commission been appropriately funded and staffed, and had there been more time to conduct in-depth investigations. Despite these and other limitations and constraints described in the Final Report, what was achieved is nonetheless exceptional and revealing (S/1994/674 at ¶¶ 12-17).

8. As also indicated in the Final Report, the Commission was terminated on

30 April 1994. Thus, it ceased to receive information since then (S/1994/674 at ¶¶ 31-33). Furthermore, the database was transferred at that time to the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia at the Hague (ICTFY), and therefore, the data-entry work also had to be terminated. However, the work of the Commission, its database, and these Annexes did serve as bases for the Prosecutor's endeavors in the pursuit of justice.

9. Each Annex contains a brief description of the methodology followed and the basis upon which it is prepared. The format is in accordance with United Nations publications standards. The style is descriptive and reflects analysis which strives to be objective and impartial.

10. No other body has been established to pursue the tasks mandated to the Commission by the Security Council in its Resolution 780 (1992). Thus, the Final Report and these Annexes may well be the only relatively comprehensive, historic record likely to be compiled of the policies and practices as well as specific cases, evidencing grave breaches of the Geneva Conventions and other violations of international humanitarian law. The work of the ICTFY will, however, complement this historic record.

11. It was not the Commission's intention or part of its responsibility to prepare cases for criminal prosecution or to pronounce upon the guilt of individual persons. These are tasks for prosecutors and judges, who will form their own views after thorough investigation and deliberation, in accordance with the "rule of law." They are not, therefore, bound by any of the opinions or conclusions expressed in the Annexes. It should also be emphasized that no allegation contained in the Annexes with respect to any individual is intended to constitute a finding on the guilt or innocence of that person. That will ultimately have to be determined by appropriate judicial bodies.

12. In order to avoid any possible prejudice to any potential prosecutions, certain names and references have been removed during the editing process. To obviate concerns for privacy or risk of detrimentally affecting eventual prosecutions, the names that are mentioned in the Annexes are those that have been reported by the media or are otherwise publicly known. Above all, the Commission is concerned with safeguarding the confidentiality of victims and witnesses.

13. The Commission developed effective working relations with the Prosecutor's office. Additionally, several members of the Commission, including the Chairman, have worked closely with Prosecutor Goldstone, even after the Commission officially concluded its work. In fact, a former member of the Commission is on the Prosecutor's staff, as are two former Assistants to the Commission.

14. Mindful of the Prosecutor's task and the exigencies of his work, the Chairman and the Prosecutor cooperated in reviewing these Annexes to make sure that they do not contain any information detrimental to the task of the Prosecutor. This is why many names, places and other relevant information has been deleted from the Annexes. But, this information is in the hands of the Prosecutor.

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