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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Zdzislaw KEDZIA (Poland)

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\* E/CN.4/1993/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1993/L.11 and addenda.

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1993/60. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 47/142 of 18 December 1992 on the situation in the Sudan,

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, as described in, inter alia, the reports submitted to the Commission on Human Rights at its forty-eighth session by the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions, and at its forty-ninth session by the Special Rapporteur on the question of religious intolerance,

Noting the announcement by the Government of the Sudan of its intention to constitute an independent judicial inquiry commission to investigate the killings of Sudanese employees of foreign relief organizations,

Noting also the widespread conditions of armed conflict existing within the Sudan,

Deeply concerned that access by the civilian population to humanitarian assistance has been impeded, but welcoming the recent dialogue between the Government of the Sudan, donor Governments and international non-governmental organizations regarding delivery of humanitarian aid,

Alarmed by the mass exodus of refugees into neighbouring countries and the large number of internally displaced persons and victims of discrimination in the Sudan, including members of minorities who have been forcibly displaced in violation of their human rights,

Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in the Sudan,

1. Expresses its deep concern at the serious human rights violations in the Sudan, including summary executions, detentions without due process, forced displacement of persons and torture;

2. Urges the Government of the Sudan to respect fully human rights, and calls upon all parties to cooperate in order to ensure such respect;

3. Requests the Chairman of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing and expertise in human rights as special rapporteur on the situation of human rights in the Sudan;

4. Requests the Special Rapporteur to establish direct contact with the Government and with the people of the Sudan and to investigate and report to the Commission at its fiftieth session on the situation of human rights in the Sudan, including any progress made there towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law;

5. Also requests the Special Rapporteur to seek and receive credible and reliable information from Governments, non-governmental organizations and any other parties who have knowledge of these matters;

6. Calls upon the Government of the Sudan to extend its full and unreserved cooperation and to assist the Special Rapporteur in the discharge of his mandate, and to this end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person in the Sudan whom he wishes to meet;

7. Requests the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate;

8. Calls upon the Government of the Sudan to comply with applicable international human rights instruments, in particular the International Covenants on Human Rights and the Convention on the Elimination of All Forms of Racial Discrimination, to which the Sudan is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in these instruments;

9. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including in particular common article 3 of the Geneva Conventions of 12 August 1949 for the protection of war victims, to halt the use of weapons against the civilian population and to protect all civilians from violations, including forcible displacement, arbitrary detention, ill-treatment, torture and summary execution;

10. Strongly urges all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict to ensure

respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and facilitating their early return to the Sudan, and welcomes efforts to facilitate dialogue among the parties to that end;

11. Calls upon the Government of the Sudan to ensure a full, thorough and prompt investigation by the independent judicial inquiry commission of the killings of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

12. Calls upon all parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with the initiatives of the Department of Humanitarian Affairs of the Secretariat to deliver assistance to all persons in need;

13. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its forty-eighth session and to the Commission on Human Rights at its fiftieth session;

14. Decides to consider the situation of human rights in the Sudan at its fiftieth session under the same agenda item.

65th meeting

10 March 1993

[Adopted by a roll-call vote of  
35 to 9 with 8 abstentions.

See chap. XII.]

1993/61. Situation of human rights in Zaire

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that, under Articles 55 and 56 of the Charter of the United Nations, all Member States of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Recalling that, from 1985 to 1989 and from 1991 to 1993, it examined the situation of human rights in Zaire under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII), of 27 May 1970,

Emphasizing that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights,

Reaffirming in this connection the indivisibility of all human rights,

Having examined the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25),

Concerned about the seriousness of the situation of human rights in Zaire and, in particular, about the use of force during peaceful gatherings, arbitrary arrests and detentions, summary executions, torture and inhuman treatment in detention centres, serious shortcomings in the administration of justice, which is unable to function independently, and forced population displacements,

Stressing that the situation described above is contributing to the worsening of the country's socio-economic and financial situation and, in particular, that of the most vulnerable groups,

Stressing also the need to put an end to the impunity of persons responsible for human rights violations,

Concerned about the serious obstacles which have stood in the way of the process of democratic transition and wishing to encourage the efforts being made to guarantee the continuation of this process, in full respect for human rights and fundamental freedoms,

1. Deplores the continuing serious violations of human rights and fundamental freedoms in Zaire, particularly the practice of torture and cruel, inhuman and degrading treatment or punishment, arbitrary detention and incommunicado detention, inhuman and degrading prison conditions, especially in the detention centres administered by the army, enforced disappearances, summary and arbitrary executions of persons who have exercised their right to freedom of opinion and expression, and denial of the right to a fair trial;

2. Notes with indignation that force is used systematically to prevent and suppress peaceful gatherings and demonstrations;

3. Expresses its concern about the deterioration of the situation in Shaba, where the authorities bear primary responsibility for fresh outbreaks of ethnic tensions and for the forced displacement of twenty-thousand persons;

4. Also expresses its concern about discriminatory measures affecting persons belonging to minority groups;

5. Recommends that the thematic rapporteurs and working groups of the Commission should continue to keep a close watch on the situation of human rights in Zaire;

6. Requests the Secretary-General:

(a) To bring this resolution to the attention of the Zairian authorities;

(b) To report to the Commission, at its fiftieth session, on the basis of any information which might be gathered on the situation of human rights in Zaire, including information supplied by non-governmental organizations;

7. Decides to consider the question again at its fiftieth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

65th meeting

10 March 1993

[Adopted without a vote.  
See chap. XII.]

1993/62. Situation of human rights in the Islamic Republic of Iran  
The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field,

Recalling its relevant resolutions, including its most recent resolution, 1992/67 of 4 March 1992, as well as those of the General Assembly, including its most recent resolution, 47/146 of 18 December 1992, and those of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including its most recent resolution, 1992/15 of 27 August 1992,

Noting that the Government of the Islamic Republic of Iran has responded to the Special Representative's request for information concerning allegations of human rights violations in that country, but that for more than a year has not permitted the Special Representative to visit the country,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Recalling that in its resolution 1992/67 it requested the Special Representative to submit a final report on the human rights situation in the Islamic Republic of Iran to the Commission at its forty-ninth session,

Noting the Special Representative's assessments of the performance of the Islamic Republic of Iran regarding his various recommendations and his view that during 1992 there was no appreciable progress in the Islamic Republic of Iran towards improved compliance with human rights standards in conformity with international instruments (see E/CN.4/1993/41),

Noting that the Sub-Commission, in its resolution 1992/15, condemned the continuing grave violations of human rights in the Islamic Republic of Iran,

1. Takes note with appreciation of the final report of the Special Representative of the Commission and the observations contained therein;
2. Expresses its deep concern at continuing reports of violations of human rights in the Islamic Republic of Iran;
3. Expresses its concern more specifically at the main criticisms of the Special Representative of the human rights situation in the Islamic Republic of Iran, namely, the high number of executions, cases of torture and cruel, inhuman or degrading treatment or punishment, the standard of the administration of justice, the lack of guarantees of due process of law, discriminatory treatment of certain groups of citizens for reason of their religious beliefs, notably the Baha'is, and restrictions on the freedoms of expression, thought, opinion and the press and that, as noted by the Special Representative, the situation of women leaves much to be desired;
4. Expresses its grave concern at the fact that, contrary to the Special Representative's recommendation, the application of the death penalty has not diminished, but increased;



5. Also expresses its grave concern that there are continuing threats to the life of a citizen of another State which appear to have the support of the Government of the Islamic Republic of Iran and whose case is mentioned in the report of the Special Representative;

6. Regrets that the Government of the Islamic Republic of Iran has not granted the request of the Special Representative to visit the country for more than a year;

7. Expresses its regret that, as the Special Representative concluded, the Islamic Republic of Iran has not given adequate follow-up to many of the recommendations contained in the previous reports;

8. Calls upon the Government of the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative in his observations, in particular as regards the administration of justice and due process of law;

9. Also calls upon the Government of the Islamic Republic of Iran to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments;

10. Endorses the view of the Special Representative that the international monitoring of the human rights situation in the Islamic Republic of Iran should be continued;

11. Decides to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year;

12. Calls upon the Government of the Islamic Republic of Iran to cooperate fully with the Special Representative;

13. Requests the Special Representative to submit an interim report to the General Assembly, at its forty-eighth session, on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, and to report to the Commission at its fiftieth session;

14. Requests the Secretary-General to give all necessary assistance to the Special Representative;

15. Decides to continue its consideration of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran, as a matter of priority, at its fiftieth session.

65th meeting

10 March 1993

[Adopted by a roll-call vote  
of 23 to 11, with 14 abstentions.

See chap. XII.]

1993/63. Situation of human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1992/61 of 3 March 1992 regarding, inter alia, the appointment of the Special Rapporteur of the Commission to review and report on the situation of human rights in Cuba and to maintain direct contact with the Government and citizens of Cuba,

Recalling also General Assembly resolution 47/139 of 18 December 1992 regarding the situation of human rights in Cuba,

Recognizing with deep appreciation the efforts of the Secretary-General and of the Special Rapporteur to carry out the mandate concerning the situation of human rights in Cuba,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Noting with deep regret the failure of the Government of Cuba to cooperate with the Special Rapporteur and its refusal to permit him to visit Cuba in order to fulfil his mandate,

Deeply concerned at arbitrary arrests, beatings, imprisonment, harassment and governmentally organized mob attacks on human rights defenders and others who are engaged in the peaceful exercise of their rights, and noting with particular concern that Cuba increased its repression against leaders of several human rights groups in Cuba on United Nations Human Rights Day, 10 December 1992,

Profoundly concerned at continued violations in Cuba of fundamental human rights and individual liberties enumerated in the Universal Declaration of Human Rights, such as the freedoms of movement, thought, religion and conscience, opinion and expression, assembly and association, and rights associated with the administration of justice,

Having considered the report on the situation of human rights in Cuba submitted by the Special Rapporteur (E/CN.4/1993/39) to the Commission on Human Rights at its forty-ninth session,

1. Commends and endorses the report of the Special Rapporteur;
2. Calls upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;
3. Expresses particular concern that the Government of Cuba has failed to carry out its commitment, common to all Member States, to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter of the United Nations;
4. Regrets profoundly the numerous unanswered reports of violations of basic human rights and fundamental freedoms that are described in the report of the Special Rapporteur, and expresses particular concern at mounting intolerance for freedom of speech and assembly in Cuba;
5. Calls upon the Government of Cuba to carry out the seven measures recommended in the report of the Special Rapporteur to bring the observance of human rights and fundamental freedoms in Cuba up to universally recognized standards in accordance with international law and applicable human rights instruments and to end all violations of human rights, including in particular the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights;
6. Affirms and extends the mandate of the Special Rapporteur for one year;
7. Requests the Special Rapporteur to maintain direct contact with the Government and citizens of Cuba as specified in past resolutions of the Commission;
8. Recommends that the existing mechanisms of the Commission on Human Rights, in particular the Working Group on Arbitrary Detention and the Special Rapporteur on the question of torture, in the discharge of their

mandates, continue to give attention to the situation in Cuba and, if appropriate, consider visiting Cuba;

9. Invites the Special Rapporteur and the existing thematic mechanisms of the Commission mentioned in the present resolution to cooperate fully and exchange their information and findings on the situation of human rights in Cuba;

10. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

11. Requests the Special Rapporteur to carry out his mandate bearing in mind, inter alia, the Universal Declaration of Human Rights, to report to the Commission on the results of his endeavours pursuant to the present resolution at its fiftieth session and to submit an interim report to the General Assembly at its forth-eighth session.

65th meeting

10 March 1993

[Adopted by a roll-call vote of  
27 to 10, with 15 abstentions.

See chap. XII.]

1993/64. Cooperation with representatives of United Nations  
human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolutions 1990/76 of 7 March 1990, 1991/70 of 6 March 1991 and 1992/59 of 3 March 1992 and taking note of the note by the Secretary-General on this question (E/CN.4/1993/38),

1. Urges Governments to refrain from all acts of intimidation or reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fiftieth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in operative paragraph 1 of the present resolution;

7. Decides to consider the question again at its fiftieth session.

65th meeting  
10 March 1993  
[Adopted without a vote.  
See chap. XII.]

1993/65. Situation of human rights in Albania

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that the human rights situation in Albania has been under consideration by the Commission on Human Rights since 1984 under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Bearing in mind that, in its resolution 1988/17 of 2 March 1988, the Commission, acting under paragraph 8 of Council resolution 1503 (XLVIII), decided to discontinue consideration of the human rights situation in Albania under the confidential procedure and to take up consideration of the matter under the public procedure provided for in Council resolution 1235 (XLII) of 6 June 1967,

Recalling its resolutions 1989/69 of 8 March 1989, 1990/49 of 6 March 1990, 1991/76 of 6 March 1991 and 1992/69 of 4 March 1992,

Taking note of the report of the Secretary-General (E/CN.4/1993/43) submitted pursuant to Commission resolution 1992/69,

Welcoming the positive steps being taken by the Government of Albania to guarantee and promote the observance of human rights in Albania,

Welcoming also the willingness of the Government of Albania to cooperate with the Commission on Human Rights and the Centre for Human Rights,

1. Calls upon the Government of Albania to continue to adopt legislative and administrative measures to meet all the requirements under the International Bill of Human Rights and other relevant international instruments, by which freedom, democracy and the rule of law will be further consolidated and the human rights and fundamental freedoms of all Albanian citizens, including the rights of persons belonging to minorities, will be effectively promoted and guaranteed;

2. Encourages technical cooperation between the Centre for Human Rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, on the one hand, and the Government of Albania, on the other, on the basis of the Agreement concluded on 13 February 1992;

3. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Albania and to invite the Government to provide information regarding its implementation;

(b) To report to the Commission at its fiftieth session on the implementation of the present resolution;

4. Decides to continue its consideration of the human rights situation in Albania at its fiftieth session under the agenda item entitled "Advisory services in the field of human rights".

65th meeting  
10 March 1993  
[Adopted without a vote.  
See chap. XII.]

1993/66. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its relevant resolutions, as well as resolution 47/141 of 18 December 1992 and all other relevant resolutions of the General Assembly and the decisions of the Economic and Social Council,

Bearing in mind, in particular, its resolution 1992/68 of 4 March 1992, by which it decided to extend the mandate of the Special Rapporteur on the

situation of human rights in Afghanistan for one year and to request him to report to the General Assembly at its forty-seventh session and to the Commission at its forty-ninth session, and Economic and Social Council decision 1992/240 of 20 July 1992, in which the Council approved the Commission's decision,

Noting that, following the demise of the former Afghan Government, a Transitional Islamic State of Afghanistan was established,

Noting with deep concern that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of armed confrontation affecting mainly the civilian population which is still the target of indiscriminate military attacks by rival groups, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and has also caused a dramatic rise in the number of persons displaced inside the country,

Concerned that the prevailing situation in the country over political and legal order is affecting the security of members of ethnic and religious minorities,

Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights such as the right to life, liberty, personal security, freedom of opinion, expression and association,

Concerned at reports of detainees who are being held for political reasons by rival groups, among whom are several members of the former Government who are allegedly being held in inhumane conditions,

Noting that much remains to be done for the treatment of prisoners to be in conformity with the provisions of the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto of 1977,

Welcoming the return of over one and a half million refugees to Afghanistan since April 1992, and expressing the hope that conditions in Afghanistan will allow those still in exile to return as soon as possible,

Aware that peace and security in Afghanistan are prerequisites for the successful repatriation of more than four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of the minefields that have been



laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Affirming that the declaration of general amnesty issued by the Islamic State of Afghanistan should be applied in a strictly non-discriminatory manner and that prisoners detained by rival groups without trial on Afghan territory should be released unconditionally,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1993/42) and of the conclusions and recommendations contained therein,

Noting that due to security considerations the Special Rapporteur has been unable to visit Kabul for the second consecutive time,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan in view of the circumstances prevailing in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular, to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to undertake all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and genuine elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of the more than four million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

4. Welcomes the meeting of the parties to the conflict held recently in Islamabad with the support of some neighbouring and interested Governments in order to promote peace and reconciliation in Afghanistan;

5. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls on all Afghan parties to respect human rights;

6. Urges all the Afghan parties to respect accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons against the civilian population, to protect all civilians from acts of reprisal and violence, including ill-treatment, torture and summary executions, and to expedite the simultaneous release of prisoners wherever they may be held;

7. Calls upon all States and parties concerned to make all efforts for the realization of General Assembly decision 47/428 entitled "Prisoners of war and persons missing as a result of war in Afghanistan", and calls upon them to make all efforts for the immediate release of all prisoners of war, and in particular of former Soviet prisoners of war as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended;

8. Urges the unconditional release of all prisoners detained without trial on the Afghan territory by rival groups;

9. Calls upon the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply amnesty decrees equally to all detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected or convicted persons article 14, paragraphs 3 (d), 5, 6 and 7 of the International Covenant on Civil and Political Rights;

10. Expresses its concern at reports that the living conditions of refugees, especially those of women and children, are becoming increasingly difficult because of the decline in international humanitarian assistance;

11. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully, especially on the subject of

mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

12. Also urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

13. Strongly urges all the parties to the conflict to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, in order to avoid further deplorable incidents which have caused loss of lives among that personnel;

14. Urges the authorities in Afghanistan to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

15. Decides to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation of human rights in Afghanistan to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session;

16. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

17. Decides to continue its consideration of the human rights situation in Afghanistan as a matter of high priority, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

65th meeting  
10 March 1993  
[Adopted without a vote.  
See chap. XII.]

1993/67. Situation of human rights in southern Lebanon  
The Commission on Human Rights,  
Gravely concerned at the ongoing practices of the Israeli occupation forces in southern Lebanon, which constitute a violation of the principles of

international law pertaining to the protection of human rights, and particularly the Universal Declaration of Human Rights, in addition to their flagrant violation of the relevant provisions of international humanitarian law as set forth in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and The Hague Convention IV of 1907,

Deeply regretting Israel's failure to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Deeply disturbed at Israel's deportation of 415 Palestinians to the occupied territory of southern Lebanon, which constitutes a further violation of Lebanese sovereignty, and at Israel's refusal to implement Security Council resolution 799 (1992) demanding the immediate return home of the Palestinian deportees,

Affirming Israel's full responsibility for the Palestinian deportees,

Reaffirming that the continued occupation and the practices of the Israeli forces constitute violations of the relevant Security Council resolutions, of the will of the international community and of the conventions in force in this regard,

Hoping for a continuation of the peace negotiations with a view to a settlement of the conflict in the Middle East through the achievement of a just, comprehensive and lasting peace in the region, and affirming that Israel's continued violations of human rights are hampering the steps and endeavours that are being taken to achieve peace in the Middle East,

Gravely concerned at the fact that the International Committee of the Red Cross and other humanitarian organizations are being prevented from fulfilling their humanitarian tasks in the occupied territory of southern Lebanon, and particularly from investigating the reports received concerning ill-treatment of detainees at the Khiam and Marjayoun detention centres,

Reaffirming its resolution 1992/70 of 4 March 1992, and expressing its deep regret at Israel's failure to implement that resolution,

1. Condemns the ongoing Israeli violations of human rights in southern Lebanon consisting, in particular, in the arbitrary detention of civilians, the demolition of their homes, the confiscation of their property, their expulsion from the occupied territory, the bombardment of civilian villages and areas, and other practices which violate human rights;

2. Demands that Israel put an immediate end to those practices and implement Security Council resolutions 425 (1978) and 509 (1982) calling for Israel's immediate, full and unconditional withdrawal from all Lebanese territory and respect for Lebanon's sovereignty, independence and territorial integrity;

3. Demands that Israel put an immediate end to the policy of forced deportation and implement Security Council resolution 799 (1992) of 18 December 1992;

4. Also demands that the Government of Israel, as the occupying Power in southern Lebanon, comply with the Geneva Conventions of 12 August 1949, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

5. Further demands that the Government of Israel, as the occupying Power in southern Lebanon, facilitate the humanitarian task of the International Committee of the Red Cross and other humanitarian organizations in this region and, in particular, permit those organizations to visit the detention centres at Khiam and Marjayoun and examine the situation of the persons detained there;

6. Requests the Secretary-General:

(a) To inform the Government of Israel of the present resolution and call upon it to provide information concerning the extent of its compliance therewith;

(b) To report to the General Assembly at its forty-eighth session and to the Commission on Human Rights at its fiftieth session on the results of his endeavours in this regard;

7. Decides to continue the consideration of the question at its fiftieth session.

65th meeting

10 March 1993

[Adopted by a vote of 50 to 1.  
See chap. XII.]

1993/68. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have a duty to promote human rights and to fulfil their obligations under the various human rights instruments,

Recalling its resolution 1992/77 of 5 March 1992,

Taking account of the report (E/CN.4/1993/47) of the Special Rapporteur, Mr. Marco Tulio Bruni Celli, appointed by the Chairman of the Commission at its forty-eighth session,

Recalling General Assembly resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 of 24 November 1992 and 47/143 of 18 December 1992,

Deeply concerned about the serious events that have occurred in Haiti since 29 September 1991 which have abruptly and violently interrupted the democratic process in that country, entailing the loss of human lives and the violation of human rights,

Concerned also at the mass exodus of Haitian nationals fleeing the country because of the deterioration in the political and economic situation since 29 September 1991,

Deeply alarmed by the persistence and worsening of serious violations of human rights, in particular summary and arbitrary executions, forced disappearances, reports of torture and rape, arbitrary arrests and detentions and denial of freedom of expression, assembly and association,

Welcoming the recent dispatch of an international civilian observer mission of the United Nations and the Organization of American States to monitor the observance of human rights in Haiti,

Aware that the Commission must continue to keep a close watch on the situation of human rights in Haiti,

1. Expresses its appreciation to the Special Rapporteur for his report on the situation of human rights in Haiti and endorses the recommendations it contains;

2. Strongly condemns the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, and the use of violence and military coercion and the subsequent deterioration of the situation of human rights in that country;

3. Expresses its deep concern about the substantial deterioration of the human rights situation in Haiti since the coup d'état of September 1991 and the resulting increase in violations of the human rights embodied in the International Covenant on Civil and Political Rights, the International

Covenant on Economic, Social and Cultural Rights, the American Convention on Human Rights and other international human rights instruments;

4. Condemns once again the continuing seriousness of the human rights situation in 1992, characterized by murders, disappearances and assassinations, preventive repression, persecution, arbitrary detentions, torture, extortion of protection money from citizens by security agents, abandonment of legislative programmes, re-emergence of the section chiefs, prohibition of demonstrations and police repression of all acts of protest against the de facto regime;

5. Expresses its full support for the international civilian observer mission of the United Nations and the Organization of American States responsible for monitoring the observance of human rights in Haiti, and awaits the outcome of the mission with interest;

6. Draws the attention of the international community to the fate of the Haitian nationals who are fleeing the country, and requests its support for the efforts undertaken to assist them;

7. Expresses its appreciation to the Office of the United Nations High Commissioner for Refugees for its work in favour of the Haitian nationals, and invites Member States to continue giving material and financial support to those efforts;

8. Calls upon States Members of the United Nations and other international organizations to increase their humanitarian assistance to the people of Haiti, to support all efforts to resolve the problems of displaced persons and to encourage the strengthening of institutional coordination among the specialized agencies and between the United Nations and the Organization of American States;

9. Decides to extend for a further year the mandate of the Special Rapporteur, as established in Commission resolution 1992/77 of 5 March 1992;

10. Stresses the importance of establishing the necessary cooperation between the Special Rapporteur of the Commission and the international civilian observer mission of the United Nations and the Organization of American States in order to further the fulfilment of their mandates, and in that connection emphasizes the contribution that the Centre for Human Rights can make;

11. Requests the Special Rapporteur to submit a provisional report on the situation of human rights in Haiti to the General Assembly at its forty-eighth session and a final report to the Commission on Human Rights at its fiftieth session;

12. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the performance of his mandate;

13. Decides to continue its consideration of the situation of human rights in Haiti at its fiftieth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

65th meeting

10 March 1993

[Adopted without a vote.

See chap. XII.]

1993/69. Situation in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1992/79 of 5 March 1992,

Bearing in mind that the Economic and Social Council, in its resolution 1982/36 of 7 May 1982, took note of the Plan of Action proposed by the United Nations and accepted by the Government of Equatorial Guinea, which was based on the recommendations submitted by Mr. Fernando Volio Jiménez, the Expert appointed by the Secretary-General pursuant to Commission on Human Rights resolution 33 (XXXVI) of 11 March 1980,

Considering that the 1982 Plan of Action has never been satisfactorily implemented by the Government despite the assistance and the advice given by the Centre for Human Rights,

Noting with satisfaction that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto,



Taking into account that the Government of Equatorial Guinea has an obligation to submit periodic reports to the Committee on Economic, Social and Cultural Rights and the Human Rights Committee and that its initial reports are overdue,

Mindful that it is essential that all the political tendencies, including the opposition parties, should play an active role,

Pointing out that the reasons given by the refugees for not returning to Equatorial Guinea, is the lack of an overall political solution and the fact that a broad-based government is not established with full respect for human rights and fundamental freedoms,

Taking note of the fact that, even very recently, the authorities have, successively arrested and ill-treated political opponents who had returned to their country, availing themselves of the promises given by the President of the Republic himself to facilitate the return of exiles to their country, under a plan of return prepared by the churches of Equatorial Guinea and the exiles,

Taking note of the report of the Expert (E/CN.4/1993/48), which indicates that the human rights situation in Equatorial Guinea has continued to deteriorate seriously,

Mindful that it is essential to put an end to the serious deterioration of the human rights situation in Equatorial Guinea,

1. Commends the excellent work done during the past 14 years by Mr. Fernando Volio Jiménez for the promotion and protection of human rights in Equatorial Guinea;

2. Expresses its serious concern at the persistence of politically motivated violations of human rights, such as arbitrary arrests and the application to political prisoners of torture and other cruel, inhuman and degrading treatment or punishment and the lack of cooperation with the Expert;

3. Expresses its concern at the fact that, despite having approved it, the Government has never implemented the Plan of Action prepared by the Expert in 1980, and has not yet approved the new Plan of Action prepared by the Expert in 1992;

4. Deplores the situation of women in Equatorial Guinea, as revealed by the report of the Expert;

5. Calls upon the Government of Equatorial Guinea to put an end to the use of military courts for trying ordinary law offences and to permit the establishment of an independent judiciary;

6. Also calls upon the Government of Equatorial Guinea to take all necessary measures to promote harmonious coexistence of the peoples forming the society of Equatorial Guinea;

7. Further calls upon the Government of Equatorial Guinea to free all political prisoners and to take, as soon as possible, legislative and administrative measures satisfying the requirements laid down in the International Bill of Human Rights and in other relevant international instruments, and providing for the establishment of freedom, democracy and the rule of law, as well as the promotion and effective protection of human rights and fundamental freedoms of all citizens of Equatorial Guinea;

8. Encourages the Government of Equatorial Guinea to endeavour to facilitate the return of exiles and refugees, and to adopt measures permitting the full participation of all citizens in the country's political, economic, social and cultural affairs, thus helping to resolve the shortage of specialized personnel, as indicated in the report of the Expert;

9. Requests its Chairman, following consultations with the Bureau, to appoint an individual of recognized international standing in the field of human rights, who is entirely familiar with the situation in Equatorial Guinea, as Special Rapporteur of the Commission with a mandate to make a thorough study of the violations of human rights by the Government of Equatorial Guinea on the basis of all the information which he considers relevant, including information furnished by intergovernmental and non-governmental organizations and by private individuals and, in particular, any documentation provided by the Government of Equatorial Guinea;

10. Urges the Government of Equatorial Guinea to propose to the International Committee of the Red Cross the conclusion of an agreement for the purpose of enabling the Committee to make periodic visits to prisons and civil and military detention centres, including cells in which persons are held incommunicado;

11. Also urges the Government of Equatorial Guinea to continue negotiations with the opposition with a view to establishing the bases for the democratic process in Equatorial Guinea;

12. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

13. Requests the Special Rapporteur to report to the Commission at its fiftieth session;

14. Decides to consider the question at its fiftieth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories", unless there is a significant improvement in the situation of human rights and fundamental freedoms in Equatorial Guinea.

65th meeting

10 March 1993

[Adopted without a vote.  
See chap. XII.]

1993/70 Human rights and mass exoduses

The Commission on Human Rights,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Noting that the report of the Secretary-General entitled "An Agenda for Peace" (A/47/277) identifies the protection of human rights as an important element of peace, security and economic well-being and highlights the importance of preventive diplomacy,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own, by these sudden displacements of population,

Recalling General Assembly resolution 44/164 of 15 December 1989, in which the Assembly reaffirmed its support for the recommendation of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees that the principal organs of the United Nations should make fuller use of their respective competencies under the Charter of the United Nations for the prevention of new massive flows of refugees and displaced persons,

Recalling also its resolution 1992/63 of 3 March 1992 and its previous relevant resolutions, as well as those of the General Assembly,

Noting with interest that the Secretary-General, in An Agenda for Peace identifies the linkage between preventive diplomacy and humanitarian assistance, and recognizes that preventive diplomacy requires an early warning capacity,

Noting also that the Secretary-General, in his report on strengthening of the coordination of humanitarian emergency assistance of the United Nations (A/47/595), states that in complex emergencies, humanitarian assistance is essential but must be complemented by measures to address the root causes of such emergencies and that the establishment of the Inter-Agency Consultation on Early Warning serves both the purposes of prevention and preparedness,

Noting that the General Assembly, in its resolution 47/105 of 16 December 1992, welcomed the commitment of the High Commissioner for Refugees, bearing in mind her mandate and responsibilities, to explore and undertake activities aimed at preventing conditions that give rise to refugee outflows and encouraged the High Commissioner to continue her efforts to increase cooperation with the Commission on Human Rights, the Centre for Human Rights and relevant organizations,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons,

Noting that in its resolution 47/105 the General Assembly strongly deplored ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urged States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities,

Recalling that the General Assembly, in its resolution 46/127 of 17 December 1991, invited the Commission to keep the question of human rights and mass exoduses under review with a view to supporting the early-warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons,

1. Invites again all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation and

assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

2. Welcomes the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the recommendations and conclusions contained in the report (A/41/324, annex) of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees, including, inter alia, the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language;

3. Recalls its resolution 1985/40 of 13 March 1985, and recommends that special rapporteurs, special representatives and working groups studying situations of violation of human rights pay attention to problems resulting in mass exoduses of populations and, where appropriate, to report and make relevant recommendations to the Commission on Human Rights;

4. Requests all United Nations bodies, including the United Nations human rights treaty bodies, the specialized agencies and governmental and intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission and in particular to provide them with all relevant and accurate information in their possession on the human rights situations creating or affecting refugees and displaced persons within their mandates;

5. Notes that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between observance of human rights standards, refugee movements, problems of protection and solutions;

6. Welcomes the High Commissioner's contributions to the deliberations of international human rights bodies and encourages her to seek ways to make these contributions even more effective;

7. Takes note of General Assembly resolution 46/127, in which the Assembly noted that mass movements of populations were caused by multiple and complex factors;

8. Welcomes the statement made by the United Nations High Commissioner for Refugees at its 50th meeting on 3 March 1993, in which she emphasized the

need for early response by the international community to human rights situations which threaten to generate refugees and displaced persons, or which impede their voluntary return;

9. Invites the United Nations High Commissioner for Refugees to address the Commission at its fiftieth session;

10. Encourages States that have not already done so to accede to the 1951 Convention relating to the Status of Refugees and the Protocol thereto of 1967;

11. Urges the Secretary-General to attach a high priority and allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities in the humanitarian area by, inter alia, the designation of the Department of Humanitarian Affairs as the focal point for early warning in this area and strengthened coordination among relevant offices of the Secretariat concerned with early warning and organizations of the United Nations system, for the purpose of ensuring, inter alia, that effective action is taken to identify human rights abuses which contribute to mass outflows of persons;

12. Welcomes the decision by the Administrative Committee on Coordination to establish a regular United Nations inter-agency early-warning consultation related to possible flows of refugees and displaced persons, based on the sharing and analysis of relevant information between United Nations bodies, and the development of collective recommendations for action to alleviate, inter alia, the possible causes of new flows of refugees and displaced persons;

13. Also welcomes the decision by the Administrative Committee on Coordination to designate the Department of Humanitarian Affairs as the focal point of the United Nations inter-agency early-warning consultation;

14. Urges the Department of Humanitarian Affairs to take the necessary steps to function effectively as the focal point of the inter-agency early-warning consultation;

15. Further urges all concerned bodies involved in the inter-agency consultation to cooperate fully in, and devote the necessary resources to, the successful operation of the consultation;

16. Requests the Secretary-General to ask Governments, intergovernmental organizations, specialized agencies and non-governmental organizations for information and to prepare, within existing resources, and

submit to the Commission at its next session a report outlining the principal developments in the United Nations system with regard to early warning and preventive diplomacy since the issuance of An Agenda for Peace, paying particular attention to early warning and preventive diplomacy in the areas of human rights and humanitarian assistance;

17. Decides to continue its consideration of the question at its fiftieth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission" under a sub-item entitled "Human rights, mass exoduses and the displaced".

65th meeting  
10 March 1993  
[Adopted without a vote.  
See chap XII.]

1993/71 Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his or her life,

Recalling General Assembly resolution 34/175 of 17 December 1979, in which the Assembly reaffirmed that mass and flagrant violations of human rights were of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Mindful of General Assembly resolutions on the subject of summary and arbitrary executions, of which the latest is 47/136 of 18 December 1992,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1982/13 of 7 September 1982, in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Recalling the other standards which form the legal justification of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary

executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136,

Welcoming the cooperation established between the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and the Commission on Crime Prevention and Criminal Justice with regard to questions relating to extrajudicial, summary or arbitrary executions,

Also welcoming the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (United Nations publication, sales No. E.91.IV.1),

Deeply alarmed at the occurrence, on a large scale, of extrajudicial, summary or arbitrary executions,

Welcoming the attention given to situations of public manifestations, internal violence, disturbances, tensions and public emergency by the Special Rapporteur in his report (E/CN.4/1993/46) in view of the needless loss of life consequent upon the level of violence in many such situations,

Convinced of the need for appropriate action to combat and eventually to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the most fundamental right, the right to life,

1. Strongly condemns once again the large number of extrajudicial, summary or arbitrary executions which continue to take place throughout the world;

2. Appeals urgently to Governments, United Nations bodies and organs, the specialized agencies, intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate the phenomenon of extrajudicial, summary or arbitrary executions;

3. Welcomes the appointment, in accordance with paragraph 5 of Commission on Human Rights resolution 1992/72 of 5 March 1992 and Economic and Social Council decision 1992/242 of 20 July 1992 of Mr. Bacre Waly Ndiaye as the new Special Rapporteur for extrajudicial, summary and arbitrary executions;

4. Takes note with appreciation of the report of the Special Rapporteur and welcomes his recommendations with a view to eliminating extrajudicial, summary or arbitrary executions;



5. Requests the Special Rapporteur, in carrying out his mandate, to continue to examine situations of extrajudicial, summary or arbitrary executions and to continue to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights;

6. Also requests the Special Rapporteur in his next report to pay special attention to extrajudicial, summary and arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations;

7. Urges Governments to undertake all necessary and possible measures to lower the level of violence and the needless loss of life consequent thereupon during situations of public manifestations, internal violence, disturbances, tensions and public emergency;

8. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and other pertinent international instruments;

9. Requests the Special Rapporteur to continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

10. Also requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

11. Encourages Governments, United Nations bodies and organs, the specialized agencies, intergovernmental organizations and non-governmental organizations to initiate, coordinate or support programmes designed to train and educate law enforcement officers and government officials on human rights issues connected with their work, and appeals to the international community to support endeavours to that end;

12. Reiterates the obligation of all Governments to see to it that all alleged violations of the right to life are properly investigated, including

all suspected cases of extrajudicial, arbitrary and summary executions, with the view to bringing to justice those responsible for violations of the right to life, bearing in mind the norms and principles contained in the pertinent international instruments;

13. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur and, in particular, by strengthening the human and material resources placed at the disposal of the Special Rapporteur, within the overall framework of the regular budget of the United Nations;

14. Also requests the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights, the work of the Special Rapporteur, as well as recommendations made by him;

15. Urges all Governments, in particular those which consistently have not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively;

16. Requests the Special Rapporteur to enhance his dialogue with Governments by following up on communications dispatched to Governments transmitting allegations of extrajudicial, summary or arbitrary executions and allegations of imminent or threatened executions, as well as by following up on recommendations made by the Special Rapporteur in reports on on-site visits to particular countries;

17. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

18. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him and invites them to report to the Special Rapporteur on action taken on these recommendations;

19. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

20. Decides to consider the question as a matter of high priority at its fiftieth session under the agenda item entitled "Question of the violation

of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting  
10 March 1993

[Adopted without a vote.  
See chap. XII.]

1993/72 Situation of human rights in Romania

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the relevant international instruments,

Recalling its resolution 1992/64 of 3 March 1992,

Welcoming the efforts of the Government of Romania during the past three years to promote respect for human rights and recent measures it has taken to that end,

Having considered the report of the Secretary-General (E/CN.4/1993/40),

Recognizing the need to continue to promote a climate favourable to establishing a social order based on full respect for human rights and fundamental freedoms in Romania,

1. Takes note with appreciation of the reply of the Government of Romania concerning measures taken to guarantee and promote the implementation of human rights in that country contained in the report of the Secretary-General (see, E/CN.4/1993/40, sect. I);

2. Welcomes the steps taken to establish in Romania a democratic and pluralist system of government based on respect for human rights and the rule of law;

3. Welcomes also the declared ambition of the Government of Romania to fulfil the obligations undertaken under the international conventions and instruments to which it is a party and whose objectives are, inter alia, to prevent discrimination based on race, colour, national origin or religion;

4. Takes note of the fact that respect for human rights in general is improving in Romania, although shortcomings remain to be overcome as regards

implementation of constitutional and legislative rules by local authorities, inter alia, relating to the protection of persons belonging to national minorities;

5. Urges the Government and authorities of Romania to continue their efforts to ensure respect for human rights in all their aspects in the country, both de jure and de facto;

6. Takes note with appreciation of the positive attitude of the Government of Romania and its declared readiness to continue to cooperate with the Commission on Human Rights;

7. Welcomes the close cooperation between the Government and authorities of Romania and the Centre for Human Rights in the field of advisory services, particularly the ongoing implementation of the agreement between the Centre for Human Rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, on the one hand, and the Government of Romania on the other, providing for publications, training, education, seminars, workshops, fellowships, advisory services of experts and support for national institutions, given for a period of two to three years beginning 1 October 1991;

8. Encourages the Government and authorities of Romania and the Centre for Human Rights to continue their cooperation in the field of advisory services;

9. Requests the Secretary-General to invite the Government of Romania to provide information regarding the implementation of the present resolution, and to forward such information together with relevant information from intergovernmental and non-governmental organizations to the Commission on Human Rights;

10. Decides to continue its consideration of assistance to the Government of Romania in the field of human rights at its fiftieth session under the agenda item entitled "Advisory services in the field of human rights".

66th meeting  
10 March 1993

[Adopted without a vote.  
See chap. XII.]

1993/73. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all, and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Noting with particular concern in this regard that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of these elections,

Deploping that many political leaders, in particular elected representatives, remain deprived of their liberty and that Daw Aung San Suu Kyi, Nobel Peace Prize laureate, is still under house arrest,

Regretting in this context that the Nobel Peace Prize laureates were not allowed to enter Myanmar to meet with Daw Aung San Suu Kyi,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949, in particular the Convention relative to the Protection of Civilian Persons in Time of War, the release of a certain number of political prisoners and the reopening of universities,

Expressing its deep concern at the violations of human rights in Myanmar which remain extremely serious, in particular concerning the practice of torture, summary and arbitrary execution, forced labour, including forced portering for the military, abuse of women, politically motivated arrests and detention, the existence of important restrictions on the exercise of fundamental freedoms and the imposition of oppressive measures directed, in particular, at minority groups,

Noting that this situation has resulted in flows of refugees towards neighbouring countries,

Deeply concerned at the continuous problems created in neighbouring countries by the exodus of refugees from Myanmar, including almost two hundred and fifty thousand Myanmar Muslim refugees to Bangladesh,

Concerned at the absence of guarantees for the physical integrity and well-being of returnees,

Having examined the reports of the Working Group on Arbitrary Detention (E/CN.4/1992/20), the Special Rapporteur on the question of torture (E/CN.4/1993/26) and the Special Rapporteur on the question of religious intolerance (E/CN.4/1993/62),

Recalling its resolution 1992/58 of 3 March 1992, in which it decided to nominate a special rapporteur to establish direct contacts with the Government and the people of Myanmar, including political leaders deprived of their liberty, their families and lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Taking note of General Assembly resolution 47/144 of 18 December 1992 concerning the situation of human rights in Myanmar,

Noting that the Special Rapporteur has visited Myanmar at the invitation of the Government of Myanmar,

Deplores, however, that in spite of the provisions of resolution 1992/58 requesting the Myanmar authorities to extend their full and unreserved cooperation to the Special Rapporteur, he has been denied access to some persons, in particular detainees, including Daw Aung San Suu Kyi, and that a number of persons wishing to provide testimony have been subjected to intimidation or harassment,

1. Expresses its thanks to the Special Rapporteur for his report (E/CN.4/1993/37), its conclusions and recommendations;

2. Deplores the continued seriousness of the situation of human rights in Myanmar and, in particular, the fact that a number of political leaders, including Daw Aung San Suu Kyi and other leaders of the National League for Democracy, remain deprived of their liberty;

3. Urges the Government of Myanmar to take, in conformity with the assurances given at various times, firm steps towards the establishment of a democratic State, and to adopt the measures recommended in General Assembly resolution 47/144;

4. Notes with concern in this respect that the National Convention created to prepare basic elements for the drafting of a new constitution is meeting, having excluded most of the representatives duly elected in 1990, and also notes with concern that one of its objectives is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State;

5. Urges the Government of Myanmar to take every appropriate measure to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through convening of the Parliament elected in May 1990, lifting of restraining orders placed on a number of political leaders, releasing those who are detained, ensuring that political parties can function normally and lifting restrictions on the right of association and assembly, as well as the right to freedom of opinion and expression;

6. Strongly urges the Government of Myanmar to restore full respect for human rights and fundamental freedoms, to restore the protection of persons belonging to minority groups, notably against discrimination concerning them, especially in the framework of citizenship laws, and to put an end to violations of the right to life and integrity of the human being, the practice of torture, abuses of women, forced labour and enforced disappearance and summary executions;

7. Calls upon the Government of Myanmar to consider lifting emergency measures, which should cease to be the basis of law;

8. Reminds the Government of Myanmar of its responsibility to investigate alleged cases of human rights violations committed by its agents on its territory, to bring them to justice, to prosecute them and to punish those found guilty, in all circumstances;

9. Urges the Government of Myanmar to release unconditionally and to ensure the physical integrity of the Nobel Peace Prize laureate, Daw Aung San Suu Kyi, detained without trial for the last four years, as well as other detained political leaders and all political prisoners;

10. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

11. Also appeals to the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) of the International Labour Organisation;

12. Requests the Government of Myanmar to ensure that all persons, without discrimination, are afforded the minimum guarantees for a fair trial, according to due process of law and in conformity with applicable international standards, that laws are given due publicity and that the principle of non-retroactivity of laws is respected;

13. Calls upon the Government of Myanmar to create the necessary conditions that would end the flow of Myanmar refugees to neighbouring countries, to facilitate their early repatriation and their full reintegration, in conditions of safety and dignity, in particular through cooperation with the Office of the United Nations High Commissioner for Refugees;

14. Invites the Government of Myanmar to fully respect their obligations under the Geneva Conventions of 12 August 1949, in particular their common article 3, and to resort to the services of impartial humanitarian bodies;

15. Calls upon the authorities of Myanmar to give particular attention to prison conditions in the country's jails;

16. Decides to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and requests him to report to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session;

17. Urges the Government of Myanmar to extend in the future its full and unreserved cooperation to the Commission and the Special Rapporteur and,



to this end, to ensure that the Special Rapporteur has effectively free access to any person in Myanmar whom he deems appropriate to meet in the performance of his mandate;

18. Decides to keep the matter under review at its fiftieth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting  
10 March 1993  
[Adopted without a vote.  
See chap. XII.]

1993/74. Situation of human rights in Iraq

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other human rights instruments,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations to ensure that the human and political rights of all Iraqi citizens were respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Recalling in particular its resolution 1991/74 of 6 March 1991, in which the Commission requested its Chairman to appoint a special rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the special rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling further its pertinent resolutions condemning the flagrant violations of human rights by the Government of Iraq, including its most recent resolution 1992/71 of 5 March 1992, by which it extended the mandate of the Special Rapporteur for a further year and requested him in pursuing his mandate to visit again the northern area of Iraq, in particular, and to submit an interim report to the General Assembly at its forty-seventh session and a final report to the Commission at its forty-ninth session,

Recalling General Assembly resolution 46/134 of 17 December 1991, in which the Assembly expressed its deep concern at the flagrant violations of human rights by the Government of Iraq, and 47/145 of 18 December 1992, in which the Assembly decided to continue the examination of the situation of human rights in Iraq at its forty-eighth session in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council,

Deeply concerned by the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detentions, lack of due process and the rule of law and of freedom of thought, of expression and of association, as well as of the existence of specific and serious discrimination within the country in terms of access to food and health care,

Deeply concerned at the fact that chemical weapons have been used on the Iraqi civilian population, at the forced displacement of hundreds of thousands of Kurds and at the destruction of Iraqi towns and villages, as well as at the fact that tens of thousands of displaced Kurds have to take refuge in camps and shelters in the north of Iraq and at the deportation of thousands of Kurdish families,

Deeply concerned also that the severe and grave violations of human rights by the Government of Iraq have led to a deterioration of the situation of the civilian population in southern Iraq, in particular in the southern marshes,

Regretting that the Government of Iraq has not seen fit to respond to the formal request of the Special Rapporteur on the situation of human rights in Iraq to visit Iraq and that, despite the formal cooperation extended to the

Special Rapporteur by the Government of Iraq, such cooperation needs to be improved, in particular by giving full replies to the inquiries of the Special Rapporteur,

Expressing concern at the exceptional gravity of the human rights situation in Iraq, and, therefore, welcoming the Special Rapporteur's proposal for the deployment of a team of human rights monitors,

1. Takes note with appreciation of the report on the situation of human rights in Iraq submitted by the Special Rapporteur (E/CN.4/1993/45) and the conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive violations of human rights, of the gravest nature, for which the Government of Iraq is responsible, resulting in an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and widespread terror, in particular:

(a) Summary and arbitrary executions, orchestrated mass executions and mass graves throughout Iraq, extrajudicial killings, including political killings, in particular in the northern region of Iraq, in southern Shiah centres and in the southern marsh area;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) Enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, including of women, the elderly and children and consistent and routine failure to respect due process and the rule of law;

(d) Suppression of freedom of thought, expression and association and violations of property rights;

(e) The unwillingness of the Government of Iraq to honour its responsibilities in respect of the economic rights of the population;

3. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights as well as to the International Covenant on Civil and Political Rights to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and particularly to respect and ensure the rights of all individuals irrespective of their origin within its territory and subject to its jurisdiction;

4. Calls upon the Government of Iraq to release immediately all persons arbitrarily arrested and detained, including Kuwaitis and nationals of other States;

5. Urges the Government of Iraq to set up an independent commission of inquiry and to take all necessary steps to cooperate closely with the Working Group on Enforced or Involuntary Disappearances to look into the fate of tens of thousands of disappeared persons;

6. Also urges the Government of Iraq to take immediate steps to bring the action of its security apparatus into line with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

7. Expresses its special alarm at the repressive policies and practices directed against the Kurds, which continue to have an impact on the lives of the Iraqi people as a whole;

8. Also expresses its special alarm at the continued policy of discriminatory and repressive acts against the Shiah communities and the civilian population in southern Iraq, which is the result of a preconceived policy against the marsh Arabs;

9. Further expresses its special alarm at all internal embargoes which permit essentially no exceptions for humanitarian needs and which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon Iraq, which has sole responsibility in this regard, to remove them and to take such steps as to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

10. Regrets the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations to improve the situation of human rights in Iraq;

11. Requests the Secretary-General, in consultation with the Special Rapporteur, to take the necessary measures in order to send human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq;

12. Decides to extend the mandate of the Special Rapporteur for a further year as contained in Commission resolutions 1991/74 and 1992/71;

13. Urges the Government of Iraq to accord its full cooperation to the Special Rapporteur, notably during his next visit to Iraq;

14. Requests the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its forty-eighth session and a report to the Commission at its fiftieth session;

15. Requests the Secretary-General to provide appropriate additional resources, within existing overall United Nations resources, to fund the sending of human rights monitors;

16. Also requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance in performing his task;

17. Decides to continue its consideration of the situation of human rights in Iraq, under the present agenda item, at its fiftieth session.

66th meeting

10 March 1993

[Adopted by a roll-call vote of  
36 to 1 with 15 abstentions.  
See chap. XII.]

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