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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE
FIFTY-SIXTH SESSION OF THE COMMISSION

Draft report of the Commission

Rapporteur: Ms. Marie GERVAIS-VIDRICAIRE

CONTENTS*

<u>Chapter</u>	<u>Page</u>
II. Resolutions and decisions adopted by the Commission at its fifty-sixth session	
A. <u>Resolutions</u>	
2000/15. Situation of human rights in the Democratic Republic of the Congo	
2000/16. Human rights situation in southern Lebanon and west Bakaa	
2000/17. Situation of human rights in Iraq	

* Documents E/CN.4/2000/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.4/2000/L.11 and addenda.

CONTENTS (continued)

<u>Chapter</u>	<u>Page</u>
2000/18. Situation of human rights in Afghanistan	
2000/19. Situation of human rights in Equatorial Guinea and assistance in the field of human rights	
2000/20. Situation of human rights in Burundi	
2000/21. Situation of human rights in Rwanda	
2000/22. Cooperation with representatives of United Nations human rights bodies	
2000/23. Situation of human rights in Myanmar	
2000/24. Situation of human rights in Sierra Leone	
2000/25. Situation of human rights in Cuba	
2000/26. Situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina	
2000/27. Situation of human rights in the Sudan	
2000/28. Situation of human rights in the Islamic Republic of Iran	

A. Resolutions

2000/15. Situation of human rights in the Democratic Republic of the Congo

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, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, as well as to the African Charter on Human and People's Rights,

Noting General Assembly resolution 54/179 of 17 December 1999 and Security Council resolution 1291(2000) of 24 February 2000 and recalling previous resolutions of the Assembly and the Commission on the subject, as well as Security Council resolution 1234 (1999) of 9 April 1999 and previous relevant resolutions of the Council,

Concerned at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo by all parties to the conflict, including acts of and incitement to ethnic hatred and violence,

Recognizing that promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the necessary environment for cooperation among States in the region,

Taking into account the regional dimension of the human rights issues and stressing the importance of technical cooperation for the promotion and protection of human rights,

Recalling its decision to request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to the Democratic Republic of the Congo, while regretting that the security situation in the country does not yet allow such a mission,

1. Welcomes:

- (a) The report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/2000/42), and the update he provided in his oral presentation to the Commission on Human Rights;
- (b) The visit the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo undertook in August/September 1999 to the country at the invitation of the Government, and the cooperation of the Government in this regard;
- (c) The activities of the Human Rights Field Office in the Democratic Republic of the Congo, while encouraging the Government to work and to strengthen further its cooperation with the Human Rights Field Office;
- (d) The work of the Minister for Human Rights of the Democratic Republic of the Congo in effectively improving the human rights situation in the country and, in particular, the adoption in December 1999, in concert with non-governmental organizations, of the National Action Plan on the Promotion and Protection of Human Rights;
- (e) The commitment by the Government of the Democratic Republic of the Congo to cooperate with the United Nations agencies and non-governmental organizations in ensuring the demobilization and reintegration of child soldiers and the holding in December 1999, in cooperation with the United Nations Childrens Fund, of the Kinshasa Forum on the Demobilization and Reinsertion of Child Soldiers, and calls upon the Government to implement its commitments fully;
- (f) The general amnesty announced by President Kabila on 19 February 2000, under which 200 persons accused, convicted or detained for crimes against the internal or external security of the State have already been released, as a timely and significant step towards reconciliation and preparations for the inter-Congolese dialogue called for in the Lusaka Ceasefire Agreement, but deplores the fact that dozens of other political prisoners continue to be detained and hopes that more prisoners will be released in the coming weeks;
- (g) The release and repatriation, carried out under the auspices of the International Committee of the Red Cross in the Democratic Republic of the Congo, in conformity with international humanitarian law of persons at risk, mainly of Tutsi origin, and of prisoners of war, and calls for the release of those still in detention;
- (h) The Ceasefire Agreement signed in Lusaka on 10 July 1999;

- (i) The setting up of a peace operation in the Democratic Republic of the Congo by the Security Council in support of the implementation of the Ceasefire Agreement;
 - (j) The decision of the Security Council in its resolution 1291(2000) to authorize the expansion of the United Nations Organization Mission in the Democratic Republic of the Congo;
 - (k) The selection by the Congolese parties, with the assistance of the Organization of African Unity, of the former President of Botswana, Sir Ketumile Masire, as Facilitator of the National Dialogue, provided for in the Ceasefire Agreement, aimed at achieving national reconciliation and a new political dispensation in the Democratic Republic of the Congo;
 - (l) The work of the special envoy of the Secretary-General for the peace process for the Democratic Republic of the Congo;
 - (m) The appointment by the Secretary-General of a special representative for the Democratic Republic of the Congo;
 - (n) The holding of a day-long meeting of the Security Council devoted to the situation in the Democratic Republic of the Congo at which the parties renewed their commitment to the Lusaka Ceasefire Agreement;
2. Expresses its concern:
- (a) At the adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo;
 - (b) At the continuing violations of the ceasefire provided for in the Lusaka Agreement, and at the continued use of warlike language;
 - (c) At the preoccupying situation of human rights in the Democratic Republic of the Congo, particularly in the eastern parts of the country, and at the continuing violations of human rights and international humanitarian law throughout the territory of the Democratic Republic of the Congo, often with impunity, in particular:
 - (i) At the continued perpetration of massacres in the course of the conflicts, including recently in Ngweshe, Kamituga, Lubarisi, Kitumba, Kasala, Kongolo, Kimbumbu, Nonge, Sola, Kalungwe, Mwenga, Chipaho, Lemera, Burhale, Musinga, Bashali, Lukweti, Budaha, Walungu, Burhinyi, Mikondero, Kamituga, Kigulube, Kibizi, Buyankiri, Kalambi, Kashambi, Kalami and Chifunze;

- (ii) At the conflicts between the Hema and the Lendu ethnic groups in the eastern province where thousands of Congolese have already been killed;
 - (iii) At the occurrence of cases of summary and arbitrary execution, disappearance, torture, beating, harassment, arbitrary arrests and detention without trial, including of journalists, opposition politicians, human rights defenders and people who have cooperated with the United Nations mechanisms, and reports of sexual violence against women and children and the continuing recruitment and use of child soldiers;
 - (iv) At the trial of civilians and the imposition and execution of the death penalty by the Military Court in disregard of the obligations the Democratic Republic of the Congo has assumed under the International Covenant on Civil and Political Rights;
- (d) At the excessive accumulation and spread of small arms and light weapons and the illicit distribution, circulation and trafficking of arms in the region and their negative impact on human rights;
- (e) At the harassment and persecution of human rights defenders and their organizations;
- (f) At the intimidation of representatives of the Churches and of civil society in the eastern part of the country;
- (g) At the severe insecurity which is minimizing the ability of humanitarian organizations to secure access to affected populations;
3. Urges all parties to the conflict in the Democratic Republic of the Congo:
- (a) To implement fully the Lusaka Ceasefire Agreement in accordance with the new timetable agreed by the parties and to establish the authority of the Government of the Democratic Republic of the Congo throughout the territory as agreed in the inter-Congolese political negotiations provided for in the Lusaka Ceasefire Agreement, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of the Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and the holding of democratic, free, transparent and fair elections;
 - (b) To protect human rights and to respect international humanitarian law, in particular as applicable to them, the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto of 1977, the Hague Convention

of 18 October 1907 concerning the Laws and Customs of War on Land, the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant provisions of international humanitarian, human rights and refugee law, and in particular to respect the rights of women and children and to ensure the safety of all civilians, including refugees and internally displaced persons within the territory of that country, regardless of their origin;

(c) To ensure the safety, security and freedom of movement of United Nations and associated personnel and humanitarian personnel within the Democratic Republic of the Congo and in this regard to ensure safe and unhindered access of humanitarian personnel to all affected populations throughout the territory of the Democratic Republic of the Congo;

(d) To cease all military activity in the Democratic Republic of the Congo which is in breach of the ceasefire provided for in the Lusaka Ceasefire Agreement;

(e) To end the use of child soldiers, which is in contravention of international human rights standards;

(f) To take and implement all necessary measures to create conditions for the voluntary return, in safety and dignity, of all refugees and displaced persons and to ensure their fair and lawful treatment;

(g) To cooperate fully with the National Commission of Inquiry on the alleged massacres of a large number of refugees and displaced persons in the Democratic Republic of the Congo, and also with the Secretary-General and with the United Nations High Commissioner for Human Rights in addressing these allegations, with a view to the submission of a further report by the National Commission of Inquiry to the Secretary-General on the progress of its investigations on this question;

4. Calls upon the Government of the Democratic Republic of the Congo:

(a) To comply fully with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms throughout its entire territory;

(b) To fulfil its responsibility to protect the human rights of the population on its territory, as well as to take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and across its border;

(c) To fulfil its commitment to reform and restore the judicial system, and particularly to reform military justice in conformity with the provisions of the International Covenant on Civil and Political Rights;

(d) To put an end to impunity and to fulfil its responsibility to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice;

(e) To implement fully its commitment to the democratization process, in particular the national dialogue, as stipulated in the Lusaka Ceasefire Agreement, and to create, in this context, conditions that would allow for a democratization process that is genuine and all-inclusive and that fully reflects the aspirations of all people in the country;

(f) To remove the remaining administrative restrictions on the activities of political parties and to prepare for the holding of democratic, free and fair elections;

(g) To remove the restrictions that still affect the work of non-governmental organizations and to promote human rights awareness, including by strengthening cooperation with civil society, including all human rights organizations;

(h) To ensure full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media, as well as freedom of association and assembly, throughout the territory of the Democratic Republic of the Congo;

(i) To work closely and strengthen further its cooperation with the Human Rights Field Office in the Democratic Republic of the Congo;

(j) To cooperate fully with the International Criminal Tribunal for Rwanda in ensuring that all responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

(k) To help create the conditions for the safe deployment of the United Nations Organization Mission in the Democratic Republic of the Congo and for the security and freedom of movement of its personnel and other associated personnel;

5. Decides:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year, to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and also to request the Special Rapporteur to continue to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out, as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo, including those in the province of South Kivu and other atrocities referred to in the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session;

(c) To request to the Secretary-General to give all necessary assistance to the Special Rapporteur and to the joint mission, to enable them to discharge their mandates fully;

(d) To request the High Commissioner for Human Rights to provide appropriate technical expertise to enable the joint mission to fulfil its mandate;

(e) To request the international community to support the Human Rights Field Office in the Democratic Republic of the Congo in order, in particular:

(i) To strengthen its involvement in programmes of technical co-operation, advisory services and human rights advocacy, including supporting efforts by the Government of the Democratic Republic of the Congo towards strengthening the judicial system;

(ii) To strengthen its support for, and to continue to expand cooperation with, human rights non-governmental organizations in the Democratic Republic of the Congo;

and to facilitate the activities of the joint mission, including through voluntary funding;

6. Recommends the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/15 of 18 April 2000, endorses the Commission’s decisions:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year and to request

him to report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and also to request the Special Rapporteur to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced and Involuntary Disappearances to carry out, as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out in the territory of the Democratic Republic of the Congo, including those in the province of South Kivu, and other atrocities referred to in the reports by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session.”

55th meeting
18 April 2000

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

2000/16. Human rights situation in southern Lebanon and west Bakaa

The Commission on Human Rights,

Gravely concerned at the persistent practices of the Israeli occupation forces in southern Lebanon and west Bakaa, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Fourth Hague Convention of 1907,

Reiterating its deep regret at the failure of Israel to implement Security Council resolution 425 (1978) of 19 March 1978,

Reminding all parties concerned to abide by the April 1996 understanding,

Censuring the Israeli attacks, in southern Lebanon and west Bakaa, which cause death and injuries among civilians, displace families and destroy dwellings and properties,

Reaffirming that the continued occupation and practices of the Israeli forces constitute a violation of the relevant resolutions of the Security Council and the conventions in force on this matter,

Hoping that the efforts made in order to implement Security Council resolution 425 (1978) and to achieve peace in the Middle East will put an end to the violations of human rights that are being committed in the zone in southern Lebanon and west Bakaa occupied by Israel and that the peace negotiations will be resumed and conducted with a view to reaching a settlement of the Middle East conflict and achieving a just and comprehensive peace in the region,

Gravely concerned at the persistent detention, ill-treatment and torture by Israel of many Lebanese civilians, among whom are minors, women and the elderly, in the detention centre of Khiyam, and at the death in previous years of some detainees,

Expressing its indignation at the ruling handed down on 4 March 1998 by the Israeli Supreme Court permitting the Israeli authorities to retain Lebanese detainees in Israeli prisons without trial and to hold them as hostages and for bargaining purposes and to renew their incommunicado detention, which constitutes a flagrant violation of the principles of human rights,

Reaffirming its resolution 1999/12 of 23 April 1999, and expressing its deep regret at the failure of Israel to implement that resolution,

1. Deplores the continued Israeli violations of human rights in the occupied zone in southern Lebanon and west Bakaa, demonstrated in particular by the abduction and arbitrary detention of civilians, the destruction of their dwellings, the confiscation of their property, their expulsion from their land, the bombardment of villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an immediate end to such practices, in air raids and the use of prohibited weapons, and to implement Security Council resolution 425 (1978) of 19 March 1978 requiring Israel's immediate, total and unconditional withdrawal from all Lebanese territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and west Bakaa, to comply with the Geneva Conventions of 1949, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and west Bakaa, to refrain from holding the abducted Lebanese citizens incarcerated in its prisons as hostages for bargaining purposes, and to release them immediately, as well as other persons arbitrarily detained in prisons and detention centres in the occupied territories in Lebanon in violation of all the Geneva Conventions and other provisions of international law;

5. Affirms the obligation for Israel, the occupying Power of territories in southern Lebanon and west Bakaa, to commit itself to allowing the International Committee of the Red Cross and the families of the detainees to intensify their visits, as well as to allowing other international humanitarian organizations to visit the detainees and to verify their sanitary and humanitarian conditions and, in particular, the circumstances which have in previous years led to the death of some of them as a result of ill-treatment and torture;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-seventh session on the results of his efforts in this regard;

7. Decides to continue its consideration of the situation of human rights in southern Lebanon and west Bakaa at its fifty-seventh session.

55th meeting

18 April 2000

[Adopted by a roll-call vote of 51 votes to 1,
with 1 abstention.
See chap. IX.]

2000/17. Situation of human rights in Iraq

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

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, to other international human rights instruments and to the Geneva Conventions of 12 August 1949 on the protection of war victims,

Recalling:

(a) Previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Assembly resolution 54/178 of 17 December 1999 and Commission resolution 1999/14 of 23 April 1999;

(b) Security Council resolutions 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected, 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999, 1281 (1999) of 10 December 1999, in which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, 1284 (1999) of 17 December 1999, in which the Council, by means of a comprehensive approach to the situation in Iraq, inter alia raised the ceiling for the allowable import of Iraqi oil in order to increase the amount of revenue available for the purchase of humanitarian supplies, laid down new provisions and procedures designed to improve the implementation of the humanitarian programme and to further achievement in meeting the humanitarian needs of the Iraqi population and reiterated the obligation of Iraq to facilitate the repatriation of all Kuwaiti and third country nationals referred to in paragraph 30 of Council resolution 687 (1991);

(c) The concluding observations of the Human Rights Committee (CCPR/C/79/Add.84), the Committee on the Elimination of Racial Discrimination (A/54/18, paras. 337-361), the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.17) and the Committee on the Rights of the Child (CRC/C/15/Add.94) on Iraq's recent reports to these treaty monitoring bodies, in which these bodies point to a wide range of human rights problems

and express the view that the Government of Iraq remains bound by its treaty obligations, while pointing to the adverse effect of sanctions on the daily life of the population, including children;

Reaffirming that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms, concerned about the dire situation in Iraq, which affects the population, including children, as stated in the reports of several United Nations human rights treaty bodies, and appealing to all concerned to fulfil their mutual obligations in the management of the humanitarian programme established by the Security Council in its resolution 986 (1995),

1. Welcomes the interim report of the Special Rapporteur on the situation of human rights in Iraq submitted to the General Assembly at its fifty-fourth session (A/54/466), the observations on the general situation and the conclusions and recommendations contained therein and notes his dismay that there has been no improvement in the situation of human rights in the country and welcomes the summary of activities and initial observations presented to the Commission by the newly appointed Special Rapporteur on the situation of human rights in Iraq;

2. Strongly condemns:

(a) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) Suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment, execution, expulsion, house demolition and other sanctions;

(c) Widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

(d) Summary and arbitrary executions, including political killings and the continued so-called clean-out of prisons, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, and consistent and routine failure to respect due process and the rule of law, for example the execution of delinquents for minor property offences and customs violations;

(e) Widespread, systematic torture and the enactment and implementation of decrees prescribing cruel and inhuman punishment as a penalty for offences;

3. Calls upon the Government of Iraq:

- (a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;
- (b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;
- (c) To cooperate with United Nations human rights mechanisms, in particular by inviting the Special Rapporteur to visit the country and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;
- (d) To establish independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;
- (e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;
- (f) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of authority of the State;
- (g) To ensure free exercise of political opposition and prevent intimidation and repression of political opponents and their families;
- (h) To respect the rights of all ethnic and religious groups and to cease immediately its continued repressive practices, including the practice of forced deportation and relocation, against the Iraqi Kurds, Assyrians and Turkmen, in particular their deportation from the regions of Kirkouk and Khanakin, and against the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and to ensure the personal integrity and freedoms of all citizens, including the Shia population;
- (i) To cooperate with the Tripartite Commission and its Technical Subcommittee to establish the whereabouts and resolve the fate of the remaining several hundred missing persons,

including prisoners of war, Kuwaiti nationals and third country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances for that purpose, to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991, to release immediately all Kuwaitis and nationals of other States who may still be held in detention and inform families about the whereabouts of arrested persons, to provide information about death sentences imposed on prisoners of war and civilian detainees and to issue death certificates for deceased prisoners of war and civilian detainees;

(j) To cooperate further with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(k) To continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998), 1210 (1998), 1242 (1999), 1266 (1999) and 1281 (1999), as well as to cooperate, together with all concerned, in the implementation of the humanitarian sections of Security Council resolution 1284 (1999), to ensure fully the timely and equitable distribution, without discrimination, to the Iraqi population, including in remote areas, of all humanitarian supplies purchased under the oil-for-food programme, to address effectively the needs of vulnerable groups, including children, pregnant women, the disabled, the elderly and the mentally ill, among others, to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country, as well as their free access, without any discrimination, to all the population, and to ensure that involuntarily displaced persons receive humanitarian assistance without the need to demonstrate that they have resided for six months at their places of temporary residence;

(l) To cooperate in the identification of the minefields existing throughout Iraq with a view to facilitating their marking and eventual clearance;

4. Decides:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year and requests the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to

the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session and also to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

(c) To continue its consideration of the situation of human rights in Iraq at its fifty-seventh session under the same agenda item;

5. Recommends the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/17 of 18 April 2000 endorses the Commission’s decisions:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in Iraq, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, to request the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session, and also to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq.”

55th meeting
18 April 2000

[Adopted by a roll-call vote of 32 votes to none,
with 21 abstentions.
See chap. IX.]

2000/18. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by 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 on the protection of war victims and the Additional Protocols thereto of 1977,

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 that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also its previous resolutions, the most recent being resolution 1999/9 of 23 April 1999, the relevant General Assembly resolutions, as well as the relevant resolutions and presidential statements of the Security Council, decisions of the Economic and Social Council and resolutions of the Commission on the Status of Women,

Concerned that armed confrontation persists in Afghanistan and by the ethnic nature of the conflict,

Deeply concerned about the deteriorating economic and social conditions of women and girls in all areas of Afghanistan, in particular in areas under Taliban control, as documented by the continued and substantiated reports of grave violations of the human rights of women and girls, including all forms of discrimination against them, such as restrictions on access to health care, to many levels and types of education, to employment outside the home and, at times, to humanitarian aid, as well as restrictions on their freedom of movement,

Recalling the agreement between the Taliban and the United Nations signed on 23 October 1998 on the security of United Nations personnel in Afghanistan and urging its full implementation,

Convinced that the major contribution to improving the human rights situation in Afghanistan would be an immediate ceasefire followed by a negotiated settlement in line with the efforts aimed at the establishment of a broad-based Government, and the effective participation of the people of Afghanistan in the governance of their country through freely chosen representatives,

Recalling that the United Nations continues to play its central and impartial role in international initiatives towards a peaceful resolution of the Afghan conflict, and encouraging all efforts at the national, regional and international levels, in particular those of the “six plus two” group and the Organization of the Islamic Conference, the efforts to convene a Loya Jirgah, as well as the invitation to Tokyo extended by the Government of Japan to the relevant parties earlier this year, all aimed at finding a solution to the continuing conflict through a broad-based dialogue involving all concerned actors,

Taking into account the report of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women on her visit to Afghanistan in November 1997,

Expressing deep concern at the lack of reconstruction in Afghanistan,

1. Takes note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/2000/33) and the observations contained therein, as well as the report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Pakistan and Afghanistan (E/CN.4/2000/68/Add.4) and looks forward to her conclusions and recommendations;

2. Strongly condemns the mass killings and systematic human rights violations against civilians and persons deprived of their liberty for reasons related to the armed conflict, including in the areas of Mazar-e-Sharif, Bamyan, Shiberghan and Maimana, and notes with alarm the resumption by the Taliban of the wider conflict during the past summer, especially in the Shamali Plains, resulting in the massive, forced displacement of the civilian population, in particular of women and children;

3. Notes with deep concern:

(a) The continuing pattern of human rights violations in Afghanistan;

(b) The persisting armed hostilities in Afghanistan and the complex nature of the conflict, including ethnic, religious and political aspects, which have resulted in extensive human suffering and forced displacement, including on the grounds of ethnicity, and which hinder the return of the internally displaced to their homes;

(c) The continued displacement of millions of Afghan refugees in Pakistan and the Islamic Republic of Iran, as well as in other countries, while recognizing with appreciation efforts undertaken in host countries to ease the plight of Afghan refugees, inter alia in the fields of health and education;

4. Condemns:

(a) The widespread violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, and freedom of opinion, expression, religion, association and movement;

(b) The continuing grave violations of the human rights of women and girls, including all forms of discrimination against them, in all areas of Afghanistan, particularly in areas under the control of the Taliban where findings of further gross violations of the human rights of women and girls include abductions and kidnappings, as well as accounts of many instances of forced marriage and of trafficking;

(c) The frequent practice of arbitrary arrest and detention and of summary trials, which have resulted in summary executions, throughout the country;

(d) The recent violations by the Taliban in Kandahar of United Nations immunity granted by the 23 October 1998 agreement, which compelled the United Nations to stop work in the area;

5. Reiterates its condemnation of the killing of Iranian diplomats and the correspondent of the Islamic Republic News Agency by the Taliban, which constituted flagrant violations of established international law, as well as of the attacks on and killing of the United Nations personnel in Taliban-held territories of Afghanistan, and calls upon the Taliban to fulfil their stated commitment to cooperate in urgent investigations of these heinous crimes and to bring those responsible to justice;

6. Stresses the need for national reconciliation and for the establishment of the rule of law, good governance and democracy in Afghanistan and, concurrently, the need for extensive rehabilitation and reconstruction;

7. Urges all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan and to refrain from interfering in its internal affairs, and to end

immediately the supply of arms, ammunition, military equipment, including fuel, training or any other military support, including providing any foreign military personnel, to all parties to the conflict;

8. Urges all the Afghan parties:

(a) To respect fully all human rights and fundamental freedoms of all, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

(b) To cease hostilities immediately, to work and cooperate fully with the Personal Representative of the Secretary-General for Afghanistan and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire and to implement the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan of 19 July 1999, thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and with dignity and to the establishment of a broad-based, multi-ethnic, fully representative Government through the full exercise by the Afghan people of the right to self-determination;

(c) To reaffirm publicly their commitment to international human rights and principles, and to recognize, protect and promote all human rights and fundamental freedoms;

(d) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to refrain from the wanton destruction of food crops and civilian property, in particular homes, to stop the laying of landmines, especially anti-personnel mines, to prohibit conscripting or enlisting children or using them to participate in hostilities in violation of international law and to ensure the disarmament, demobilization and reintegration into society of children;

(e) To provide efficient and effective remedies to the victims of grave violations and abuses of human rights and of international humanitarian law and to bring the perpetrators to trial;

(f) To fulfil their obligations and commitments regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, and non-governmental organizations, as well as of their premises in Afghanistan, and to cooperate, fully and without discrimination on grounds of gender, nationality or religion, with the United Nations and associated bodies, as well as with other humanitarian organizations, agencies and non-governmental organizations, in order to facilitate full resumption of their cooperation;

(g) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention of any person, including of civilian foreign nationals and non-criminal civilian and political prisoners, and urges their captors to release them;

9. Urges all the Afghan parties, and in particular the Taliban, to bring to an end without delay all violations of human rights of women and girls and to take urgent measures to ensure:

(a) The repeal of all legislative and other measures which discriminate against women and girls and those which impede the realization of all their human rights;

(b) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(c) Respect for the equal right of women to work, and their reintegration in employment;

(d) The equal right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(e) Respect for the right of women to security of person and that those responsible for physical attacks on women be brought to justice;

(f) Respect for the freedom of movement of women;

(g) Respect for effective and equal access by women and girls to the facilities necessary to protect their right to the highest attainable standard of physical and mental health;

10. Notes with appreciation the activities carried out by the International Committee of the Red Cross throughout the territory of Afghanistan;

11. Recalls that it had invited the Secretary-General and the United Nations High Commissioner for Human Rights to proceed without delay to investigate fully reports of mass killings of persons deprived of their liberty for reasons related to the armed conflict and of civilians, and of rape and cruel treatment in Afghanistan, and that it had called upon the United Front and the Taliban to fulfil their stated commitment to cooperate with such investigations and, noting the summary of the report on the investigations, as a preliminary response, expresses, in this context, to the parties its deep regret for the unsatisfactory results;

12. Invites:

- (a) The Secretary-General to ensure that the ongoing deployment of the civilian affairs observers in Afghanistan takes place as soon as possible, security conditions permitting, and that gender issues are fully incorporated in their mission;
- (b) The Secretary-General to exert efforts to ensure a gender perspective in the selection of the staff of the United Nations Special Mission to Afghanistan in order to enhance the role of women in preventive diplomacy, peacemaking and peacekeeping;
- (c) The Special Rapporteur to continue to pay attention to the human rights of women and children and to apply a gender perspective in a similar manner in his report to the Commission at its fifty-seventh session;
- (d) The United Nations to offer, once national reconciliation is achieved and upon request of the governmental authorities, advisory services and technical assistance concerning, inter alia, the drafting of a constitution, which should embody internationally accepted human rights principles and provide for the holding of direct elections;

13. Appeals to Member States and to organizations and programmes of the United Nations system, specialized agencies and other international organizations, whenever the situation on the ground permits and as part of an overall effort to achieve peace:

- (a) To provide, on a non-discriminatory basis, humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries;
- (b) To intensify the programme for the removal of millions of anti-personnel mines laid in Afghanistan;
- (c) To ensure that all United Nations-assisted programmes in Afghanistan are formulated and coordinated in such a way as to promote and ensure the participation of women in those programmes, and that women benefit equally with men from such programmes;
- (d) To implement the recommendations of the inter-agency gender mission in Afghanistan under the leadership of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women;

14. Expresses its deep concern at reports of attacks on and looting of cultural artefacts in Afghanistan, emphasizes that all parties share the responsibility to protect their common heritage and requests all Member States to take appropriate measures to prevent the looting of cultural artefacts and to ensure their return to Afghanistan;

15. Urges all the Afghan parties to extend their cooperation to the Commission on Human Rights and its Special Rapporteur on the situation of human rights in Afghanistan and to all those special rapporteurs who are seeking invitations, and to facilitate the access of the Special Rapporteur to all sectors of society and to all parts of the country;

16. Requests:

(a) The Secretary-General to give all necessary assistance to the Special Rapporteur and to give due consideration to his recommendations in the formulation of United Nations activities in Afghanistan;

(b) The United Nations High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide advice and training in the field of human rights to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field;

17. Decides:

(a) To extend the mandate of the Special Rapporteur for one year and requests the Special Rapporteur to report on the situation of human rights in Afghanistan to the General Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-seventh session;

(b) To continue its consideration of the situation of human rights in Afghanistan, as a matter of high priority, at its fifty-seventh session under the same agenda item.

55th meeting
18 April 2000

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

2000/19. Situation of human rights in Equatorial Guinea and assistance
in the field of human rights

The Commission on Human Rights,

Recalling its resolution 1999/19 of 23 April 1999, in which it decided to appoint a special representative of the Commission to monitor the situation of human rights in Equatorial Guinea,

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 this field,

Recalling that 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 Protocols thereto, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights,

Recalling also Economic and Social Council decision 1993/277 of 28 July 1993 and previous resolutions of the Commission on the subject, starting in 1979,

Recalling further that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations and welcoming the will of the Government of Equatorial Guinea to cooperate with the Office of the United Nations High Commissioner for Human Rights,

Recalling that cooperation in the field of human rights, as one of the objectives of the Charter, should be guided by the principles of efficiency and transparency, of coordination of all activities for the promotion and protection of human rights within the United Nations system, and of complementarity of technical assistance services with human rights monitoring services, as laid down in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993,

Welcoming the recommendation made by the Special Representative that technical assistance to Equatorial Guinea be organized in order to develop and to carry out a national human rights plan of action and stressing that some of his recommendations could be implemented without the need for technical assistance,

Recalling the political will repeatedly expressed by the Government of Equatorial Guinea to continue to make progress in the situation of human rights and fundamental freedoms and its pledge to take definitive steps in this direction, as a priority in its programme of good governance,

Noting, however, the continuing existence of deficiencies and conditions that lead to violations and abuses of human rights,

1. Expresses its gratitude to the Special Representative of the Commission on the situation of human rights in Equatorial Guinea and welcomes his report (E/CN.4/2000/40), as well as the assistance which the authorities of Equatorial Guinea extended to him during his visit to the country in November 1999;

2. Encourages the Government of Equatorial Guinea to adopt quick and effective measures in order to comply with the recommendations made by the Commission on Human Rights and the Special Representative, as detailed in his report, such as the following measures:

(a) To guarantee full enjoyment of the freedoms of movement, and association by introducing new laws, where appropriate, or amending existing ones, of the right to physical integrity, including by putting an end to torture, and of the right to human dignity of detainees by ensuring adequate sanitary conditions for them and by ordering, inter alia, an end to the practice of detentions without judicial warrant and by prosecuting those responsible for such violations;

(b) To ensure full enjoyment of the freedom of information, the freedom of opinion and expression and the right to a free press;

(c) To guarantee the principle of the rule of law, through the periodic and systematic publication of legal norms;

(d) To adhere to the Convention against Torture and the and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination and to submit the pending reports to the Human Rights Committee and to the Committee on the Rights of the Child;

(e) To safeguard the right to justice, the independence of the judiciary with respect to the executive branch and the restriction of the military jurisdiction, which should be limited strictly to military offences committed by military personnel and should not have competence with respect to civilians, and urges the Government of Equatorial Guinea to introduce legal reforms to that effect;

(f) To eliminate all forms of discrimination against women and to continue to promote their full enjoyment of human rights by taking measures such as the ending of the practice of imprisoning women for not returning their marriage dowry when they separate from their husbands, and by promoting women's right to education;

(g) To step up efforts to fulfil the commitments arising from the agreement signed with the opposition parties aimed at guaranteeing political rights, democracy and pluralism, especially with a view to the municipal elections called by the Government for 28 May 2000;

(h) To guarantee economic, social and cultural rights, including those of children and, especially, those that affect the population living in poverty, in order to realize the rights to education, to work and to a standard of living adequate for health and well-being, including food, clothing, housing and medical care;

(i) To promote and protect the rights of the child and to implement fully the Convention on the Rights of the Child;

3. Welcomes the stated willingness of the Government of Equatorial Guinea to implement a national human rights action plan and, for that purpose, encourages the Government to discuss and to agree on means for its early implementation, together with a comprehensive programme of technical assistance, with the Office of the High Commissioner for Human Rights;

4. Calls upon the bodies and agencies of the United Nations, as well as donor countries and any other international institutions present in the country, to coordinate with the Office of the High Commissioner for Human Rights their efforts of cooperation with Equatorial Guinea in the field of human rights;

5. Welcomes the stated willingness of the Government of Equatorial Guinea to extend invitations to the thematic rapporteurs of the Commission and looks forward to their recommendations contributing to the implementation of the national human rights action plan;

6. Notes with interest the financial efforts and political will of the Government of Equatorial Guinea to establish the Centre for the Promotion of Human Rights and Democracy in Equatorial Guinea in order to strengthen the national capacity in that field;

7. Encourages the Government of Equatorial Guinea in its efforts to have the Centre begin functioning as soon as possible, in coordination with the Office of the High Commissioner for Human Rights and in cooperation with international non-governmental organizations;

8. Calls upon the Government of Equatorial Guinea to ensure the independence and the effectiveness of the National Commission on Human Rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of

human rights, and to authorize, without any undue restriction, the public registration and freedom of activity of non-governmental organizations in the field of human rights and social affairs;

9. Also calls upon the Government of Equatorial Guinea to ensure the independence and effectiveness of the National Electoral Commission, so as to guarantee fair, transparent and democratic conditions during all electoral processes and especially on the occasion of the next municipal elections;

10. Encourages the Government of Equatorial Guinea to invite to the country an electoral observer mission of the United Nations, and/or of impartial observers for the next municipal elections;

11. Decides to renew the mandate of the Special Representative for one year and requests him to monitor the situation of human rights in Equatorial Guinea and to report to the Commission at its fifty-seventh session, keeping in mind the need to apply a gender perspective in the reporting process, including in collecting information and making recommendations;

12. Requests the Special Representative to verify, on behalf of the Commission, that the technical assistance provided to Equatorial Guinea supports its national plan of action on human rights, based on the recommendations made since 1979 and reiterated in his report;

13. Requests the Secretary General to give the Special Representative all necessary assistance to enable him to discharge his mandate fully;

14. Decides to continue its examination of the question of human rights in Equatorial Guinea at its fifty-seventh session.

55th meeting

18 April 2000

[Adopted without a vote. See chap/ IX.]

2000/20. Situation of human rights in Burundi

The Commission on Human Rights,

Mindful of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its commitment to respect for the principles of the rule of law, which involve democracy, pluralism and respect for human rights and fundamental freedoms,

Stressing that all States have the duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Recalling its resolution 1999/10 of 23 April 1999,

Considering Security Council resolution 1072 (1996) of 30 August 1996, Security Council resolution 1286 (2000) of 19 January 2000 as well as the statement by the President of the Security Council (S/PRST/1999/32) of 12 November 1999,

Recalling also that the primary responsibility for peace lies with the Government and people of Burundi,

Acknowledging the efforts made by the United Nations, the Organization of African Unity and the European Union aimed at contributing to a peaceful settlement of the Burundi crisis,

Acclaiming the decision of the Government of Burundi to launch a comprehensive peace process and initiate nationwide political negotiations open to all parties, and the progress made in negotiations among the political forces, including the signature of a political compact as part of the internal peace process,

Recognizing the personal contribution of the late Mwalimu Julius K. Nyerere to the Arusha negotiation process,

Taking into account the efforts made so far by the Government of Burundi and other parties to the Arusha talks to bring about lasting peace,

Considering that effective action to prevent further violations of human rights and fundamental freedoms is essential to the stability and reconstruction of Burundi and the lasting restoration of the rule of law,

Recognizing the important role of women in the reconciliation process and the search for peace, and urging the Government of Burundi to ensure the equal participation of women in Burundian society and to improve their living conditions,

Welcoming the invitation extended by the Facilitator to Burundi women's representatives to participate as observers in the Arusha negotiation process;

1. Takes note of the report by the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/2000/34);

2. Supports the political compact between the Government of Burundi and the National Assembly, and the dialogue among Burundians, including the armed factions, taking place in the Arusha peace process;

3. Welcomes the designation of the former President of the Republic of South Africa, Nelson Mandela, as the new Facilitator of the Arusha peace process;
4. Notes the continuing need to make the negotiation process more inclusive;
5. Appeals to all armed factions and other Burundian political forces, inside and outside the country, which have not done so to join the Arusha negotiation process without delay, to conclude a ceasefire as soon as possible and sign a peace agreement that will contribute to the establishment of lasting peace in Burundi;
6. Encourages the Government of Burundi to continue its actions aimed at associating all sectors of Burundian society in the work of national reconciliation and at the restoration of a safe, generally reassuring institutional order so as to bring back democracy and peace in the interest of the Burundian population;
7. Remains concerned at the ongoing violence and the security situation in parts of the country, forcing many people to leave their homes;
8. Deplores the unacceptable living conditions in the regroupment camps and displaced persons sites, and recommends that the Government and United Nations agencies and non-governmental organizations provide humanitarian assistance;
9. Requests the Government of Burundi to ensure the safe and unhindered access of humanitarian assistance to those in need in Burundi and to provide guarantees for the safety, security and freedom of movement of United Nations and associated personnel, humanitarian organizations and individuals in Burundi serving in the same cause;
10. Calls upon the Government of Burundi to suspend its policy of population displacement;
11. Also calls upon the Government of Burundi to continue to implement its commitment to dismantle all regroupment camps and to facilitate the return of displaced persons to their villages as and when security conditions permit;
12. Notes the efforts by the Government of Burundi to ensure that established legal safeguards for human rights and international human rights standards are fully respected;
13. Requests the Government of Burundi to take more measures, including in the judicial sphere, to put an end to impunity, in particular by bringing to trial those responsible for violations of human rights and of international humanitarian law, in accordance with relevant international principles, and urges the Government to accelerate the specific procedures for investigations and prosecutions in case of such violations;

14. Welcomes the entry into force of the new code of penal procedure, exhorts the Government of Burundi to continue to carry out the government plan of legal reform better to protect individual freedoms and to make its judicial institutions more effective and transparent, and urges the authorities to address the questions of the length of provisional detention and conditions in detention;
15. Also welcomes the continuing cooperation between the Government of Burundi and the International Committee of the Red Cross with regard to access and visits to detainees held in central prisons;
16. Condemns the murder of personnel of the United Nations Children's Fund and the World Food Programme and Burundian civilians in Rutana province in October 1999, and urges that the perpetrators be effectively brought to justice;
17. Urges all parties to the conflict to end the cycle of violence and killings, especially blind violence against the civilian population;
18. Notes the efforts in the struggle against impunity and for the promotion of human rights on the part of the Government of Burundi, but expresses its deep concern at the violations of human rights and of international humanitarian law, in particular reports of massacres, enforced or involuntary disappearances, and arbitrary arrests and detention;
19. Supports the continuation by the Office of the United Nations High Commissioner for Human Rights of the programme of assistance for members of the armed forces and the police in the field of human rights and legal assistance;
20. Adjures the parties to the conflict to abstain rigorously from any action liable to hamper operations by the International Committee of the Red Cross and other humanitarian assistance to those affected by the war;
21. Also adjures all parties to the conflict in Burundi to work constructively with the international mediators in the search for a lasting peace;
22. Expresses its appreciation of the efforts by the mediators of the United Nations, the Organization of African Unity and the European Union in the search for a lasting solution to the problems of Burundi;
23. Encourages the Organization of African Unity in its efforts, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to remain engaged in preventing the further deterioration of the situation;

24. Reaffirms that respect for human rights and international humanitarian law as well as development contribute to peace, and thus welcomes the call made by the Security Council in its resolution 1234 (1999) of 9 April 1999 for an international conference on peace, security and stability in the Great Lakes region;

25. Commends the Human Rights Observer Mission in Burundi for the activities it is conducting in the field, welcomes the cooperation afforded to it by the Government of Burundi, and calls for the strengthening of that observer mission through voluntary contributions;

26. Condemns the illegal sale and distribution of weapons and related materials which disturb peace and security in the region;

27. Requests States not to allow their territories to be used as bases for incursions or attacks against another State, in violation of the principles of international law, including the Charter of the United Nations;

28. Exhorts States and international, governmental and non-governmental organizations to coordinate planning initiatives to promote sustainable development as the peace process moves towards resolution;

29. Calls upon the Government of Burundi to take actions that foster a security environment conducive to the work of assistance organizations, and invites the United Nations and the donor community, once an appropriate security environment exists, to augment the flow of humanitarian assistance to those in need;

30. Decides to extend the mandate of the Special Rapporteur by one year and to request her to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-fifth session and a report to the Commission at its fifty-seventh session, giving her work a gender-specific dimension.

55th meeting

18 April 2000

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

2000/21. Situation of human rights in Rwanda

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolution 1999/20 of 23 April 1999 and relevant previous resolutions and noting General Assembly resolution 54/188 of 17 December 1999,

Reaffirming that the promotion and protection of human rights are necessary for sustaining the process of national reconstruction and reconciliation in Rwanda,

Taking into account the regional dimension of the human rights issues in the Great Lakes region, while underlining the primary responsibilities of States for the promotion and protection of human rights,

Noting with satisfaction the commitment of the Government of Rwanda to promote and protect respect for human rights and fundamental freedoms, as well as to eliminate impunity, the progress made towards the development of a State governed on the basis of the rule of law, and efforts undertaken to consolidate peace and stability and promote unity and reconciliation,

Welcoming the progress made by the Government of Rwanda in rebuilding the country's system of administration of justice and the efforts made to address the problem of the very large number of detainees awaiting trial,

1. Takes note with appreciation of the report of the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda (E/CN.4/2000/41);
2. Welcomes the cooperation and assistance extended by the Government of Rwanda to the Special Representative;
3. Also welcomes the continuing efforts of the Government of Rwanda to build a State based on the rule of law and the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other relevant international human rights instruments;
4. Reiterates its strong condemnation of the crime of genocide and the crimes against humanity which were committed in Rwanda in 1994;
5. Notes the report of the independent inquiry into the actions of the United Nations during the 1994 genocide in Rwanda (S/1999/1257, annex), submitted pursuant to the mandate given by the Secretary-General and approved by the Security Council;
6. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of human rights and international humanitarian law are individually responsible and accountable for those violations;
7. Expresses concern that most of the perpetrators of the genocide and other gross violations of human rights continue to evade justice;

8. Reiterates its request that all States cooperate fully with the Government of Rwanda and the International Tribunal for Rwanda in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process, and expresses its appreciation to the States which have already cooperated in prosecutions and in implementing the relevant Security Council resolution in this regard;

9. Notes the efforts which the International Tribunal for Rwanda has made to improve its performance and encourages further measures to enhance its efficiency;

10. Expresses its concern over the effectiveness of the witness protection programme of the International Tribunal for Rwanda and calls for the improvement of the witness protection programme as a matter of urgency;

11. Notes the indications of improvement in the human rights situation in Rwanda since the previous session of the Commission, expresses concern at continued violations of human rights and international humanitarian law and urges the Government of Rwanda to continue to investigate and prosecute such violations;

12. Recognizes that the promotion and protection of human rights for all are essential for achieving stability and security in the Great Lakes region;

13. Reiterates its sympathy and solidarity with genocide survivors, commends the Government of Rwanda for establishing a fund to assist them, commends those Governments that have contributed to the fund and again urges the international community to contribute generously;

14. Takes note with great concern of:

(a) The report of the International Commission of Inquiry (Rwanda) on the sale, supply and shipment of arms and related material in the Great Lakes region of Central Africa (S/1998/1096, annex);

(b) The report of the Investigative Team of the Secretary-General (S/1998/581, annex) and calls again upon the Government of Rwanda to respond to this report;

15. Condemns the illegal sale and distribution of arms and all other forms of assistance to former members of the Rwandan armed forces, Interahamwe and other insurgent groups which have a negative impact on human rights and undermine peace and stability in Rwanda and the region;

16. Notes that the Government of Rwanda is regrouping scattered rural populations in the country, including in the north-west, and urges the Government of Rwanda to respect human rights principles and not to use any elements of coercion in the implementation of the resettlement programme;

17. Takes note with interest of the establishment of grass-roots organizations for the reconstruction of society and calls upon the Government of Rwanda to ensure that they are properly trained, controlled and accountable;

18. Reiterates its concern at the conditions of detention in many communal detention centres and some prisons in Rwanda, calls on the Government of Rwanda to continue in its efforts to ensure that persons in detention are treated in a manner which respects their human rights and emphasizes the need for greater attention and resources to be directed to this problem, and again urges the international community to assist the Government of Rwanda in this area;

19. Encourages the continuing efforts of the Government of Rwanda to reduce the prison population by releasing minors, elderly prisoners, prisoners suffering from terminal illness and suspects with incomplete files who were detained for their alleged involvement in genocide and other abuses of human rights, and reaffirms the urgent need to complete a dossier for every detainee with a view to identifying those who should be released immediately, early or conditionally, while expressing concern at the high number of detainees still awaiting trial;

20. Welcomes the continuation of domestic trials of those suspected of genocide and crimes against humanity and the improvements that have been made in the trial process, and encourages the Government of Rwanda, with the support of the international community, to strengthen the capacity of the independent judicial system in conformity with international standards;

21. Urges the Government of Rwanda and invites the International Tribunal for Rwanda to continue to give utmost priority to the prosecution and punishment of crimes of sexual violence committed against women, in line with the recommendations of the Special Representative on violence against women, and welcomes the decision of the International Tribunal for Rwanda to give a broad definition to acts of sexual violence;

22. Takes note with interest of the efforts of the Government of Rwanda, supported by the Special Representative, to institute the gacaca system of justice based on traditional justice in Rwanda with the aim of speeding up the handling of the large caseload of detainees

awaiting trial and allowing all the people of Rwanda to participate in the judicial process, consistent with international human rights standards, which will promote national reconciliation and unity;

23. Encourages the Government of Rwanda in its campaign of sensitization aimed at promoting the rule of law, respect for human rights and reconciliation;

24. Reiterates its appeal to the international community to provide financial and technical assistance to the Government of Rwanda within a mutually agreed framework of cooperation to help strengthen the protection of genocide survivors and witnesses and the administration of justice, including with regard to adequate access to legal representation, to prosecute those responsible for genocide and other violations of human rights and to promote the rule of law in Rwanda, and notes with appreciation assistance already provided by some members of the donor community;

25. Welcomes the new law on matrimonial property and succession, which ensures full real access by women to their husbands' and parents' property;

26. Commends the Government of Rwanda on its continued efforts to improve the situation of children and encourages it to continue with these efforts, including further coordinating them in close collaboration with the United Nations Children's Fund, guided by a concern for the best interests of children, as specified in the Convention on the Rights of the Child;

27. Encourages the Government of Rwanda, in cooperation with the Office of the United Nations High Commissioner for Refugees, to continue to provide protection and assistance to returnees to Rwanda;

28. Commends the Government of Rwanda on the establishment of the National Human Rights Commission and the support provided for its work;

29. Expresses its appreciation to the members of the National Human Rights Commission for the round table organized with the collaboration of the United Nations High Commissioner for Human Rights, the Government of Rwanda and the assistance of the Special Representative and the international community, which enabled the National Commission to develop a plan of action for the promotion and better protection of human rights in Rwanda;

30. Encourages the Government of Rwanda to provide its full support to the mandate of the National Human Rights Commission, including adequate funding, to enable it to

investigate violations of human rights and to sensitize and train the Rwandese population, and invites the international community to assist the Government of Rwanda in this regard;

31. Welcomes the establishment of the Legal and Constitutional Commission as required and mandated under the Arusha Peace Agreement of August 1993 and urges the Government of Rwanda to provide it with the necessary support;

32. Urges the Government of Rwanda to work with interested Governments and the United Nations High Commissioner for Human Rights to facilitate the development of a national human rights monitoring capacity, including the training of national human rights monitors;

33. Welcomes the commitment of the Government of Rwanda to promoting national unity and reconciliation, encourages the Government of Rwanda to continue its efforts in that field, commends the establishment of the National Commission for Unity and Reconciliation and urges that international support be provided to enable the Commission to achieve its objectives;

34. Recommends that the international community continue to provide development assistance for the reconstruction and long-term stability of Rwanda;

35. Commends the Special Representative for his work, decides to extend his mandate for a further year, requests him to report to the General Assembly at its fifty-fifth session and to the Commission on Human Rights at its fifty-seventh session, in accordance with his mandate, and requests the High Commissioner for Human Rights to provide him with such financial assistance as he may require;

36. Calls for close regular consultation between the Special Representative and the Government of Rwanda, the National Human Rights Commission and all relevant national institutions;

37. Encourages the Government of Rwanda, other Governments, the United Nations High Commissioner for Human Rights, international organizations and non-governmental organizations to provide, within a mutually agreed framework of cooperation, support for the reconstruction of the human rights infrastructure in Rwanda, including a strong civil society;

38. Recommends the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/21 of 18 April 2000, endorses the Commission’s decision to extend for a further year the mandate of the Special Representative on the situation of human rights in Rwanda, to make recommendations on the situation of human rights in Rwanda, to

facilitate the effective and independent functioning of the National Human Rights Commission and to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate.

“The Council also approves the Commission’s request to the Special Representative to report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session, in accordance with his mandate, and its request to the United Nations High Commissioner for Human Rights to provide the Special Representative with such financial assistance as he may require to discharge his mandate.”

55th meeting
18 April 2000

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

2000/22. 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 resolution 1999/16 of 23 April 1999 and taking note of the report of the Secretary-General on the question (E/CN.4/2000/101),

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 the Promotion and Protection of Human Rights or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of 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 and treaty bodies to the present resolution;

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

7. Decides to consider the question again at its fifty-seventh session.

56th meeting

18 April 2000

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

2000/23. 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,

Gravely concerned at the systematic and increasingly severe violations of civil, political, economic, social and cultural rights in Myanmar,

Recognizing that these severe violations of human rights by the Government of Myanmar have had a significant adverse effect on the health and welfare of the people of Myanmar,

Deeply regretting the failure of the Government of Myanmar to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur, while noting the recent increased contacts between the Government of Myanmar and the international community,

Aware that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government and therefore gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Mindful that Myanmar is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Geneva Conventions of 12 August 1949 on the protection of victims of war and the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization,

Recalling the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/2000/I/CRP.3/Add.2/Rev.1) on the initial report submitted by Myanmar to that treaty monitoring body in which, inter alia, it expresses its concern at violations of the human rights of women, in particular by military personnel,

Noting the resolution adopted by the International Labour Conference at its 87th Session on the widespread use of forced labour in Myanmar, and also of the recommendation of the Governing Body of the International Labour Organization of 27 March 2000,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Assembly resolution 54/186 of 17 December 1999 and Commission resolution 1999/17 of 23 April 1999,

1. Welcomes:
 - (a) The report of the Special Rapporteur (E/CN.4/2000/38) on the situation of human rights in Myanmar and the report of the Secretary-General (E/CN.4/2000/29), and expresses its appreciation and support for the work of the Special Rapporteur;
 - (b) The resumption of cooperation with the International Committee of the Red Cross, allowing the Committee to communicate with and visit prisoners in accordance with its standard working rules, and encourages continued cooperation in that regard;
2. Notes the constructive dialogue between the Committee on the Elimination of Discrimination against Women and the Government of Myanmar at the recent session of that Committee;
3. Notes the visit to Myanmar by the Special Envoy of the Secretary-General in October 1999 for the purpose of holding discussions with the Government and with political leaders, including Aung San Suu Kyi and representatives of some ethnic minority groups, while regretting that two senior members of the latter were arrested shortly after having met with the Special Envoy, and calls upon the Government of Myanmar to enter into a constructive dialogue with the Secretary-General in order to make better use of his good offices;
4. Reaffirms the need to provide adequate protection and assistance for persons fleeing from Myanmar and, in this context, takes note with appreciation of the efforts of the Government of Thailand in providing assistance and the expanded role played by the Office of the United Nations High Commissioner for Refugees;
5. Expresses its grave concern:
 - (a) At the increased repression of any form of public political activity, the arbitrary detention the imprisonment and the systematic surveillance of those exercising their rights to freedom of thought, expression, assembly and association, as well as the harassment of their families;
 - (b) That, despite the partial reopening of some courses, most institutions of higher education have remained closed for political reasons for over three years;
 - (c) That the composition and working procedures of the National Convention do not permit either members of Parliament-elect or representatives of the ethnic minorities to express their views freely, and is concerned that the National Convention has not been convened since 1996 and thus is not in a position to further the restoration of democracy and national reconciliation;

(d) That the Government of Myanmar has failed to review its legislation, to cease its widespread use of forced labour of its own people and to punish those exacting forced labour, which has forced the International Labour Organization to exclude further cooperation with the Government until such time as it has implemented the recommendations of the Commission of Inquiry, except for the purpose of implementing those recommendations;

6. Deplores:

(a) The continuing pattern of gross and systematic violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, particularly in areas of ethnic tension, and enforced disappearances, torture, harsh prison conditions, abuse of women and children by government agents, arbitrary seizures of land and property, and the imposition of oppressive measures directed in particular at ethnic and religious minorities, including systematic programmes of forced relocation, destruction of crops and fields, the continued widespread use of forced labour, including for work on infrastructure projects, production of food for the military and as porters for the army;

(b) The lack of independence of the judiciary from the executive and the wide disrespect of the rule of law, including of the basic guarantees of due process, especially in cases involving exercise of political and civil rights and freedoms, resulting in arbitrary arrests and detentions, non-existence of judicial control over detentions, sentences passed without trial, keeping the accused in ignorance of the legal basis of the charge brought against them, trials held in secrecy and without proper legal representation, want of knowledge by the family and counsel of the accused about the sentence and detentions beyond the end of prison sentences;

(c) The continued violations of the human rights of, and widespread discriminatory practices against, persons belonging to minorities, including extrajudicial executions, rape, torture, ill-treatment and the systematic programmes of forced relocation directed against ethnic minorities, notably in Karen, Karenni, Rakhine and Shan States and in Tennasserim Division, resulting in the large-scale displacement of persons and flows of refugees to neighbouring countries, thus creating problems for the countries concerned, and particularly the condition of statelessness, the confiscation of land and the restrictions on movement faced by returning Rohingya refugees, which have prevented the establishment of stable conditions for their voluntary return in safety and dignity and for their reintegration and have contributed to movements out of the country;

(d) The continuing violations of the human rights of women, in particular forced labour, trafficking, sexual violence and exploitation, often committed by military personnel, and especially directed towards women who are returning refugees, internally displaced or belong to ethnic minorities or the political opposition;

(e) The continuing violations of the rights of children, in particular through the lack of conformity of the existing legal framework with the Convention on the Rights of the Child, through conscription of children into forced labour programmes, through their sexual exploitation and exploitation by the military, through discrimination against children belonging to ethnic and religious minority groups and elevated rates of infant and maternal mortality and malnutrition;

(f) The escalation in the persecution of democratic group activists, including elected representatives to the Parliament, students, trade unionists and members of religious orders, for peacefully exercising their rights to freedom of movement, expression, assembly and association, and the Government's use of intimidatory measures to force elected representatives and National League for Democracy members to resign from their positions and to close their party offices;

(g) The severe restrictions on the freedoms of opinion, expression, assembly and association, the restrictions on citizens' access to information, including censorship controls on all forms of domestic media and many international publications, and the restrictions imposed on citizens wishing to travel within the country and abroad, including the denial of passports on political grounds, and gross interference in private life, family, home or correspondence;

7. Calls upon the Government of Myanmar:

(a) To establish a constructive dialogue with the United Nations system, including the human rights mechanisms, for the effective promotion and protection of human rights in the country;

(b) To continue to cooperate with the Secretary-General or his representative and to broaden this dialogue, including through providing access to any person deemed appropriate by them, and to implement their recommendations;

(c) To consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention relating to the Status of Refugees and its Protocol;

8. Urges the Government of Myanmar to cooperate fully, and without further delay, with all United Nations representatives, in particular the Special Rapporteur, to allow him urgently, without preconditions, to conduct a field mission and to establish direct contacts with the Government and all other relevant sectors of society, and thus to enable him fully to discharge his mandate, and, in this context, regrets that, notwithstanding the recent indications that serious consideration would be given to a visit by the Special Rapporteur, he has not so far been given permission to visit the country;

9. Strongly urges the Government of Myanmar:

- (a) To implement fully the recommendations made by the Special Rapporteur;
- (b) To ensure full respect for human rights and fundamental freedoms, including the freedoms of expression, association, movement and assembly, the right to a fair trial by an independent and impartial judiciary and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions;
- (c) To take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to engage immediately and unconditionally in a genuine and substantive dialogue with the leaders of political parties, including Aung San Suu Kyi, and of ethnic minorities with the aim of achieving national reconciliation and the restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely, and in this context notes that the National League for Democracy has established a committee to represent temporarily members of Parliament elected in 1990 who are prevented by the authorities from exercising their democratic mandate conferred on them by the people of Myanmar;
- (d) To take all appropriate measures 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 the transfer of power to democratically elected representatives, the prevention of intimidation and repression of political opponents and enabling the building up of a pluralistic civil society with the active participation of its members;

- (e) To release immediately and unconditionally those detained or imprisoned for political reasons, including those in “government guest houses”, and to ensure their physical integrity and to permit them to participate in a meaningful process of national reconciliation;
- (f) To improve conditions of detention, in particular in the field of health protection, and to eliminate unnecessary restrictions imposed on the detainees;
- (g) To ensure the safety and well-being and freedom of movement of all political leaders, including Aung San Suu Kyi, and to permit unrestricted communication with and physical access to Aung San Suu Kyi and other political leaders;
- (h) To fulfil its obligations under the Convention on the Rights of the Child and under the Convention on the Elimination of All Forms of Discrimination against Women by bringing national legislation and practice into conformity with these conventions, and to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- (i) To implement fully the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute and punish those who violate the human rights of women and to carry out human rights education and gender-sensitization training, in particular for military personnel;
- (j) And all other parties to the hostilities in Myanmar to respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law, to end the use of children as soldiers and to avail themselves of services offered by impartial humanitarian bodies;
- (k) To cease the widespread and systematic use of forced labour and use of exploitative child labour, and to implement the recommendations of the Commission of Inquiry of the International Labour Organization regarding the implementation of the Forced Labour Convention, 1930 (No. 29) of the International Labour Organization, while noting the order by the Government of Myanmar issued in May 1999 directing that the power to requisition forced labour under the Towns Act and the Village Act not be exercised, as well as the invitation to visit, addressed to the International Labour Organization in October 1999;

(l) To adopt, as a matter of urgency, appropriate measures to fulfil its obligations as a State party to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization and to implement the conclusions of the Commission of Inquiry of the International Labour Organization;

(m) To cease the laying of landmines, in particular as a means of ensuring forced relocation, and to desist from the forced conscription of civilians to serve as human minesweepers, as indicated in the report of the Commission of Inquiry;

(n) To end the enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in safety and dignity, including returnees who have not been granted rights of full citizenship, in close cooperation with the international community, through the United Nations system and its specialized agencies, governmental and intergovernmental organizations, as well as non-governmental organizations;

(o) To fulfil its obligations to end impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

10. Decides:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to pursue all efforts to ensure that the Special Rapporteur is authorized to visit Myanmar;

(c) To request the Secretary-General to continue his discussions with the Government on the situation of human rights and the restoration of democracy and with anyone he may consider appropriate in order to assist in the implementation of General Assembly resolution 54/186 and of the present resolution;

- (d) To request the United Nations High Commissioner for Human Rights to cooperate with the Director-General of the International Labour Office with a view to identifying ways in which their offices might usefully collaborate for the improvement of the human rights situation in Myanmar;
- (e) To request the Secretary-General to bring the present resolution to the attention of all relevant parts of the United Nations system;
- (f) To continue its consideration of this question at its fifty-seventh session.

56th meeting
18 April 2000

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

2000/24. Situation of human rights in Sierra Leone

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, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Sierra Leone is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Geneva Conventions of 12 August 1949, as well as to the African Charter on Human and Peoples' Rights,

Taking note of Security Council resolutions 1265 (1999) of 17 September 1999, 1270 (1999) of 22 October 1999, 1289 (2000) of 7 February 2000 and recalling Commission resolution 1999/1 of 6 April 1999,

Expressing concern regarding the continuing violations of human rights and humanitarian law committed in Sierra Leone, particularly against civilians, abducted women and children,

1. Welcomes:

(a) The report of the United Nations High Commissioner for Human Rights (E/CN.4/2000/31) and the reports of the Secretary-General on the United Nations Mission in Sierra Leone dated 6 December 1999 and 11 January and 7 March 2000 respectively (S/1999/1223, S/2000/13 and S/2000/186);

(b) The deployment of the United Nations in Sierra Leone, established by Security Council resolution 1270 (1999), with the mandate, inter alia, to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, to assist the Government of Sierra Leone in its efforts to address the country's human rights needs;

(c) The efforts made by the Government of Sierra Leone, the leadership of the Revolutionary United Front of Sierra Leone, the Military Observer Group of the Economic Community of West African States and the United Nations Mission in Sierra Leone towards the implementation of the Peace Agreement signed in Lomé on 7 July 1999;

(d) The steps taken by the Government of Sierra Leone and Sierra Leonean civil society to create a human rights infrastructure in the country, in particular the efforts to establish an effectively functioning Truth and Reconciliation Commission, a National Human Rights Commission and a Commission for the Consolidation of Peace, and reiterates the continued need to promote peace and national reconciliation and to foster accountability and respect for human rights;

(e) The recent adoption by the Sierra Leone Parliament of a statute establishing the Truth and Reconciliation Commission and the recent establishment of a new National Electoral Commission;

(f) The adoption of the Human Rights Manifesto by the Government of Sierra Leone, the National Commission for Democracy and Human Rights, representatives of civil society, the Special Representative of the Secretary-General and the High Commissioner for Human Rights on the occasion of the latter's visit to Sierra Leone in June 1999;

(g) The human rights training, including specialized gender and child rights training, provided to national human rights monitors, police officers and military personnel of the United Nations Mission in Sierra Leone;

(h) The deployment of a child protection adviser within the United Nations Mission in Sierra Leone to help to ensure the protection of children's rights, which is a priority throughout the peacekeeping process and the consolidation of peace in Sierra Leone;

(i) The assistance provided by the Office of the High Commissioner for Human Rights, the United Nations Mission in Sierra Leone and the international community to the Government of Sierra Leone in addressing its human rights obligations;

(j) The activities carried out by the International Committee of the Red Cross and humanitarian organizations, especially those in the field of medical assistance and relief activities focused on the rehabilitation of internally displaced persons;

2. Notes that the Special Representative of the Secretary-General entered a reservation, attached to his signature of the Lomé Agreement, that the United Nations holds the understanding that the amnesty provisions of the Agreement shall not apply to international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law, and affirms that all persons who commit or authorize serious violations of human rights or international humanitarian law at any time are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible to justice;

3. Expresses its grave concern:

(a) At the continuing abuses of human rights and humanitarian law committed in Sierra Leone, generally with impunity, in particular atrocities against civilians being perpetrated by the Revolutionary United Front Armed Forces Revolutionary Council and the ex-Sierra Leone Army, including rapes, abductions, hostage-taking, summary executions, mutilations, forced labour and the targeting and abuse of women and children, including the recruitment and use of child soldiers contrary to international law and the continued detention of abductees;

(b) At the slow pace of the disarmament, demobilization and reintegration programme, continued trafficking in small arms and the continued retention by certain ex-combatants of heavy weapons;

(c) At the dire humanitarian situation affecting the population, including refugees and internally displaced persons, caused by the limited humanitarian access to the population particularly in the most affected areas of the north and east of the country;

(d) At the detention of, and attacks on, humanitarian personnel, in particular the incidents of June and July 1999;

4. Deplores the ongoing atrocities committed by the rebels, including murders, rape, abductions and detentions, calls for an end to all such acts, and also calls for the cessation of the recruitment and use of children as soldiers contrary to international law, and of all attacks on civilians;

5. Urges all parties to the Lomé Peace Agreement:

- (a) To fulfil all their commitments under the Agreement in order to facilitate the restoration of peace, stability, national reconciliation and development in Sierra Leone;
- (b) To respect human rights and international humanitarian law, including the human rights and welfare of women and children;
- (c) To provide full and unconditional cooperation with the United Nations Mission in Sierra Leone, including the human rights section of that Mission and unconditional access for the Mission throughout the country;
- (d) To work together to ensure full and early disarmament of former combatants in all areas, and to give special attention to child combatants in the disarmament; demobilization and reintegration process;
- (e) To ensure safe and unhindered access to all affected populations in accordance with international humanitarian law and that the status of the United Nations and associated personnel, including locally engaged staff, as well as humanitarian personnel, is fully respected by providing guarantees for their safety, security and freedom of movement;
- (f) To respect the rights of refugees and internally displaced persons and to facilitate their return, voluntarily and in safety, to their homes;

6. Calls upon the Government of Sierra Leone:

- (a) To continue to comply with its obligations to promote and protect human rights;
- (b) To continue to work closely and strengthen further its cooperation in the area of human rights with the United Nations Mission in Sierra Leone and the Office of the High Commissioner for Human Rights;
- (c) To ensure the effective functioning of the Truth and Reconciliation Commission in order to address the question of violations of human rights and international humanitarian law since the beginning of the Sierra Leone conflict in 1991;
- (d) To give priority attention to the special needs of women and children, in particular those mutilated, sexually abused, gravely traumatized and displaced, in cooperation with the international community;

7. Also calls upon the Government of Sierra Leone to investigate all reports of human rights abuses that have occurred since the signing of the Lomé Peace Agreement and to end impunity, and requests the Secretary-General and the High Commissioner for Human Rights

to respond favourably to any requests from the Government of Sierra Leone for assistance with its investigation of reports of human rights abuses that have occurred since the signing of the Lomé Peace Agreement;

8. Decides:

- (a) To request the High Commissioner for Human Rights and the international community to continue to assist the Government of Sierra Leone to establish and maintain an effectively functioning Truth and Reconciliation Commission and Human Rights Commission;
- (b) To request the Secretary-General, the High Commissioner for Human Rights and the international community to give all necessary assistance to the human rights section of the United Nations Mission in Sierra Leone to enable it to fulfil its mandate to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, assist the Government of Sierra Leone in its efforts to address the country's human rights needs; including:
 - (i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy programmes;
 - (ii) To strengthen its support for, and to continue and expand its cooperation with, human rights non-governmental organizations in Sierra Leone;
- (c) To request the High Commissioner for Human Rights to report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session on the human rights situation in Sierra Leone, including with reference to reports from the United Nations Mission in Sierra Leone;
- (d) To consider this question at its fifty-seventh session under the same agenda item, as a matter of high priority.

56th meeting
18 April 2000

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

2000/25. Situation of human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1999/8 of 23 April 1999,

Reaffirming the obligation of all Member States to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and in the Universal Declaration of Human Rights,

Mindful that Cuba is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reasserting the Commission's obligation to promote and protect human rights on the basis of the universal nature of the Universal Declaration of Human Rights, in all countries of the world, independently from other bilateral or regional issues affecting the country in question,

Recognizing the need to respect and guarantee civil and political rights and to strive to bring about full enjoyment of economic, social and cultural rights,

Considering the urgent need to adopt the necessary measures to ensure full respect for human rights in Cuba and to contribute to developing a more pluralistic society and a more efficient economy, and considering also the willingness of the international community to assist therein,

Expressing its concern at the continued violation of human rights and fundamental freedoms in Cuba, such as freedom of expression, association and assembly and the rights associated with the administration of justice, despite the expectations raised by some positive steps taken by the Government of Cuba in the past few years,

1. Calls upon the Government of Cuba once again to ensure respect for human rights and fundamental freedoms and to provide the appropriate framework to guarantee the rule of law through democratic institutions and the independence of the judicial system;
2. Calls upon the Government of Cuba to honour the commitment to democracy and respect for human rights it made at the Sixth Ibero-American Summit in Santiago in 1996, a commitment reiterated at the Ninth Ibero-American Summit in Havana in 1999 and an identical commitment made at the European Union-Latin America Summit which is contained in the Rio Declaration of 1999;
3. Expresses the hope that further positive steps will be taken with regard to all human rights and fundamental freedoms;
4. Notes certain measures taken by Cuba to enhance freedom of religion and calls upon the Cuban authorities to continue taking appropriate measures in this regard;

5. Calls upon the Government of Cuba to consider acceding to human rights instruments to which it is not yet a party, in particular the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;
6. Expresses once again its concern about practical consequences of the adoption of the Law for the Protection of the National Independence and Economy of Cuba, and regrets the other steps taken by the Government of Cuba that are inconsistent with the Universal Declaration of Human Rights and other relevant human rights instruments;
7. Reiterates its concern about the continued repression of members of the political opposition and about the detention of dissidents, including the members of the Grupo de Trabajo de la Disidencia Interna, and calls upon the Government of Cuba to release all the persons detained or imprisoned for peacefully expressing their political, religious and social views and for exercising their rights to full and equal participation in public affairs;
8. Calls upon the Government of Cuba to open a dialogue with the political opposition, as already requested by several groups;
9. Invites the Government of Cuba to afford the country full and open contact with other countries, in order to ensure the enjoyment of all human rights for all Cuban people by utilizing international cooperation, by allowing a freer flow of people and ideas and by drawing on the experience and support of other nations;
10. Recommends in this context, that the Government of Cuba take advantage of the technical cooperation programmes of the Office of the United Nations High Commissioner for Human Rights;
11. Calls upon the Government of Cuba also to cooperate with other mechanisms of the Commission, and notes the visits of the Special Rapporteur on violence against women and of the Special Rapporteur on the question of the use of mercenaries;
12. Calls upon the Government of Cuba to grant invitations to those thematic mechanisms of the Commission on Human Rights which have requested to visit Cuba, including the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on the question of torture;

13. Decides to consider this matter further at its fifty-seventh session under the same agenda item.

56th meeting
18 April 2000

[Adopted by a roll-call vote of 21 votes to 18,
with 14 abstentions. See chap. IX.]

2000/26. Situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina

The Commission on Human Rights,

Recalling all relevant resolutions on this subject, in particular its own resolution 1999/18 of 23 April 1999, as well as all relevant resolutions of the Security Council, in particular resolution 1244 (1999) of 10 June 1999,

Expressing its full support for the General Framework for Peace in Bosnia and Herzegovina (the “Framework Agreement”) and the annexes thereto (together, the “Peace Agreement”) which, inter alia, committed the parties in Bosnia and Herzegovina to respect fully human rights,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders, taking fully into account all relevant Security Council resolutions, and noting in particular Council resolution 1244 (1999),

I. Introduction

1. Stresses once again the obligations of the parties under the Peace Agreement to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms;

2. Notes that, while there have been significant positive developments on human rights in Croatia, and Bosnia and Herzegovina has made some limited improvement on human rights issues during the past year, the situation in the Federal Republic of Yugoslavia (Serbia and Montenegro) remains a source of grave concern;

3. Stresses the continuing problems of varying degrees of seriousness throughout the region:

- (a) Lack of full respect for the human rights of all individuals;
- (b) The need to promote and protect democratic institutions of government;

- (c) Serious weaknesses in the rule of law, the administration of justice, and independence of the judiciary;
 - (d) Lack of respect for the freedoms of expression and association and for the freedom and independence of the media;
 - (e) Continuing obstruction of the work of the International Criminal Tribunal for the Former Yugoslavia;
 - (f) The need to encourage and facilitate the return of, as well as to protect and assist refugees and displaced persons until they are able to return to their homes in safety and dignity;
 - (g) Missing persons;
4. Appeals once more to the international community to support the promotion and protection of human rights, to continue to support existing national democratic forces and non-governmental organizations in their efforts to strengthen civil society, and notes in this regard the opportunities afforded by the Stability Pact;
5. Expresses its appreciation for the ongoing important work of the Office of the High Commissioner for Human Rights and its field operation in the region;
6. Requests the United Nations High Commissioner for Human Rights and the Secretary-General to take concerted action with the assistance of the international community to develop early-warning procedures in the field of human rights with a view to identifying situations that could lead to conflict or humanitarian tragedy;
7. Taking note of the reports of the Special Rapporteur (E/CN.4/2000/39) and of the High Commissioner for Human Rights (E/CN.4/2000/32);
8. Decides to renew the mandate of the Special Rapporteur for one year and requests the Special Rapporteur to report to the Commission at its fifty-seventh session on the work conducted in fulfilment of the mandate and to submit an interim report to the General Assembly at its fifty-fifth session, paying particular attention to those areas that remain a source of grave concern, including the deteriorating human rights situation in the Federal Republic of Yugoslavia (Serbia and Montenegro);
9. Recommends, if the commitment to and progress made on human rights and democratic principles in Croatia continue, that Croatia be considered at its fifty-seventh session under the agenda item on technical assistance and advisory services;

II. Federal Republic of Yugoslavia (Serbia and Montenegro)

10. Welcomes positive trends in Montenegro towards democratic and economic reforms;
11. Expresses grave concern at the ongoing serious violations of human rights and the deteriorating human rights and humanitarian situation in the Federal Republic of Yugoslavia (Serbia and Montenegro) caused by the repressive policies and measures of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and of Serbia;
12. Condemns the continued repression of the independent media, political opposition and non-governmental organizations, the seizing and destruction of the assets of independent media, the use of police intimidation, the use of technical means (jamming) against independent media, the imposition of fines upon individual journalists, the forceful repression of peaceful political opposition activities, and court cases directed against prominent opposition leaders, such as Zoran Djindjic, Vladan Batic, Goran Svilanovic and Milan Stojan Protic, leaders of the Alliance for Change, Social Democrat leader Vuk Obradovic and others for “verbal crimes”;
13. Also condemns the arbitrary administration of justice and application of the law, as evidenced by the detention, trial and sentencing of Dr. Flora Brovina and actions taken against other human rights activists;
14. Expresses grave concern that discrimination and violence against ethnic minorities have worsened during the year;
15. Regrets that the Federal Republic of Yugoslavia (Serbia and Montenegro) has not complied with the recommendations of the Chairman-in-Office of the Organization for Security and Co-operation in Europe regarding fostering democracy and the rule of law;
16. Notes with grave concern that Slobodan Milosevic and other senior leaders of the Federal Republic of Yugoslavia (Serbia and Montenegro) continue to maintain positions of power despite their indictment for war crimes and crimes against humanity, that the Federal Republic of Yugoslavia (Serbia and Montenegro) has repeatedly ignored the orders of the International Criminal Tribunal for Yugoslavia to transfer indicted war criminals to The Hague for trial and has not transferred even one indictee to The Hague since the inception of the Tribunal;

17. Stresses the evidence that the most senior leaders of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) are responsible for the continuing refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to meet its obligations to cooperate with the Tribunal;

18. Demands, in accordance with Security Council resolution 827 (1993) of 25 May 1993 and the Statute of the International Criminal Tribunal for the Former Yugoslavia, that the Federal Republic of Yugoslavia (Serbia and Montenegro) cooperate fully with the Tribunal and, in particular, permit immediate access to all parts of the Federal Republic of Yugoslavia (Serbia and Montenegro), firstly through prompt issuance of requested visas to officials of the Tribunal to conduct investigations;

19. Condemns the extralegal proceedings undertaken by the Federal Republic of Yugoslavia (Serbia and Montenegro) against the "Vukovar Three";

20. Calls upon authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to:

- (a) Comply fully with the obligation to cooperate with the International Criminal Tribunal for the Former Yugoslavia;
- (b) Respect fully human rights and fundamental freedoms, including early, free and fair elections at all levels, the rule of law, the administration of justice, and free and independent media;
- (c) End torture and other cruel, inhuman or degrading treatment or punishment of persons in detention, and to bring those responsible for such acts to justice;
- (d) Repeal repressive and discriminatory legislation on property rights, universities and the media, and to apply all other legislation without discrimination;
- (e) Respect the rights of all persons belonging to minority groups, especially in Sandjak and Vojvodina, including the Albanian, Bulgarian, Croatian and Hungarian national minorities and the Roma and Muslim minority, among others;
- (f) Return the armed and police forces to civil and democratic control as specified by the Constitution;
- (g) Provide a full accounting for and protect the humanitarian and legal rights of the large number of prisoners deprived of liberty and removed from Kosovo at the end of the conflict;

21. Welcomes the activities carried out by the International Committee of the Red Cross with regard to regular visits to some one thousand five hundred detainees and prisoners, mainly of Kosovar Albanian origin, held under the authority of the Ministry of Justice in Serbia;

22. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as the United Nations Interim Administration Mission in Kosovo, the International Security Force in Kosovo and Kosovo Albanian representatives, to provide information on the fate and the whereabouts of all persons who are missing or unaccounted for and encourages the International Committee of the Red Cross to pursue its clarification efforts in this regard, in cooperation with other organizations;

23. Calls upon the international community to continue to support national democratic forces and non-governmental organizations in their efforts to build a civil society and achieve multi-party democracy in the Federal Republic of Yugoslavia (Serbia and Montenegro) and to provide resources for capacity-building in the administration of justice;

24. Expresses its concern about the situation of the large number of Serbian displaced persons within the Federal Republic of Yugoslavia (Serbia and Montenegro);

III. Kosovo

25. Recalls its condemnation of the Serbian military offensive against the civilian population of Kosovo resulting in war crimes and gross violations of international human rights and international humanitarian law inflicted upon the Kosovars, including a systematic policy of ethnic cleansing in the region, systematic targeting and terrorization of the civilian population of Kosovo by Serbian forces, mass forced displacement, expulsion, group massacres and summary executions, torture, arbitrary detention, deaths in detention, rape, widespread destruction of homes, property and villages, destruction of personal identity documents and other records, destruction of agricultural capacity aimed at preventing the return of Kosovars, the violent repression of non-violent expression of political views, and the harassment, intimidation and closure of independent media outlets in Kosovo;

26. Calls upon the leadership of all ethnic groups to respect international human rights standards and international humanitarian law, to condemn acts of terrorism, to refrain from all acts of violence, to encourage the pursuit of political ends through peaceful means and to act with respect for the rights and dignity of all persons belonging to minority groups;

27. Condemns all acts of ethnic violence and intimidation by all parties in Kosovo;

28. Urges all political leaders in Kosovo to cooperate fully with the United Nations Interim Administration Mission in Kosovo and the International Security Force in Kosovo in their efforts to strengthen law and security, to firmly reject violence, to reject those who advocate violent measures, to take action at the community level to prevent violence, in particular ethnic violence, and to engage in and support only peaceful and democratic civil or political activity;

29. Calls upon representatives of all communities to participate fully in the joint administrative structures established by the Special Representative of the Secretary-General in order to contribute to the coexistence of all ethnic groups and the democratization of Kosovo, in conformity with the objectives set out in Security Council resolution 1244 (1999), and in this context welcomes the recent decision by members of the Kosovo Serb National Council to nominate two representatives to participate in the Interim Administration Council in Kosovo, initially in the capacity of observers;

30. Stresses the importance of the return of refugees and displaced persons to their homes in safety and dignity;

31. Also stresses the importance of careful and thorough preparation of local elections to be held in autumn 2000 and of full cooperation of all parties with the United Nations Interim Administration in Kosovo and the Organization for Security and Co-operation in Europe;

32. Emphasizes the need for a fully independent and impartial judiciary and calls upon all parties to cooperate fully with the United Nations Interim Mission in Kosovo in its efforts to strengthen the judicial system;

IV. Republic of Croatia

33. Welcomes the democratic election of a reform-oriented new Government in Croatia;

34. Also welcomes the commitment made and substantial initial steps taken by the newly elected Government to allow for the establishment of independent media, undertake judicial reform and guarantee the independence of the judiciary, and facilitate refugee returns;

35. Further welcomes the agreement between the Government of the Republic of Croatia and the United Nations High Commissioner for Human Rights on technical cooperation and assistance programmes;

36. Welcomes the transfer to the International Criminal Tribunal for the Former Yugoslavia by the Government of Croatia of indicted war criminals, including Mladen Naletilic ("Tuta");

37. Calls upon the newly elected Government of the Republic of Croatia to sustain this progress and the concrete measures under way to ensure full compliance with international norms and standards of human rights and fundamental freedoms, in particular the rights of persons belonging to all minority groups, especially by:

(a) Facilitating and encouraging the return and accommodation of displaced persons, refugees and resettled persons, and reconstruction of war-affected settlements;

(b) Cooperating fully with the international organizations operating in the Republic of Croatia, in particular the Office of the High Commissioner for Human Rights and the Organization for Security and Co-operation in Europe;

(c) Taking further steps to ensure that Croatian law applies equally to all citizens, irrespective of ethnicity, and eliminating any instances of discrimination by private citizens or government officials;

(d) Ensuring the non-discriminatory application of the general amnesty law, including by providing regular information to the International Criminal Tribunal for the Former Yugoslavia about domestic war crimes prosecutions;

V. Bosnia and Herzegovina

38. Notes the progress made in some areas of Bosnia and Herzegovina in implementation of the Peace Agreement and some improvement in respect for human rights;

39. Also notes some progress on refugee returns, while stressing the need for all authorities to support the return process for minority displaced persons and refugees in both entities, in particular within the Republika Srpska and in Mostar and certain other Bosnian Croat areas;

40. Condemns in the strongest possible terms the intimidation of and perpetuation of violence against minority refugees and internally displaced persons returning to their homes, the destruction of their homes and all other acts designed to discourage their voluntary return, and calls for the authorities to conduct vigorous investigations to determine responsibility for such acts and to ensure that the perpetrators are brought to justice and to protect and assist refugees and displaced persons until they are able to return to their homes in safety and dignity;

41. Condemns all forms of discrimination against refugees and displaced persons concerning their labour rights and requests the International Labour Organization, the High Commissioner for Human Rights, as well as the Special Rapporteur, to pay attention to the implementation of international standards and recommendations in this area;

42. Emphasizes once more that the primary responsibility for ensuring the progressive achievement of democratic goals and building a tolerant, multi-ethnic society lies with the people of Bosnia and Herzegovina and its leadership, in particular through the State-level Government and the governments of both entities, as well as through, inter alia, municipal and cantonal authorities and religious communities;

43. Welcomes the full cooperation with the Office of the High Representative in the joint exhumation process in Bosnia and Herzegovina;

44. Calls upon officials of Bosnia and Herzegovina, including those of the Republika Srpska and the Federation at all levels:

(a) To implement the decisions of the High Representative; the decisions of the Commission on Human Rights for Bosnia and Herzegovina, the Office of the Human Rights Ombudsman and the Human Rights Chamber; and the decisions of the Commission for Real Property Claims;

(b) To cooperate fully with relevant international humanitarian agencies and neighbouring States to facilitate returns;

(c) To adopt an effective and fair election law, according to international standards;

(d) To combat vigorously the growing problem of trafficking in persons, including women and children;

(e) To continue to improve police standards, inter alia by eliminating unprofessional conduct, political influence and the use of excessive force;

(f) To ensure the establishment and functioning of an independent judiciary, free from political influence;

VI. International Criminal Tribunal for the Former Yugoslavia

45. Calls upon all parties to the Peace Agreement, especially the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), to meet their obligations to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia, noting that there is no valid constitutional or statutory reason for failure to cooperate, and urges all parties to respect the “rules of the road” for the submission of cases to the Tribunal;

46. Urges all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular by helping to ensure that persons indicted by the Tribunal stand trial before it, by ensuring that victims and witnesses are given adequate protection and by continuing to make available to the Tribunal adequate resources to aid in the fulfilment of its mandate;

47. Welcomes the close cooperation between the Stabilization Force and the Tribunal that has led to a substantial number of arrests of persons indicted for war crimes, the most recent example of which is the arrest of Momcilo Krajisnik;

48. Calls upon all indicted persons to surrender voluntarily to the custody of the Tribunal, as required by the Peace Agreement;

49. Urgently calls once again upon authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) and in Bosnia and Herzegovina, including those of the Federation and in particular in the Republika Srpska, to apprehend and surrender for prosecution all persons indicted by the Tribunal, as required by Security Council resolution 827 (1993) of 25 May 1993 and the statement by the President of the Security Council of 8 May 1996, and calls upon all parties to cooperate in the apprehension and surrender of indictees who may be in their territory.

56th meeting
18 April 2000

[Adopted by a roll-call vote of 44 to 1,
with 8 abstentions. See chap. IX.]

2000/27. 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 stated 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,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and the Geneva Conventions of 12 August 1949,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the situation of human rights in the Sudan, most recently Commission resolution 1999/15 of 23 April 1999, and taking note of Assembly resolution 54/182 of 17 December 1999,

Welcoming the Peace Agreement of 1997, the acceptance of the Declaration of Principles as a basis for negotiations and the renewal of the declaration of a comprehensive ceasefire in

January 2000, while at the same time deeply concerned at the impact of the continuing conflict in the Sudan between the Government of the Sudan and the Sudanese People's Liberation Movement/Army on the situation of human rights and at the disregard by all parties to the conflict of relevant rules of international humanitarian law,

Aware of the urgent need to implement effective measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflict,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the context of the peace initiative of the Intergovernmental Authority on Development will greatly contribute to the creation of a better environment for the respect of human rights in the Sudan, and taking note of the initiative by Egypt and the Libyan Arab Jamahiriya for achieving a negotiated and lasting peace in the country,

1. Welcomes:

(a) The interim report of the Special Rapporteur on the situation of human rights in the Sudan submitted to the General Assembly at its fifty-fourth session (A/54/467) as well as the note by the secretariat (E/CN.4/2000/36) containing an advance summary of the report to be submitted to the Commission;

(b) The visits by the Special Rapporteur to the Sudan in February 1999 and in February-March 2000 and the full cooperation extended by the Government of the Sudan in this regard, as well as the stated willingness of the Government to continue to cooperate with the Special Rapporteur;

(c) The visit by the Special Representative of the Secretary-General for Children and Armed Conflict to the Sudan in March 1999, the cooperation extended by the Government of the Sudan in this regard and the commitment made on that occasion by the Government of the Sudan not to recruit children under the age of 18 as soldiers;

(d) The invitation extended by the Government of the Sudan to the Special Rapporteur on religious intolerance;

(e) The cooperation extended by the Government of the Sudan to the needs assessment mission of the Office of the High Commissioner for Human Rights in September 1999;

(f) The fact-finding mission by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in September 1999, pursuant to the invitation of the Government of the Sudan, and the cooperation extended to the Special Rapporteur in this regard;

(g) The cooperation extended by the Government of the Sudan and the Sudanese People's Liberation Movement/Army to the needs assessment missions of the Office for the Coordination of Humanitarian Affairs, the United Nations Children's Fund and the World Food Programme to the Nuba Mountains in June and September 1999, as well as the ceasefire declared following those missions for vaccination purposes, and encourages all parties to continue to cooperate with the United Nations in this regard;

(h) The expressed commitment of the Government of the Sudan to respect and promote human rights and the rule of law and its expressed commitment to a process of democratization with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan;

(i) The stipulation of basic human rights and freedoms in the Constitution of the Sudan, which entered into force on 1 July 1998;

(j) The establishment of the Constitutional Court, which has been in operation since April 1999;

(k) The creation of the Committee for the Eradication of Abduction of Women and Children, which has been in operation since May 1999, as a constructive response on the part of the Government of the Sudan and the cooperation extended to the Committee by the local communities and the support of the international community and non-governmental organizations;

(l) Recent efforts to improve freedom of expression, association, the press and assembly, in particular the adoption of the Political Organization Act, 2000, and the announcement relating to the creation of a High Commission to review the Law on Public Order;

(m) The efforts to implement the right to education;

(n) The efforts to address the problem of internally displaced persons;

(o) The release of political detainees by the Government of the Sudan;

2. Expresses its deep concern:

(a) At the impact of the current armed conflict on the situation of human rights and its adverse effect on the civilian population, in particular women and children, and at serious violations of human rights, fundamental freedoms and international humanitarian law by all parties to the conflict, in particular:

- (i) The occurrence of cases of summary or arbitrary execution resulting from armed conflicts between members of the armed forces and armed insurgent groups within the country;
- (ii) The occurrence, within the framework of the conflict in southern Sudan, of cases of enforced or involuntary disappearance, the use of children as soldiers and combatants in contravention of international human rights standards, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians;
- (iii) Information that not all means of avoiding the execution of severe, inhuman punishments have been fully utilized;
- (iv) The abduction of women and children to be subjected to forced labour or similar conditions;
- (v) Aerial bombardments against the civilian population and civilian objects, particularly bombings of schools and hospitals;
- (vi) The use of weapons, including landmines, against the civilian population;
- (vii) The conditions imposed by the Sudanese People's Liberation Army on humanitarian organizations working in southern Sudan, which have seriously affected their safety and led to the withdrawal of many of them, with grave consequences on the already endangered situation of thousands of people living in that region;
- (viii) The murder of, attacks on and use of force against United Nations as well as humanitarian personnel, in particular by the Sudanese People's Liberation Army;

(b) At continuing violations of human rights in areas under the control of the Government of the Sudan, in particular:

- (i) Severe restrictions on the freedoms of religion, expression, association and peaceful assembly;

- (ii) The widespread use of torture and arbitrary arrest and detention without trial, in particular of political opponents, human rights defenders and journalists, as well as acts of intimidation and harassment against the population by the security organs;
- (iii) Arbitrary detentions, interrogations and violations committed by security and intelligence agencies, while encouraging the judiciary to exercise more control over such agencies;

3. Urges all parties to the continuing conflict in the Sudan:

- (a) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;
- (b) To stop immediately the use of weapons, including landmines, against the civilian population, and urges in particular the Sudanese People's Liberation Army to abstain from using civilian premises for military purposes, recruiting child soldiers and diverting relief supplies, including food, from their civilian recipients;
- (c) To grant full, safe and unhindered access to all international agencies and humanitarian organizations in order to facilitate by all means possible the delivery of humanitarian assistance to all civilians in need of protection and assistance, in particular in the Western Upper Nile, Bahr-el-Ghazal and the Nuba Mountains, to continue to cooperate with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan to deliver such assistance, and urges in particular the Sudanese People's Liberation Army to resume as soon as possible negotiations with a view to the withdrawal of the conditions imposed on the work of international agencies and humanitarian organizations;
- (d) To continue to cooperate with the peace efforts of the Intergovernmental Authority on Development;
- (e) Not to use or recruit children under the age of 18, and urges the Sudanese People's Liberation Army to undertake a commitment similar to that made by the Government of the Sudan to the Special Representative of the Secretary-General for Children and Armed Conflict in this regard and to refrain from the practice of forced conscription;

(f) To fulfil their commitments concerning the protection of children affected by war, such as to cease the use of anti-personnel landmines and the abduction and exploitation of children, to address the prevention of children's recruitment as soldiers, to advance the demobilization and reintegration of child soldiers and to ensure access to displaced and unaccompanied minors;

(g) To allow an independent investigation of the case of the four Sudanese nationals who were abducted on 18 February 1999 while travelling with a team from the International Committee of the Red Cross and subsequently killed while in the custody of the Sudanese People's Liberation Movement/Army, and urges the Sudanese People's Liberation Movement/Army to return the bodies to their families;

4. Calls upon the Government of the Sudan:

(a) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(b) To continue its efforts to ensure the rule of law by bringing legislation more into line with the Constitution and the practice of law enforcement more into line with legislation;

(c) To continue its efforts to bring its national legislation into conformity with the applicable international human rights instruments to which the Sudan is a party and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(d) To take all effective measures to end and to prevent all acts of torture and cruel, inhuman or degrading treatment, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards and to investigate all reported acts of torture brought to its attention;

(e) To take all possible measures to improve the appeal procedures in the judicial system;

(f) To make sure that all means of avoiding the execution of severe, inhuman punishments are fully utilized;

(g) To continue to investigate reports of the abduction of women and children taking place within the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities and not cooperating with the efforts of the Committee for the Eradication of Abduction of Women and Children in addressing and

preventing those activities, to facilitate the safe return of affected children to their families as a matter of priority and to take further measures to eradicate the practice of abduction of women and children, in particular through the aforementioned Committee;

(h) To make further efforts to address the problem of internally displaced persons;

(i) To create the conditions necessary for the Committee for the Eradication of Abduction of Women and Children to carry out its work fully, including the identification of cases and victims, family reunification and the development of concrete measures to eradicate this practice;

(j) To stop immediately the aerial bombardment of the civilian population and civilian objects, including schools and hospitals, which runs counter to fundamental principles of human rights and humanitarian law;

(k) To ensure full respect for freedom of expression, opinion, thought, conscience and religion, as well as freedom of association and assembly, throughout the territory of the Sudan;

(l) To implement fully its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;

(m) To make further efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of 18 as soldiers;

(n) To implement the Standard Minimum Rules for the Treatment of Prisoners and to give special consideration to imprisoned women and juveniles deprived of their liberty;

5. Encourages the Government of the Sudan to continue to pursue its dialogue with the Office of the High Commissioner for Human Rights, including in the field of technical cooperation, with a view to the establishment of a permanent representation of the High Commissioner in the Sudan;

6. Calls upon the international community to expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law during the conflict;

7. Decides:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session on the situation of human rights in the Sudan and to continue to keep a gender perspective in mind in the reporting process;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(c) Noting with appreciation the signature of the accord between the Government of the Sudan and the Office of the United Nations High Commissioner for Human Rights on 29 March 2000 and the commitment of the Government of the Sudan to implement it, to request the Government of the Sudan and the Office of the High Commissioner to continue their consultations with a view to concluding an agreement on the establishment of a permanent representation of the High Commissioner in the Sudan.

56th meeting
18 April 2000

[Adopted by 28 votes to none,
with 24 abstentions. See chap. IX.]

2000/28. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

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

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, the most recent of which are Assembly resolution 54/177 of 17 December 1999 and Commission resolution 1999/13 of 23 April 1999,

1. Welcomes:

(a) The report of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran (E/CN.4/2000/35), in which he notes that there is prospect for substantial and far-reaching change which will have, and in some areas has already had, a positive impact on the human rights situation;

(b) The broad participation in the parliamentary elections held on 18 February 2000, which expressed the commitment of the Iranian people to the democratic process in the Islamic Republic of Iran;

(c) The commitment made by the Government of the Islamic Republic of Iran to promote respect for the rule of law, including the elimination of arbitrary arrest and detention, and to reform the legal and penitentiary system and bring it into line with international human rights standards in this field;

(d) The progress made in Iran in the area of freedom of expression, in particular towards a more open debate on issues of governance and human rights, whilst remaining concerned at restrictions on the freedom of the press and cases of harassment and intimidation of journalists;

(e) The invitation extended by the Government of the Islamic Republic of Iran to the Working Group on Enforced or Involuntary Disappearances to visit Iran, which will hopefully take place in the near future;

(f) The recent visit to the Islamic Republic of Iran of a technical cooperation needs assessment mission from the Office of the High Commissioner for Human Rights;

(g) Progress made with regard to the status of women in some areas such as education and training, health and integration of a gender dimension into government planning;

2. Notes:

(a) The legal changes recently put into effect within the Iranian judicial system by which members of religious minorities are no longer obliged to state their confession when applying for a marriage licence;

(b) The work of the Islamic Human Rights Commission on the human rights situation in the Islamic Republic of Iran, and expresses the hope that the recent adoption of amendments to the Charter of the Commission concerning increased representation of persons from the non-governmental sector on its governing council will contribute to its strengthening and independence;

3. Expresses its concern:

(a) At the fact that since 1996 no invitation has yet been extended by the Government of the Islamic Republic of Iran to the Special Representative to visit the country;

(b) At the continuing violations of human rights in the Islamic Republic of Iran, in particular executions in the apparent absence of respect for internationally recognized safeguards, cases of torture and cruel, inhuman or degrading treatment or punishment, the failure to comply fully with international standards in the administration of justice and at the absence of due process of law, and also at the apparent absence of respect for internationally recognized legal safeguards and the use of national security laws to deny the rights of the individual;

(c) At the discrimination against religious minorities, in particular the unabated pattern of persecution against the Baha'is, including death sentences and arrests;

(d) At the continued lack of full and equal enjoyment by women of their human rights as reported by the Special Representative;

4. Calls upon the Government of the Islamic Republic of Iran:

(a) To invite the Special Representative to visit the country and to resume its full cooperation with him, particularly so that he can study the evolution of the human rights situation in the country, including through direct contacts with all sectors of society, and to make full use of technical cooperation programmes in the field of human rights;

(b) To continue its positive efforts to consolidate respect for human rights and the rule of law, and to abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights;

(c) To make further efforts to ensure for all the application of due process of law by the judiciary and, in this context, to ensure fair and transparent trials in all instances, including for members of religious minority groups, and notes stated commitments of the Government of Iran in this regard;

(d) To ensure that capital punishment will not be imposed other than for the most serious crimes, not for apostasy or otherwise in disregard of the provisions of the International Covenant on Civil and Political Rights and United Nations safeguards, and to provide the Special Representative with relevant statistics on this matter;

(e) To pursue investigations into the suspicious deaths and killings of intellectuals and political activists and to bring the alleged perpetrators to justice;

(f) To implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and other minority religious groups until they are completely emancipated;

(g) To take all necessary steps to end the use of torture and the practice of amputation, stoning and other forms of cruel, inhuman and degrading punishment;

(h) To take additional measures to promote full and equal enjoyment by women of their human rights, in line with its statements about the need to review laws and change attitudes which discriminate against women;

5. Decides:

(a) To extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and requests the Special Representative to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session, and also to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

(c) To continue its examination of the situation of human rights in the Islamic Republic of Iran, paying particular attention to further developments, including the situation of the Baha'is and other minority groups, at its fifty-seventh session under the same agenda item;

6. Recommends the following decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/... of ... April 2000, endorses the Commission's decision to extend the mandate of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, as contained in Commission resolution 1984/54 of

14 March 1984, for a further year, and its request to the Special Representative to submit an interim report to the General Assembly at its fifty-fifth session and a report to the Commission at its fifty-seventh session. The Council also approves the Commission's request to the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully."

56th meeting

18 April 2000

[Adopted by a roll-call vote of 22 votes to 20,
with 11 abstentions. See chap. IX.]
