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New York

SUMMARY RECORD OF THE 59th MEETING

Chairman: Mr. ZADOR (Hungary)

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AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)



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The meeting was called to order at 10.55 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/40/3 and Corr.1, 77, 160, 173, 201, 232 and Add.1-3, 276, 308, 320, 342, 398, 458, 489, 569, 578, 638 and Add.1-3, 647, 818, 843, 865, 874, 938; A/C.3/40/1, 6, 7, 9; A/C.3/40/L.32, L.48, L.54, L.59, L.64, L.66, L.67, L.70, L.72, L.74, L.75)

1. Mr. ERMACORA (Special Rapporteur of the Commission on Human Rights), introducing the report on the situation of human rights in Afghanistan (A/40/843), said that the information provided in the report was intended to update the report he had submitted to the Commission on Human Rights. His mandate had been extended to include the human and material losses resulting from bombardment of the civilian population; the report also covered the continuing armed conflict within Afghanistan and its consequences for human rights.

2. He had attempted to establish and verify the facts, although no co-operation had been forthcoming from the Government of Afghanistan. The Government of Pakistan, however, had allowed him free access to refugee camps and hospitals. He had spoken with people who had first-hand knowledge of the human-rights situation in Afghanistan and had studied many newspaper reports and all relevant documents published by the Government of Afghanistan.

3. The human-rights situation in Afghanistan was affected both by internal political developments and by the armed conflict inside the country. The internal situation was marked by confrontation between the Government, which had attempted to modernize Afghan society, and the Islamic fundamentalist forces, which resisted that modernization and especially the methods used to enforce it. The Government had attempted to overcome the resistance by means of persecution, disregard of human rights and discrimination, although human-rights provisions were included in the Fundamental Principles of Afghanistan and the country was party to several United Nations human-rights instruments.

4. Two new aspects had emerged during the study of the situation in Afghanistan: the number of missing persons, which was much higher than that previously announced, and the situation of so-called "political prisoners". The arbitrary administration of justice by the "political jurisdiction" created an atmosphere of insecurity and anguish.

5. With the help of private organizations, statistics had been established which showed the human and material losses for the first nine months of 1985 (A/40/843, para. 86). Both sides in the armed conflict had resorted to methods of warfare which were contrary to their obligations under the 1949 Geneva Conventions. The methods used included indiscriminate bombardment, the use of poisonous substances, brutal treatment of prisoners and hostages and the use of booby-trap toys and other anti-personnel devices.

6. The conflict had brought about the economic devastation of fertile land, creating large numbers of internal and external refugees and adversely affecting

(Mr. Ermacora)

social, cultural and educational life. The large number of refugees posed a particular problem, and it remained to be seen whether the efforts of United Nations specialized agencies and the Afghan Government could resolve the situation.

7. In respect of the right to self-determination, the Afghan Government had, in fact, convened a Loya Jirgah ("Supreme Council") in April 1985. However, it had not been a representative assembly since more than 4 million refugees, comprising one third of the population, had not been represented. Although the Loya Jirgah might be considered a quasi-democratic legitimation of the action taken by the Government, it did not constitute a realization of the right to self-determination.

8. The situation of human rights in Afghanistan had shown no improvement as yet: the only hope lay in a political solution to the conflict. The report was intended not to accuse the Afghan Government, but to illustrate the human-rights situation within the country in order to emphasize the urgent need for political action.

9. Mr. ZARIF (Afghanistan) said that the hypocritical concerns over the alleged violation of human rights in Afghanistan had first begun to be expressed in the early days of the second cold war when the monstrous propaganda machinery of imperialism had launched a world-wide defamatory campaign of lies and disinformation alleging the use of chemical weapons in South-East Asia and Afghanistan. With the further intensification of the imperialist cold war against the socialist and other progressive countries and national liberation movements, the scope of the false accusations against Afghanistan had also widened drastically and had acquired the form of a well-orchestrated psychological warfare waged by imperialist espionage networks. That had been done with a view to preparing the grounds for the introduction and discussion of so-called human rights in Afghanistan in the Commission on Human Rights, the Economic and Social Council and, ultimately, the General Assembly.

10. His delegation had consistently provided authentic information on the human-rights conditions in Afghanistan, the purpose being to help to alleviate any honest concern that might exist. Consistent with its democratic and humane philosophy and in full conformity with the letter and spirit of its Fundamental Principles, the Government of Afghanistan had left no stone unturned to establish democratic revolutionary legality in law and in deed. Obviously, in revising and drafting national legislation, the historical, religious and traditional aspects of Afghan society had been carefully taken into account, together with Afghanistan's commitments under the Charter, the Universal Declaration of Human Rights and the other international human-rights instruments. With the entry into force of each relevant national law, the Government had acceded to the corresponding international instrument and was now a party to virtually all those instruments.

11. Practical measures had been adopted by the authorities to ensure scrupulous observance of the democratic rights and freedoms of the people through full compliance with and strict implementation of the law. The Party and the Government had provided for severe punishment of those who violated the legal rights of others.

(Mr. Zarif, Afghanistan)

12. Far from welcoming those legislative and practical measures, the architects of the criminal propaganda war against Afghanistan's revolution had missed no opportunity to escalate further their hostile activities in various United Nations organs. Blind to the atrocities committed by their allies in the occupied Arab territories, in South Africa, Namibia and other parts of the world, where occupying forces and fascist and dictatorial juntas trampled underfoot all elementary rights, they arbitrarily selected Afghanistan to serve as their whipping boy to teach lessons to those nations that dared to adopt an independent and progressive course.

13. Without any justification, those hostile quarters, abetted and directed by United States imperialism, had managed to force the adoption of a resolution in the Commission on Human Rights in gross violation of Article 2, paragraph 7, of the Charter. That had also been done in brazen disregard of the principle of equal sovereignty and by the exertion of enormous overt and covert pressure on some Member States. A very dangerous precedent had been set in the Commission when its Chairman, a representative of a NATO member country, had been authorized to select whomever he wished to serve as the so-called Special Rapporteur. Moreover, in a serious departure from well-established practice and by the twisting of its rules of procedure, the Commission had been coerced into taking action on a matter still under consideration in the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

14. As predicted, the Chairman of the Commission, without regard to the need for extensive consultations with members, and with the party directly concerned, had appointed a person whose hatred for the type of system in Afghanistan was too obvious to expect from him any unbiased reporting. The unsubstantiated and malicious charges brought against Afghanistan were purely politically motivated and had no relationship with concern for human rights.

15. Naturally, nothing else could have been expected from an infamous personality who had done voluntary service in the Hitlerite forces and who, after the fall of the Reich, had been active in neo-Nazi revanchist groups. His activities had been praised by the most reactionary circles of the Federal Republic of Germany, as had his staunchly militaristic and anti-socialist stance on issues before the Austrian Parliament. His appointment had revealed the true intentions and nature of the forces behind the invalid anti-Afghan resolution and had reassured its sponsors that his report would rubber stamp their ill-conceived presuppositions and groundless charges on the human-rights situation in Afghanistan. For those reasons and others, the Government of Afghanistan had condemned the resolution and had declared that it would in no way recognize or co-operate with the so-called Special Rapporteur.

16. In his introduction, Mr. Ermacora had clearly admitted that he had decided to go to a country neighbouring Afghanistan with a view to compiling information that would enable him to draw up his report with the help of the many Afghan nationals in that country. Afghanistan had never fallen within the scope of Mr. Ermacora's pseudo-academic interests and he had never bothered to learn any of the many languages spoken in its various provinces. His delegation wondered what would be

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the credibility of a report that was based on the allegations of the Contramercenaries regarding the situation of human rights in Nicaragua, or of a report based on the allegations of the UNITA gang of the CIA or the Pol Pot criminal clique regarding the situation of human rights in Angola and the People's Republic of Kampuchea respectively.

17. Mr. Ermacora had shamelessly insulted the people of Afghanistan by calling their genuinely popular revolution the "so-called Saur Revolution". He had totally ignored the various decrees that had freed over 11 million Afghans from the onerous burden of unjust debts owing to the feudal lords and had brought literacy to over 1.2 million Afghans. In addition, he had chosen to remain silent on some very important measures adopted by the revolutionary Government to ensure the universal enjoyment of fundamental human rights and freedoms such as the right to life, health, employment, shelter, education, security and legal protection and the freedom of religious thought and practice, political belief and participation in State and trade-union affairs. His totally groundless charges were based entirely on one political consideration: how to frame the Government of Afghanistan and its sincere and trustworthy internationalist friend, the Soviet Union.

18. For those who had cherished even the slightest measure of illusion, the so-called report presented a stark picture of dishonesty, fabrication and gross distortion. His delegation strongly believed that a responsible evaluation of the situation by those who had not closed their minds to the principles of justice and truth would ultimately result in the creation of a climate conducive to the further strengthening of the cause of human rights in those parts of the world where they were really and deliberately violated. On the basis of its position of principle, his delegation categorically rejected the so-called report and declared that it attached no legal or moral validity to such vile and worthless trash.

19. Mrs. DIEGUEZ (Mexico), introducing draft resolution A/C.3/40/L.70, on behalf of the sponsors, to which Tunisia should now be added, said that the Working Group on the Drafting of an International Convention on the Protection and Rights of All Migrant Workers and Their Families was already at the second-reading stage of the draft Convention, which was now a balanced text that safeguarded the rights of all migrant workers and their families. The sponsors hoped that, as in the past, the draft resolution would be adopted without a vote.

The meeting rose at 11.55 a.m.