

take forthwith the actions and steps required to eradicate serious violations of human rights and of the humanitarian rules of warfare;

5. *Urges* the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to continue negotiations until the necessary political agreements are arrived at to put an end to the armed conflict as speedily as possible, lay firm foundations for promoting the democratization of the country, guarantee full respect for human rights and bring about the reunification of Salvadorian society;

6. *Recognizes* that it is an important precedent in Salvadorian penal justice to have pronounced guilty, on 25 September 1991, two soldiers, one of them of high rank, involved in the assassination of the Rector and other Jesuit priests of the Central American University, their housekeeper and her daughter, and urges the competent authorities to continue their investigation in order to determine whether other persons may have been involved, with a view to assigning responsibility as appropriate;

7. *Notes with satisfaction* that, in conformity with the New York Agreement,<sup>174</sup> the National Commission for the Consolidation of Peace has been set up in its transitory phase, constituting a mechanism for the monitoring of and for the participation of civilian society in the process of the changes resulting from the negotiations between the parties;

8. *Urges* the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to strengthen the confidence-building and security measures adopted unilaterally in order to keep the armed conflicts suspended until political agreements are reached which will definitively put an end to the armed conflict and achieve the other objectives established in the agreement signed at Geneva on 4 April 1990;<sup>175</sup>

9. *Supports fully* the work of mediation being done by the Secretary-General and his personal representative in the search for a political solution to the armed conflict;

10. *Decides* to keep under consideration, during its forty-seventh session, the situation of human rights and fundamental freedoms in El Salvador, in conformity with the course of events in the country.

*75th plenary meeting  
17 December 1991*

#### 46/134. Situation of human rights in Iraq

*The General Assembly,*

*Guided* by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights<sup>8</sup> and the International Covenants on Human Rights,<sup>26</sup>

*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,

*Recalling* Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq should cooperate with humanitarian organizations and

ensure that the human and political rights of all Iraqi citizens are respected,

*Recalling also* the pertinent resolutions of the Commission on Human Rights and the Subcommittee on Prevention of Discrimination and Protection of Minorities, which expressed grave concern at the flagrant violations of human rights by the Government of Iraq,

*Recalling* in particular Commission on Human Rights resolution 1991/74 of 6 March 1991,<sup>38</sup> in which the Commission requested its Chairman to appoint a special rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the special rapporteur may deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq, and to submit an interim report thereon to the General Assembly at its forty-sixth session and a report to the Commission at its forty-eighth session,

*Deeply concerned* by the volume and extent of allegations of human rights violations by the Government of Iraq, such as arbitrary arrests and detentions, enforced or involuntary disappearances, torture, inhuman or degrading practices, extrajudicial killings, summary or arbitrary executions, hostage-taking and use of persons as "human shields", the lack of freedom of expression and the absence of an independent judiciary,

*Noting* the view of the Special Rapporteur that these allegations are each day increasing and necessitate considerable and detailed examination,

*Deeply concerned* by the fact that chemical weapons have been used on the Kurdish civilian population, by the forced displacement of hundreds of thousands of Kurds and the destruction of Kurdish towns and villages, as well as by the situation of tens of thousands of displaced Kurds living in camps in the north of Iraq and by the deportation of thousands of Kurdish families,

*Also deeply concerned* by the repressive measures taken by the Government of Iraq against the Shiah communities in the south of Iraq,

*Concerned* especially by the alleged use of excessive force by the Government of Iraq against Iraqi civilians, in particular the Kurds and the Shiites,

*Noting with interest* the message conveyed to the Special Rapporteur by the Government of Iraq of its intention fully to cooperate with him, with such cooperation including acceptance of a visit to Iraq to investigate the allegations of violations of human rights in that country,

*Regretting*, however, that the Government of Iraq has failed to answer a considerable number of specific questions asked by the Special Rapporteur on acts being committed by the Government of Iraq that are incompatible with international human rights instruments that are binding on that Government,

1. *Takes note with appreciation* of the interim report of the Special Rapporteur<sup>177</sup> and the considerations and observations contained therein;

2. *Expresses its deep concern* about the numerous and detailed allegations of grave human rights violations by the Government of Iraq to which the Special Rapporteur has referred in his report, in particular:

(a) Arbitrary detention, including that of women, children and the elderly, as well as the systematic practice of

torture and other cruel, inhuman or degrading practices, and of enforced or involuntary disappearances as a part of a general structured programme of repression aimed at quelling opposition;

(b) Extrajudicial killings, including political killings and summary or arbitrary executions throughout the country, particularly in the northern Kurdish autonomous region, in southern Shiah centres and in the southern marshes;

(c) Hostage-taking and the use of persons as "human shields", a most grave and blatant violation of Iraq's obligations under international law;

3. *Calls upon* the Government of Iraq to release all persons arrested and detained without ever being informed of charges against them, and without access to legal counsel or due process of law;

4. *Also calls upon* the Government of Iraq, as a State party to the International Covenant on Civil and Political Rights,<sup>26</sup> to abide by its obligations under this Covenant and under other international instruments on human rights, and particularly to respect and ensure these rights for individuals irrespective of their origin within its territory and subject to its jurisdiction, including Kurds and Shiites;

5. *Regrets* the failure of the Government of Iraq to provide satisfactory replies to all the allegations of violations of human rights, and calls upon it to reply quickly in a comprehensive and detailed manner to these allegations so as to enable the Special Rapporteur to form an accurate assessment as a basis for his recommendations to the Commission on Human Rights;

6. *Urges*, therefore, the Government of Iraq to accord its full cooperation to the Special Rapporteur during his forthcoming visit to Iraq to investigate the allegations of violations of human rights;

7. *Requests* the Secretary-General to give all necessary assistance to the Special Rapporteur to fulfil his mandate;

8. *Decides* to continue the examination of the situation of human rights in Iraq during its forty-seventh session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

*75th plenary meeting  
17 December 1991*

#### 46/135. Situation of human rights in Kuwait under Iraqi occupation

*The General Assembly,*

*Recalling* its resolution 45/170 of 18 December 1990,

*Guided* by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>8</sup> the International Covenants on Human Rights<sup>26</sup> and the Geneva Conventions of 12 August 1949,<sup>171</sup>

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

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

*Expressing its grave concern* at the grave violations of

human rights and fundamental freedoms during the occupation of Kuwait,

1. *Takes note with satisfaction* of Commission on Human Rights resolution 1991/67 of 6 March 1991;<sup>38</sup>

2. *Expresses its appreciation* to the Special Rapporteur on the situation of human rights in Kuwait under Iraqi occupation for his preliminary report;<sup>178</sup>

3. *Expresses its deep concern* for Kuwaiti and third-country national detainees and missing persons in Iraq;

4. *Requests* the Government of Iraq to provide information on all Kuwaiti persons and third-country nationals deported from Kuwait between 2 August 1990 and 26 February 1991 who may still be detained and, in accordance with its obligations under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949<sup>179</sup> and article 134 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,<sup>180</sup> to release these persons without delay;

5. *Also requests* the Government of Iraq to provide, in accordance with its obligations under articles 120 and 121 of the Geneva Convention relative to the Treatment of Prisoners of War and articles 129 and 130 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, detailed information on persons arrested in Kuwait between 2 August 1990 and 26 February 1991 who may have died during or after that period while in detention, as well as on the site of their graves;

6. *Further requests* the Government of Iraq to search for the persons still missing and to cooperate with international humanitarian organizations, such as the International Committee of the Red Cross, in this regard;

7. *Requests* that the Government of Iraq cooperate with and facilitate the work of international humanitarian organizations, notably the International Committee of the Red Cross, in their search for and eventual repatriation of Kuwaiti and third-country national detainees and missing persons.

*75th plenary meeting  
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#### 46/136. Situation of human rights in Afghanistan

*The General Assembly,*

*Guided* by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>8</sup> the International Covenants on Human Rights<sup>26</sup> and accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949<sup>171</sup> and the Additional Protocols thereto, of 1977,<sup>181</sup>

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

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

*Recalling* Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of