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COMMISSION ON HUMAN RIGHTS
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Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Draft resolution proposed by the Chairman

1993/... Situation of human rights in Afghanistan

The Commission on Human Rights,

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

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

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

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

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

Bearing in mind, in particular, its resolution 1992/68 of 4 March 1992, by which it decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to report to the General Assembly at its forty-seventh session and to the Commission at its forty-ninth session, and Economic and Social Council decision 1992/240 of 20 July 1992, in which the Council approved the Commission's decision,

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

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

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

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

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

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

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

Aware that peace and security in Afghanistan are prerequisites for the successful repatriation of more than four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of the minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

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

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

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

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

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

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

3. Urges all the Afghan parties to undertake all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and genuine elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as

possible, of the more than four million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

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

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

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

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

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

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

10. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully, especially on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

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

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

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

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

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

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