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COMMISSION ON HUMAN RIGHTS  
Fifty-first session  
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

Australia, Austria, Belgium\*, Canada, Denmark\*, Finland, France,  
Germany, Greece\*, Hungary, Ireland\*, Italy, Japan, Liechtenstein\*,  
Luxembourg\*, Netherlands, Norway\*, Portugal\*, Spain\*, Sweden\*,  
United Kingdom of Great Britain and Northern Ireland and  
United States of America: draft resolution

1995/... 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 and the International Covenants on Human Rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23),  
as endorsed by the General Assembly in its resolution 48/121 of  
20 December 1993, and in particular part I, paragraph 1, which reaffirms,  
inter alia, that human rights and fundamental freedoms are the birthright of  
all human beings and that their protection and promotion is the first  
responsibility of Governments,

Reaffirming that all Member States have the duty to fulfil the  
obligations they have undertaken under the various international instruments  
in this field,

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\* In accordance with rule 69, paragraph 3, of the rules of procedure of  
the functional commissions of the Economic and Social Council.

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

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

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

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

Recalling further its pertinent resolutions condemning the flagrant violations of human rights by the Government of Iraq, including resolution 1992/71 of 5 March 1992, in which it requested the Special Rapporteur to continue to pursue his mandate and to visit again the northern area of Iraq in particular, as well as resolution 1994/74 of 9 March 1994, in which it extended the mandate of the Special Rapporteur for a further year and requested him to submit an interim report to the General Assembly at its forty-ninth session and a final report to the Commission at its fifty-first session,

Recalling the pertinent resolutions of the General Assembly, in particular resolution 49/203 of 23 December 1994, in which the Assembly, deeply concerned at the deterioration of the overall human rights situation in Iraq, decided to continue its consideration of the situation of human rights in Iraq at its fiftieth session in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council,

Deeply concerned by the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, the enactment and implementation of decrees prescribing cruel and unusual punishments, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detentions, lack of due process, non-respect of the law, and the suppression of freedom of thought, of

expression and of association, as well as the existence of specific and serious discrimination within the country in terms of access to food products and health care,

Deeply concerned also at the forced displacement of hundreds of thousands of Iraqi civilians and at the destruction of Iraqi towns and villages, as well as at the fact that tens of thousands of Iraqi Kurds have had to take refuge in camps and shelters in the north of Iraq,

Deeply concerned further at the particularly severe and grave violations of human rights by the Government of Iraq against the civilian population in southern Iraq, in particular in the marsh area, notably the pursuit of military operations and massive drainage projects, which have provoked a deterioration of the situation of the civilian population and have forced thousands of persons to seek refuge in the Islamic Republic of Iran, along the border with Iraq,

Regretting that the Government of Iraq has not seen fit to respond to the formal request of the Special Rapporteur on the situation of human rights in Iraq to visit Iraq, that there is now little in the way of even formal cooperation extended to the Special Rapporteur by the Government of Iraq, and in particular that full replies have still not been given to the many questions the Special Rapporteur has put to the Government of Iraq in previous years,

Expressing concern at the exceptional gravity of the human rights situation in Iraq and, therefore, welcoming the Special Rapporteur's repeated proposals for the deployment of a team of human rights monitors and for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation of human rights in Iraq,

1. Takes note with appreciation of the report on the situation of human rights in Iraq submitted by the Special Rapporteur (E/CN.4/1995/56) and the conclusions and recommendations contained therein;

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

(a) Summary and arbitrary executions, orchestrated mass executions and mass graves throughout Iraq and extrajudicial killings, including political killings;

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

(c) The enactment and implementation of recent decrees prescribing cruel and unusual punishment, namely mutilation, as a penalty for certain offences and the abuse and division of medical care services for the purpose of such mutilations;

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

(e) suppression of freedom of thought, expression and association and violations of property rights;

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

3. Calls upon the Government of Iraq to resolve the cases of disappearances of Kuwaitis and nationals of other States by providing detailed information on all persons deported from or arrested in Kuwait between 2 August 1990 and 26 February 1991 and on those who were executed or died in detention during or after that period, as well as on the location of their graves, and also calls in particular upon the Government of Iraq:

(a) To release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(b) To improve substantially its cooperation with international humanitarian organizations in an effort to resolve the cases of disappeared Kuwaitis and nationals of other States;

(c) To pay appropriate compensation to the families of such persons who died while in the custody of Iraqi authorities or for whom the Government of Iraq is responsible and has so far failed to account, through the mechanism established by Security Council resolution 692 (1991) of 20 May 1991;

4. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights, to abide by its freely undertaken obligations under the Covenants and under other international instruments on

human rights, and particularly to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

5. Demands that the Government of Iraq restore the 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;

6. Urges the Government of Iraq to release immediately all persons arbitrarily arrested and detained, to form an independent commission of inquiry and to take all necessary steps to cooperate closely with the Working Group on Enforced or Involuntary Disappearances to look into the fate of tens of thousands of disappeared persons;

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

8. Demands that the Government of Iraq:

(a) In fulfilment of its obligation pursuant to article 27 of the International Covenant on Civil and Political Rights, take steps to ensure the recognition and enjoyment of human rights of persons belonging to minorities;

(b) Immediately abrogate decrees prescribing cruel and unusual punishments;

(c) Immediately cease its repressive practices aimed at the Iraqi Kurds, cooperate in the identification of minefields existing in the northern Kurdish region with a view to facilitating their marking and eventual clearing, and cooperate with international aid agencies in the provision of humanitarian assistance to this region;

9. Urges the Government of Iraq to implement without further delay the recommendations made by the Special Rapporteur concerning the southern marsh area and its population, in particular to halt and to reverse the draining of the marshes and to receive a mission of recognized international experts to determine the effects on the population and the environment of these drainage projects;

10. Again expresses its special alarm at all internal embargoes which permit essentially no exceptions for humanitarian needs and which prevent the

equitable enjoyment of basic foodstuffs and medical supplies, and calls upon Iraq, which has sole responsibility in this regard, to remove them and to take such steps as to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

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

12. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to take the necessary measures in order to send a team of human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq;

13. Decides to extend for a further year the mandate of the Special Rapporteur, as contained in Commission resolutions 1991/74 of 6 March 1991, 1992/71 of 5 March 1992, 1993/74 of 10 March 1993 and 1994/74 of 9 March 1994;

14. Urges the Government of Iraq to accord its full cooperation to the Special Rapporteur, in particular during his next visit to Iraq;

15. Requests the Special Rapporteur to report periodically to the Commission on Human Rights on the situation of human rights in Iraq, and to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fiftieth session and a report to the Commission at its fifty-second session;

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

17. Decides to continue its consideration of the situation of human rights in Iraq, under the same agenda item, at its fifty-second session.

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