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COMMISSION ON HUMAN RIGHTS  
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Discrimination and Protection  
of Minorities  
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Agenda item 22

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION  
AND PROTECTION OF MINORITIES ON ITS FORTY-EIGHTH SESSION

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\* E/CN.4/Sub.2/1996/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1996/L.11 and Addenda.

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1996/1. Situation in the Middle EastThe Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the convening of the International Peace Conference on the Middle East at Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups,

Recalling also its resolutions 1995/2 of 3 August 1995 and 1994/13 of 25 August 1994 in which it reaffirmed that the achievement of a comprehensive, just and lasting peace in the Middle East was essential for the furtherance of human rights and fundamental freedoms in the area, welcomed the peace process begun at Madrid and supported the subsequent bilateral negotiations, endorsed the achievements of the peace process to date and urged all parties to implement the agreements which had been reached, and emphasized the importance of making progress in Arab-Israeli negotiations,

Having in mind Commission on Human Rights resolution 1996/7 of 11 April 1996, stressing the importance of and need for the achievement of a comprehensive, just and lasting peace in the Middle East, emphasizing that the achievement of such a peace is vital to the full implementation of human rights in the area, welcoming progress thus far, including the establishment of the Palestinian Authority and the elections for the Palestinian Interim Self-Governing Authority, supporting the declaration adopted at the Summit of Peacemakers held at Sharm-El-Sheikh, Egypt, on 13 March 1996, which had as its objectives enhancing the peace process, promoting security and combating terrorism, condemning acts of terrorism, from whatever source, in the Middle East which seek to undermine the peace process, expressing full support for the achievements of the peace process thus far, and encouraging the continuation of negotiations,

Noting with satisfaction the broad international support for the peace process and its contribution to the implementation and furtherance of human rights in the area,

Recognizing the significance of the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993,

the subsequent agreement on the Gaza Strip and the Jericho area, signed by the Government of Israel and the Palestine Liberation Organization at Cairo on 4 May 1994, and the Interim Agreement on the West Bank and the Gaza Strip signed by the Government of Israel and the Palestine Liberation Organization in Washington, D.C. on 28 September 1995,

Recognizing also the significance of the Jordan-Israel Treaty of Peace of 26 October 1994,

1. Reaffirms that the achievement of a comprehensive, just and lasting peace in the Middle East is essential for the implementation and furtherance of human rights and fundamental freedoms in the area;

2. Supporting warmly the peace process begun at Madrid and the subsequent bilateral negotiations through which it has been continued;

3. Endorses the achievements of the peace process to date, which constitute important initial and continuing steps in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement the agreements which have been reached, expressing the hope that successful steps will be taken soon;

4. Calls upon all parties to the peace process to continue their efforts with undiminished energy, deliberateness and speed;

5. Encourages the permanent status negotiations begun pursuant to the Declaration of Principles on Interim Self-Government Arrangements;

6. Emphasizes the importance of making progress, as a matter of urgency, on the other tracks of the Arab-Israeli negotiations within the peace process;

7. Expresses its full support for the active role which the United Nations is playing in the peace process, and in particular for its assistance in implementing the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of Israel and the Palestine Liberation Organization.

19th meeting  
19 August 1996

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

1996/2. Situation of human rights in Kosovo

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling its resolutions 1993/9 of 20 August 1993 and 1995/10 of 18 August 1995,

Recalling also Commission on Human Rights resolutions 1993/7 of 23 February 1993 and 1994/76 of 9 March 1994, and General Assembly resolutions 49/204 of 23 December 1994 and 50/190 of 22 December 1995,

Gravely concerned at the various discriminatory measures taken in the legislative, administrative and judicial areas, acts of violence and arbitrary arrests committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and at the further deterioration of the human rights situation in Kosovo, including:

(a) Police brutality against ethnic Albanians, killings, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees, discrimination in the administration of justice, arbitrary dismissals of civil servants, notably from the ranks of the police and the judiciary, doctors and other medical staff;

(b) Discrimination against Albanian pupils and teachers, and the closing of Albanian-language secondary schools and the university, as well as other cultural and scientific institutions;

(c) The systematic harassment, persecution, intimidation and imprisonment of members of political parties, human rights organizations and journalists, the elimination in practice of the Albanian language in the public administration and services, and the disruption of the Albanian-language media;

(d) The serious and massive occurrence of discriminatory and repressive practices aimed at Kosovo Albanians as a whole, resulting in widespread

involuntary migration, and the absence of clear guarantees for their returning home, and noting that these measures and practices constitute a form of silent "ethnic cleansing",

Expressing appreciation at the opening of an office of the United Nations High Commissioner for Human Rights in Belgrade, and the establishment of a United States information agency in Prishtina,

Considering that the re-establishment of the international presence in Kosovo to monitor and investigate the situation there, and recalling in this context Security Council resolution 855 (1993) of 9 August 1993, is of the greatest importance in preventing the situation in Kosovo from deteriorating into violent conflict,

1. Strongly condemns the large-scale repression, measures and practices of discrimination and the violation of human rights committed against the defenceless ethnic Albanian population by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), aimed at forcing ethnic Albanians to leave their land;

2. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo and revoke all discriminatory legislation, in particular that which has entered into force since 1989 and to apply all other legislation without discrimination;

(b) Allow the establishment of genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of its inhabitants as the best means of preventing the escalation of conflict there;

(c) Reopen all the educational, cultural and scientific institutions of the ethnic Albanians;

(d) Release all political prisoners from Kosovo;

(e) Commence an internationally brokered dialogue with the representatives of the ethnic Albanians in Kosovo;

3. Encourages the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the office of the United Nations High Commissioner for Refugees and other appropriate humanitarian organizations, with a view to taking practical steps towards the safe return of the ethnic Albanian asylum-seekers from Kosovo to their homeland;

4. Requests the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly;

5. Calls upon the Special Rapporteur on the situation of human rights in the former Yugoslavia to continue to monitor closely the human rights situation in Kosovo and to pay special attention to this matter in her reporting;

6. Decides to continue the examination of the situation of human rights in Kosovo at its next session, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)".

19th meeting  
19 August 1996

[Adopted by secret ballot by 15 votes to 4,  
with 5 abstentions. See chap. VII.]

1996/3. Situation of human rights in Rwanda

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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

Recalling its resolution 1995/5 of 18 August 1995, and taking note of Commission on Human Rights resolution 1996/76 of 23 April 1996,

Welcoming the cooperation established by the Government of Rwanda with the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Commission appointed to investigate the human rights situation in Rwanda,

Noting with dismay that, more than two years after genocide on an enormous scale, no judgement condemning those guilty has been delivered either by the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International

Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994, or by Rwandan or foreign courts,

Concerned to note that persons responsible for acts of genocide are infiltrating Rwanda with the purpose of eliminating the witnesses of the genocide,

1. Commends Mr. R. Dégni-Ségué, Special Rapporteur of the Commission on Human Rights appointed to investigate the human rights situation in Rwanda, for the reports he has submitted on the genocide of the Tutsis and the political assassinations of moderate Hutus, which followed the attack committed on 6 April 1994 against the aeroplane transporting the Presidents of Rwanda and Burundi, as well as on the current human rights situation in Rwanda;

2. Requests the Secretary-General to provide the Special Rapporteur with any assistance he may need in the performance of his mandate, as well as any information and documents which may be of use to him;

3. Once again calls upon the Secretary-General to arrange for the necessary inquiries to be carried out to establish responsibility for that attack, which was the starting-point of genocide and other massacres that cost the lives of 800,000 to 1 million persons, including 10 soldiers on a peace-keeping mission for the United Nations;

4. Appeals to the international community to provide the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994, and the Government of Rwanda with the necessary means to enable them to prosecute and try those guilty of such genocide and massacres;

5. Calls upon the Government of Rwanda to intensify its efforts to ensure that those persons who remain incarcerated, among whom there are very probably innocent persons, are brought to trial;

6. Urges all States in whose territory there are persons allegedly responsible for acts of genocide to arrest those persons so that they can be

tried by their own competent courts or extradited at the request of the International Criminal Tribunal or the Rwandan authorities;

7. Demands an immediate end to all action, carried out with the complicity of certain States, aimed at arming and training the militias and extremist elements in the refugee camps for the resumption of the war in Rwanda;

8. Encourages the voluntary return of Rwandan refugees to the country and their social reintegration, calling for the safety of all vulnerable groups in all the communes to be ensured;

9. Calls upon all States providing assistance to Rwanda to give particular attention to the needs of those who escaped the genocide, and in particular widows and orphans, so as to enable them to overcome the traumas from which they are suffering;

10. Also calls upon the Government of Rwanda to devote particular attention to the situation of the Twa, in conformity with the rights guaranteed by the International Covenants on Human Rights and by the African Charter on Human and Peoples' Rights;

11. Commends the courageous work of the Rwandan human rights organizations which are devoting themselves under difficult conditions to promoting respect for human rights, drawing attention to any shortcomings that might occur;

12. Also commends the work of the human rights observers serving in Rwanda, on the initiative of the United Nations High Commissioner for Human Rights, to investigate the genocide and to promote respect for human rights;

13. Decides to continue its consideration of the human rights situation in Rwanda at its forty-ninth session.

19th meeting

19 August 1996

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

#### 1996/4. Situation of human rights in Burundi

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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 other relevant international instruments in the field of human rights and international humanitarian law,

Recalling its resolution 1995/11 of 18 August 1995, and taking note of Commission on Human Rights resolution 1996/1 of 27 March 1996,

Welcoming the visit made to Burundi from 1 to 17 July 1996 by the Special Rapporteur on the situation of human rights in Burundi,

Noting with concern that the Special Rapporteur reported "genocide by attrition" and an "untenable" situation,

Alarmed by the multiple attacks and massacres of innocent civilians committed by the militia and armed bands of extremist groups, followed by acts of repression and vengeance by elements of the Burundian army, in defiance of the principles of international humanitarian law,

Noting that the National Convention of 14 September 1994, which, after the tragic deaths of President Melchior Ndadaye on 21 October 1993 and President Cyprien Ntaryamira on 6 April 1994, had made possible the appointment of President Sylvestre Ntibantunganya on 1 October 1994 and the establishment of a Government representing the main political forces in Burundi, was denounced, leading the Government to step down,

Expressing its profound regret at the failure of the process of democratization of Burundian public life and at the unconstitutional manner in which the return to the presidency of Pierre Buyoya took place on 25 July 1996,

1. Welcomes the authorization by the Security Council of the publication of the report by the International Commission of Inquiry into the assassination of President Melchior Ndadaye on 21 October 1993, and into the massacres that followed;

2. Hopes that the publication of this report will lead to the immediate removal from Burundian public life of those whose direct responsibility in that assassination and those massacres has been demonstrated, irrespective of their ethnic group or their position in Burundian institutions, including the army;

3. Calls upon the international community to provide substantial support to the Burundian judicial system so as to guarantee its independence, progressively encourage pluralism in the recruitment of magistrates and strengthen the impartiality of the judiciary so that all those responsible for human rights violations may be tried more efficiently;

4. Invites all the actors in the Burundian political scene, both inside and outside the country, to refrain from any actions and statements which could lead to violence and loss of human life;

5. Expresses the hope that the economic sanctions imposed on Burundi will not aggravate the already highly precarious situation of the Burundian population and of the very large number of refugees and displaced persons in Burundi, who depend entirely on supplies from abroad;

6. Calls upon the Burundian authorities to ensure the security of all Burundian citizens wishing to live in peace, irrespective of their ethnic origin, as well as of foreigners present in Burundian territory, including those who are providing humanitarian or other assistance to Burundi;

7. Appeals to the Burundian authorities to spare no effort in banishing the spectre of genocide, creating mutual trust and encouraging peaceful coexistence between ethnic groups by undertaking a comprehensive dialogue such as to enable Burundi to return quickly to the rule of law;

8. Urges the Burundian authorities to take vigorous steps to ensure that the Burundian army scrupulously discharges its mandate of safeguarding the security of all, even when it is faced with armed groups that do not themselves observe the rules of international humanitarian law;

9. Welcomes the recent agreement of the Burundian authorities to an increase in the number of permanent human rights observers;

10. Decides to continue consideration of the situation of human rights in Burundi at its forty-ninth session.

19th meeting  
19 August 1996  
[Adopted without a vote. See chap. VII.]

1996/5. Situation of human rights in Iraq

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

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,

Recalling Security Council resolution 688 (1991) of 5 April 1991,

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

Considering Security Council resolution 986 (1995) of 14 April 1995, which was adopted unanimously and authorizes the Government of Iraq to put additional quantities of its oil on the market to meet the basic health and nutritional needs of the Iraqi people,

Concerned at accumulated information and reports confirming the serious deterioration of the health and nutritional situation from which the majority of citizens with limited income suffer as victims of the international embargo, as well as by economic policy decisions depriving part of the national territory of supplies of medicines and foodstuffs,

Recalling its resolution 1995/3 of 18 August 1995,

Concerned at the heavy artillery bombardment of Kurdish regions, which has become very widespread and has particularly affected the city of Arbil, and the military attacks in July 1996 on civilians in the Al-Nassiriya governorate (marshlands), which caused many casualties,

Deeply concerned that Iraq still refuses to cooperate with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, Mr. M. van der Stoep,

Recalling the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1996/61), in which he noted the continued massive and grave violations by the Government of Iraq,

Deeply concerned at the internal embargo maintained by the Government of Iraq,

Welcoming the acceptance by the Government of Iraq of Security Council resolution 986 (1995) of 14 April 1995 and the memorandum of understanding between the United Nations and Iraq concerning implementation of that resolution,

Hoping that this acceptance by Iraq will help alleviate suffering by allowing an equitable and fair distribution of humanitarian supplies to all the Iraqi people without any discrimination,

Convinced that a United Nations monitoring system is necessary to ensure an equitable distribution of humanitarian supplies to all regions of Iraq,

1. Expresses its concern at the exceptional gravity of the human rights situation in Iraq and therefore welcomes the proposal of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, contained in his report (E/CN.4/1996/61), that human rights monitors should be deployed there;

2. Requests the Government of Iraq to respect all its obligations undertaken in accepting Security Council resolution 986 (1995) of 14 April 1995 and to cooperate fully with the United Nations to guarantee a fair and equitable distribution of humanitarian supplies to all regions of Iraq;

3. Demands that the Government of Iraq immediately withdraw its military forces surrounding the marshlands regions in the south to allow access for the distribution by the United Nation of humanitarian supplies in this region and to allow the refugees from this region to return to their homes and occupations;

4. Calls upon the Government of Iraq to cease its internal embargo against the north and the Shiah populations in the south, areas which are both still under siege, and to re-establish the electricity supply to both regions;

5. Also calls upon the Government of Iraq to cease its terrorist acts against opposition leaders and United Nations personnel;

6. Demands the repeal of the inhuman decrees providing for the tattooing and mutilation of opponents, as well as the rehabilitation of the victims of those decrees;

7. Urges the Special Rapporteur on the situation of human rights in Iraq to visit the border and the marshlands and to report his findings to the General Assembly;

8. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to undertake his mission;

9. Also requests the Secretary-General to call upon the Government of Iraq to cooperate with the Special Rapporteur;

10. Urges the implementation of Security Council resolution 688 (1991) of 5 April 1991 and of the recommendations of the Special Rapporteur to station permanent monitors in the area of the marshlands and establish permanent aid centres;

11. Strongly condemns the violation of human rights by the Government of Iraq and the horrible deterioration of social conditions, and decides to keep the situation of human rights in Iraq under review at future sessions of the Sub-Commission.

19th meeting  
19 August 1996

[Adopted by secret ballot by 11 votes to 6,  
with 7 abstentions. See chap VII.]

1996/6. Situation in the Palestinian and other Arab territories occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, in particular the principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the Geneva Conventions of 12 August 1949 for the protection of war victims, of the principles and provisions of international law, and of the obligations arising from the Regulations concerning the Laws and Customs of War on Lands, annexed to the Hague Convention IV of 1907,

Recalling that, in accordance with article 1 of the Geneva Conventions of 12 August 1949, all States parties to the Conventions have undertaken to respect and ensure respect for the Conventions in all circumstances,

Recalling also all the resolutions of the General Assembly and the Commission on Human Rights which affirm the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Recalling further the relevant Security Council resolutions, in particular resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 681 (1990) of 20 December 1990, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories submitted to the General Assembly,

Deeply alarmed at the non-respect by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the failure to apply it to the Palestinians in the occupied Palestinian territory and to civilian persons in other occupied Arab territories,

Welcoming once more the ongoing Middle East peace process started at Madrid, in particular the signing in Cairo on 4 May 1994 of the Agreement on

the Gaza Strip and Jericho Area by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, and regretting the hindrance of the peace process due to the Israeli attitude,

1. Reaffirms that the Israeli occupation of the Palestinian and other Arab territories, including Jerusalem, itself constitutes a gross violation of human rights;

2. Also reaffirms that the continued imposition of collective punishment in the form of the closure of Palestinian territories since February 1996 and the isolation of occupied areas, after the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization in Washington D.C., on 13 September 1993, constitute grave violations of the principles of international humanitarian law and of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, of the Universal Declaration of Human Rights, of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Social and Cultural Rights;

3. Reaffirms that the installation of Israeli civilians in the Palestinian and other Arab occupied territories is illegal and constitutes a gross violation of article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

4. Affirms that the persistence of Israel in maintaining and expanding its settlements and establishing new ones is contrary to the peace process;

5. Calls upon the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to ensure respect by Israel for the Convention and to secure protection for the Palestinian people under occupation, until the end of this occupation, in accordance with article 1 of the Convention;

6. Reaffirms the inalienable rights of the Palestinian people to return to their homeland in accordance with General Assembly resolution 194 (III) of 11 December 1948, to self-determination without foreign interference and to establish their independent sovereign State on their national soil, in accordance with the principles and provisions of the Charter of the United Nations and with resolutions of the General Assembly and of the Commission on Human Rights;

7. Reaffirms Economic and Social Council resolution 1996/.. of 26 July 1996 on the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan;

8. Calls upon Israel:

(a) To comply with its international obligations, respect the rules of international law and apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories;

(b) To desist from establishing Israeli settlements in the Palestinian and other occupied Arab territories, and calls for them to be dismantled and confirms that all measures taken by Israel with the purpose of annexing or of altering the demographic, cultural, religious or other character of those territories, including Jerusalem, are illegal, null and void;

(c) To comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981) of 17 December 1981, in which the Council inter alia decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

(d) To desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties, and calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

9. Affirms that the realization of a comprehensive and just peace in the Middle East requires the complete withdrawal of Israel from all occupied

Palestinian territory, including Jerusalem, enabling the Palestinian people to exercise their right to self-determination and to establish their independent State, the complete withdrawal of Israel from the occupied Syrian Golan and the complete and unconditional withdrawal of Israel from southern Lebanon and West Bekaa, in conformity with Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and in accordance with the principle of land for peace;

10. Reiterates its call upon the Palestinian Authority:

(a) To comply strictly with all current international norms in the field of human rights;

(b) To provide greater access to its prisons and interrogators through international organizations;

(c) To continue its cooperation with the advisory services offered by the Centre for Human Rights with a view to fostering human rights institutions;

11. Requests the Secretary-General to provide the Sub-Commission, at its forty-ninth session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the most recent relevant United Nations decisions and resolutions and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the present resolution.

20th meeting

20 August 1996

[Adopted by secret ballot by 15 votes to 4,  
with 5 abstentions. See chap. VII.]

1996/7. Situation of human rights in the Islamic Republic of Iran  
The Sub-Commission on Prevention of Discrimination and Protection of  
Minorities,

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

Recalling its resolution 1995/18 of 24 August 1995, as well as Commission on Human Rights resolution 1996/84 of 24 April 1996 and General Assembly resolution 50/188 of 22 December 1995,

Welcoming the cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, the Special Rapporteur on religious intolerance and the Special Rapporteur on freedom of opinion and expression, who were able to conduct visits to the Islamic Republic of Iran at the end of 1995 and the beginning of 1996,

Welcoming the report of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1996/59), the report of the Special Rapporteur on religious intolerance (E/CN.4/1996/95/Add.2) and the report of the Special Rapporteur on freedom of opinion and expression and the recommendation contained therein (E/CN.4/1996/39/Add.2),

Noting the view of the Special Representative that some subjects need to be further investigated, especially in the field of penal procedure and the penal system,

Gravely concerned at reports of:

(a) Extensive and continuing human rights violations by the Government of the Islamic Republic of Iran, including arbitrary and summary executions, torture and inhuman or degrading treatment and punishment, arbitrary arrests and imprisonment, unexplained disappearances, the absence of guarantees essential for the protection of the right to a fair trial and disregard for freedom of expression and freedom of religion;

(b) An increase in the wave of political executions reported in the current year, both by public hanging and by stoning to death;

(c) Repression by the security forces of peaceful demonstrations, resulting in the killing or wounding of many civilians;

(d) Continued repression of women, including the practice of gender-based discrimination and the use of unacceptable and unjustifiable means of punishment;

(e) An increase in death sentences and inhuman and degrading punishments resulting from the adoption of the new law on punishment;

(f) An increase in the number of murders of members of the opposition abroad in recent months;

(g) Continued harassment of the families in the Islamic Republic of Iran of Iranian exiles and the pressure exercised by the Government's

undercover terrorists against Iranians abroad, aimed at compelling them to cooperate in activities against the opposition in exile;

Noting that judicial inquiries in various countries, including Germany, Italy and Turkey investigate the role and responsibility of Iranian officials and services in the planning of extrajudicial political killings,

Affirming that human rights are universal and indivisible and that the violation of internationally recognized human rights standards cannot be justified by cultural or religious considerations,

1. Requests the Government of the Islamic Republic of Iran to investigate fully in order to end the alleged violations of human rights in the Islamic Republic of Iran which include:

- (a) Excessive use of the death penalty;
- (b) Numerous cases of torture and cruel, inhuman or degrading treatment and punishment;
- (c) Failure to meet international standards with regard to due process and the administration of justice;
- (d) Religious discrimination, notably against Baha'is and Christians;
- (e) Discrimination against women;
- (f) The use of excessive force and firearms in suppressing public demonstrations, as well as the organization of secret patrols;
- (g) Harassment and intimidation of people by street patrols;
- (h) Restrictions on freedom of expression and freedom of opinion and undue limitation of freedom of the press;
- (i) Extrajudicial murders of political opponents;

2. Expresses deep concern at the continuing allegations of aggression against the Iranian Kurdish refugees and rocket attacks against Iranian opponents' bases on the territory of neighbouring countries;

3. Demands that the Government of the Islamic Republic of Iran cease forthwith any involvement in or toleration of murder and State-sponsored terrorism;

4. Also demands that the Government of the Islamic Republic of Iran put an end to the harassment by the secret services of Iranian refugees abroad and their families in Iran;

5. Expresses the hope that the atmosphere for change noted by the Special Representative during his latest visit to the Islamic Republic of Iran

will result in marked relevant improvements in the situation of human rights in the country by the time of his next scheduled visit;

6. Urges the Government of the Islamic Republic of Iran to implement fully the conclusions and the recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and to other minority religious groups, including Christians, until they are completely emancipated;

7. Also urges the Government of the Islamic Republic of Iran to comply with all current international norms in the field of human rights, in particular those contained in the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party;

8. Encourages the Government of the Islamic Republic of Iran to pursue its cooperation with the special procedures of the Commission on Human Rights and especially with the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran;

9. Requests the Secretary-General to continue to keep the Sub-Commission informed of relevant reports and United Nations measures to prevent human rights violations in the Islamic Republic of Iran, including violations of the religious freedoms of the Baha'i and the Christian communities in Iran;

10. Decides to consider further the situation of human rights in the Islamic Republic of Iran at its forty-ninth session.

21st meeting

20 August 1996

[Adopted by secret ballot by 12 votes to 6,  
with 6 abstentions. See chap. VII.]

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