

*Regretting* that, notwithstanding the indication of a greater willingness to co-operate with the Special Representative, a state of full co-operation has yet to be achieved,

*Noting* the recent contacts between the Special Representative and the Government of the Islamic Republic of Iran, which it is hoped will lead to a state of full co-operation between the Special Representative and that Government, including a visit to the Islamic Republic of Iran, so that he can fulfil his mandate,

*Noting* that the Baha'is in the Islamic Republic of Iran continue to be subjected to various forms of harassment and discrimination, although there are indications that the intensity of the campaign of persecution against the Baha'is has diminished somewhat in recent months and that a number of them have been released from prison,

1. *Takes note with appreciation* of the interim report of the Special Representative<sup>140</sup> and the considerations and observations contained therein;

2. *Once again urges* the Government of the Islamic Republic of Iran to extend its full co-operation to the Special Representative of the Commission on Human Rights and, in particular, to permit him to visit that country;

3. *Calls upon* the Government of the Islamic Republic of Iran to give immediate effect to its undertaking to provide detailed information concerning the allegations of human rights violations that have been brought to its attention;

4. *Expresses once more its deep concern* about the numerous and detailed allegations of grave human rights violations in the Islamic Republic of Iran to which the Special Representative has referred in his report, namely, those related to the right to life, the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person, the right to a fair trial and the right to freedom of thought, conscience and religion;

5. *Expresses its grave concern* that, although the Special Representative observes that the number of alleged violations of the right to life continued to decrease during 1987, the information available to him indicates that there was a renewed wave of executions in the period July-September 1988 whereby a large number of persons died because of their political convictions;

6. *Expresses its deep concern* at allegations that ill-treatment and torture, both physical and psychological, continued to be common practice in Iranian prisons, especially during interrogation but also immediately after arrest and before and after the final verdict;

7. *Expresses its deep concern also* at the existence of extremely summary, informal and irregular proceedings, failure to inform defendants of specific accusations against them, lack of legal counsel, absence of an appropriate instance for appeal and other irregularities that contravene international standards on fair trial;

8. *Shares the opinion* of the Special Representative regarding the importance of prompt investigation into all allegations of irregularities in the treatment of political prisoners and other persons in custody, as well as the necessity of adequate redress for those whose human rights have been violated;

9. *Welcomes* the intention of the Special Representative to consider in his report to the Commission on Human Rights at its forty-fifth session several issues pertaining to the legal system applicable in the Islamic Republic of Iran;

10. *Endorses* the conclusion of the Special Representative that acts continue to occur in the Islamic Republic of Iran that are inconsistent with the provisions of international instruments by which that country is bound and that the persistence of alleged violations of human rights continues to justify continuing international concern and continued monitoring by the United Nations of the situation in that country;

11. *Urges* the Government of the Islamic Republic of Iran, as a State party to the International Covenant on Civil and Political Rights,<sup>20</sup> to respect and ensure the rights recognized in that Covenant to all individuals within its territory and subject to its jurisdiction;

12. *Requests* the Secretary-General to give all necessary assistance to the Special Representative;

13. *Decides* to keep under consideration the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, during its forty-fourth session in order to re-examine it in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

*75th plenary meeting  
8 December 1988*

#### **43/138. Status of the Convention on the Prevention and Punishment of the Crime of Genocide**

*The General Assembly,*

*Recalling* its resolutions 40/142 of 13 December 1985, 41/147 of 4 December 1986 and 42/133 of 7 December 1987,

*Recalling also* Commission on Human Rights resolutions 1986/18 of 10 March 1986,<sup>60</sup> 1987/25 of 10 March 1987<sup>61</sup> and 1988/28 of 7 March 1988,<sup>27</sup>

*Recalling* its resolution 260 A (III) of 9 December 1948, by which it approved and proposed for signature, ratification or accession the Convention on the Prevention and Punishment of the Crime of Genocide,

*Reaffirming once again its conviction* that genocide is a crime under international law, contrary to the spirit and aims of the United Nations,

*Convinced* that international co-operation is necessary in order to liberate mankind from such an odious crime,

*Recognizing* that crimes of genocide have caused great losses to mankind,

*Taking note* of the report of the Secretary-General,<sup>141</sup>

1. *Once again strongly condemns* the crime of genocide;

2. *Reaffirms* the necessity of international co-operation in order to liberate mankind from such an odious crime;

3. *Notes with satisfaction* that many States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or have acceded thereto;

4. *Expresses its conviction* that implementation of the provisions of the Convention by all States is necessary for the prevention and punishment of the crime of genocide;

5. *Urges* those States which have not yet become parties to the Convention to ratify it or accede thereto without further delay;

<sup>141</sup> A/43/478.

6. *Invites* the Secretary-General to submit to the General Assembly at its forty-fourth session a report on the status of the Convention.

*75th plenary meeting  
8 December 1988*

#### 43/139. 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>2</sup> the International Covenants on Human Rights<sup>20</sup> and the humanitarian rules set out in the Geneva Conventions of 12 August 1949,<sup>142</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,

*Emphasizing* the obligations of all Governments to respect and protect human rights and to fulfil the responsibilities they have assumed under 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 all residents of the country before, during and after the withdrawal of all foreign forces,

*Recalling* all other relevant resolutions, in particular its resolution 42/135 of 7 December 1987,

*Taking note* of Commission on Human Rights resolution 1988/67 of 10 March 1988<sup>27</sup> and Economic and Social Council decision 1988/136 of 27 May 1988,

*Welcoming* the Agreements on the Settlement of the Situation Relating to Afghanistan<sup>143</sup> signed at Geneva on 14 April 1988 as a positive development, which, when fully implemented, should contribute to the creation of a situation that will permit the full enjoyment of human rights, including the right to self-determination, by all the people of Afghanistan,

*Welcoming* the co-operation that the Afghan authorities have extended to international organizations, in particular to the specialized agencies of the United Nations, to the Office of the United Nations High Commissioner for Refugees and to the International Committee of the Red Cross,

*Having carefully examined* the interim report of the Special Rapporteur on the situation of human rights in Afghanistan,<sup>144</sup> in which, while it is recognized that there have been some improvements in the human rights situation in the area controlled by the Afghan authorities, continuing violations of fundamental human rights within the country are revealed,

*Recognizing* that a situation of armed conflict continues to exist in Afghanistan, leaving large numbers of victims without protection or assistance and contributing to violations of human rights and humanitarian law throughout the country,

*Regretting* that the Special Rapporteur was unable to visit areas not under the control of the Afghan authorities,

1. *Commends* the efforts of the Special Rapporteur to fulfil his mandate and takes note of his interim report on the situation of human rights in Afghanistan;

2. *Welcomes* the co-operation that the Afghan authorities extended to the Commission on Human Rights by permitting its Special Rapporteur to visit Afghanistan from 11 to 19 September 1988;

3. *Expresses its serious concern* that, in spite of improvements identified by the Special Rapporteur, acts of war continue and violations of human rights persist with the same frequency as in the past, especially affecting the civilian population and threatening the life and security of innocent men, women and children;

4. *Expresses its concern* that, despite the significant reduction in the numbers of political prisoners as a result of various measures, over two thousand persons are still in prison for political reasons, and urges the Afghan authorities to pursue the policy of amnesty and to guarantee that released prisoners are not placed under surveillance or harassed following their release;

5. *Notes with grave concern* the continuing allegations of torture and ill-treatment of prisoners on remand and political prisoners;

6. *Notes with equal concern* the reports of disappearances and urges the Afghan authorities to investigate the fate of all missing persons;

7. *Notes also with concern* indications that the economic, social and cultural situation in Afghanistan has deteriorated over the years of conflict and has now become critical;

8. *Expresses its great concern* that more than five million refugees remain outside the country because they fear the climate of insecurity in Afghanistan, the extensive presence of mines and explosives, and the continued bombardments of the civilian population;

9. *Calls once again upon* all the parties to the conflict, in order to alleviate the suffering of the people of Afghanistan, to apply fully the principles and rules of international humanitarian law and to co-operate fully and effectively with international humanitarian organizations, in particular to facilitate the protection activities of the International Committee of the Red Cross;

10. *Underlines* that in post-war Afghanistan it will be essential to adopt concrete measures aimed at securing the observance of human rights;

11. *Urges* the authorities in Afghanistan to continue to co-operate with the Commission on Human Rights and its Special Rapporteur;

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

13. *Decides* to keep under consideration, during its forty-fourth session, the question of human rights and fundamental freedoms in Afghanistan in order to re-examine this question in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

*75th plenary meeting  
8 December 1988*

<sup>142</sup> United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

<sup>143</sup> *Official Records of the Security Council, Forty-third Year, Supplement for April, May and June 1988*, document S/19835, annex I.

<sup>144</sup> A/43/742, annex.