



General Assembly

Distr.
LIMITED

A/C.3/44/L.82
27 November 1989

ORIGINAL: ENGLISH

Forty-fourth session
THIRD COMMITTEE
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Australia, Belgium, Canada, Costa Rica, Denmark, France,
Germany, Federal Republic of, Greece, Ireland, Italy, Japan,
Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden and
United Kingdom of Great Britain and Northern Ireland:
draft resolution

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, 1/ the International Covenants on Human Rights and the accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949 3/ and Additional Protocols I and II thereto, of 1977, 4/

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,

1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

4/ A/32/144, annexes I and II.

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 the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Recalling in particular Commission on Human Rights resolution 1989/67 of 8 March 1989, 5/ by which the Commission decided to extend the mandate of its Special Rapporteur for one year and requested him to report to the General Assembly at its forty-fourth session on the situation of human rights in Afghanistan,

Emphasizing the relevance of the Agreements on the Settlement of the Situation relating to Afghanistan, concluded at Geneva on 14 April 1988, 6/ which constitute an important step towards a comprehensive political solution,

Welcoming the completion, on 15 February 1989, of the withdrawal of Soviet troops from Afghanistan in accordance with the Geneva Agreements,

Welcoming also the co-operation that the Afghan authorities have extended to international organizations, in particular to the Special Co-ordinator for Humanitarian and Economic Assistance relating to Afghanistan, the specialized agencies of the United Nations, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross,

Having examined the interim report of the Special Rapporteur on the situation of human rights in Afghanistan, 7/ which remains a matter of great concern even after the withdrawal of Soviet troops,

Recognizing with deep concern that a situation of armed conflict continues to exist in Afghanistan, leaving large numbers of victims and causing enormous human suffering to the civilian population,

Recognizing with grave concern that the treatment of prisoners detained in connection with the conflict does not conform to the internationally recognized principles of humanitarian law,

5/ See Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

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

7/ A/44/669, annex.

Recognizing with equal concern that more than 5 million refugees are living outside Afghanistan, that many Afghans are displaced within the country and that in both cases the numbers have increased,

Aware that the main reasons given by the refugees for not returning to Afghanistan, pending the achievement of a comprehensive political solution, are the continued fighting in some provinces, the use of very destructive arms in the conflict, and the minefields which have been laid in many parts of the country,

Noting with concern that acts of terrorism have significantly increased,

1. Takes note with appreciation of the interim report of the Special Rapporteur and of the conclusions and recommendations contained therein;
2. Welcomes the co-operation of the Afghan authorities with the Special Rapporteur;
3. Urges all parties concerned to work for the achievement of a comprehensive political solution based on the right of self-determination, and the creation of a situation that will permit the return of refugees and the full enjoyment of human rights by all Afghans;
4. Calls once again upon all parties to the conflict, in order to alleviate the serious suffering of the Afghan people, strictly to respect human life and the principles and provisions of international humanitarian law and to co-operate fully and effectively with international humanitarian organizations, especially with the International Committee of the Red Cross, in particular by granting it unrestricted access to all parts of the country;
5. Notes with grave concern the continuation of the armed conflict which threatens the life and security of innocent men, women and children;
6. Urges all parties to the conflict to treat all fighters as combatants within the meaning of the Geneva Conventions of 1949 and Additional Protocols I and II thereto, of 1977, to halt the use of weapons against the civilian population, to transmit to humanitarian organizations and, in particular, to the International Committee of the Red Cross, the names of all political prisoners and detained Afghan soldiers, as well as to allow the International Committee of the Red Cross to visit all prisoners in accordance with its established criteria;
7. Also urges all parties to the conflict to release all prisoners-of-war in accordance with the internationally recognized principles of humanitarian law;
8. Expresses its concern at reports that the living conditions of refugees are becoming increasingly difficult, especially those of women and children, because of the decline in international humanitarian assistance;
9. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to co-operate fully in co-ordination with the Office of the United Nations High Commissioner for Refugees, in order to facilitate the return of refugees and displaced persons in safety;

/...

10. Urgently appeals to all Member States and humanitarian organizations to promote the implementation of the projects envisaged by the Special Co-ordinator for Humanitarian and Economic Assistance relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees;

11. Urges all parties to the conflict to treat all prisoners in their custody in accordance with the internationally recognized principles of humanitarian law and to protect them from all acts of reprisal and violence, including ill-treatment, torture and summary execution;

12. Notes with concern reports of the interrogation practices of the Afghan authorities, the large number of political prisoners and the conditions of prisoners awaiting trial;

13. Calls upon the Afghan authorities to investigate thoroughly the fate of disappeared persons, to apply amnesty decrees equally to foreign detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners 8/ and to allow the International Committee of the Red Cross to visit them regularly in accordance with its established criteria;

14. Requests the Afghan authorities strictly to apply to all convicted persons article 14, paragraph 3 (d), and 14, paragraph 5, of the International Covenant on Civil and Political Rights;

15. Notes with concern the allegations of atrocities committed against Afghan soldiers, civil servants and captured civilians;

16. Urges all parties concerned to extend their full co-operation to the Commission on Human Rights and its Special Rapporteur;

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

18. Decides to keep under consideration, during its forty-fifth session, the situation of human rights in Afghanistan in order to examine it anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

8/ First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A.