

Afghanistan 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 for 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 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 respect 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 transmit to humanitarian organizations, in particular to the International Committee of the Red Cross, the names of all political prisoners and detained Afghan soldiers, and 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, especially those of women and children, are becoming increasingly difficult 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 also* to all Member States and humanitarian organizations to promote the implementation of the projects envisaged by the Co-ordinator for Humanitarian and Economic Assistance Programmes 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 persons who have disappeared, 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 those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners¹⁹³ 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, paragraphs 3 (d) and 5, of the International Covenant on Civil and Political Rights;⁵

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.

82nd plenary meeting
15 December 1989

44/162. Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights⁴ and the relevant provisions of the International Covenant on Civil and Political Rights,⁵ in particular article 6, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹⁶⁴ and in the International Convention on the Elimination of All Forms of Racial Discrimination,¹¹

Calling attention to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, set forth in the annex to its resolution 43/173 of 9 December 1988,

Calling attention also to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power¹⁹⁴ and the safeguards guaranteeing protection of the rights of those facing the death penalty,¹⁹⁵ as well as to the Basic Principles on the Independence of the Judiciary,¹⁹⁶ the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners,¹⁹⁷ the Code of Conduct for Law Enforcement Officials¹⁶⁷ and the Standard Minimum Rules for the Treatment of Prisoners,¹⁹³

Reaffirming in this context the importance of the principles contained in its resolution 41/120 of 4 December 1986 on standard-setting in the field of human rights,

Recognizing the important contribution of the Commission on Human Rights in the field of human rights in the administration of justice, as reflected in its resolutions 1989/24 of 6 March 1989 on human rights in the administration of justice, 1989/32 of 6 March 1989 on the independence and impartiality of the judiciary, jurors and

¹⁹⁴ Resolution 40/34, annex.

¹⁹⁵ Economic and Social Council resolution 1984/50, annex.

¹⁹⁶ See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2.

¹⁹⁷ *Ibid.*, sect. D.1.

¹⁹³ See *Human Rights: A Compilation of International Instruments* (United Nations publication, Sales No. E.88.XIV.1).

assessors and the independence of lawyers, 1989/38 of 6 March 1989 on administrative detention without charge or trial and 1989/64 of 8 March 1989 on summary or arbitrary executions.²

Recognizing also the significant work accomplished in this area under the United Nations crime prevention and criminal justice programme, including the results of the interregional and regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Convinced of the need for further co-ordinated and concerted action in promoting respect for human rights in the administration of justice,

Noting with satisfaction that the Commission on Human Rights, in its resolution 1989/24, *inter alia*, stressed the desirability of providing States, at their request, with continued assistance in the field of the administration of justice and of including in such assistance the provision of model texts for national legislative or other measures for the effective implementation of standards in this field,

1. *Reaffirms* the importance of the full implementation of United Nations norms and standards on human rights in the administration of justice;

2. *Endorses* Economic and Social Council resolution 1989/63 of 24 May 1989 on the implementation of United Nations standards and norms in crime prevention and criminal justice;

3. *Also endorses* the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions set forth in the annex to Economic and Social Council resolution 1989/65 of 24 May 1989;

4. *Further endorses* Economic and Social Council resolutions 1989/57 of 24 May 1989 on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1989/60 of 24 May 1989 on the Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary, 1989/61 of 24 May 1989 on the Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials and 1989/64 of 24 May 1989 on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty;

5. *Invites* Member States to pay attention to these resolutions in developing strategies for the practical implementation of United Nations norms and standards on human rights in the administration of justice, as it requested in its resolution 43/153 of 8 December 1988;

6. *Requests* the Commission on Human Rights to invite the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the practical implementation of United Nations norms and standards in this field and to recommend practical measures to the Commission;

7. *Requests* the Secretary-General in this regard:

(a) To solicit from Member States as well as from the relevant international agencies and bodies, in particular the Human Rights Committee, the Committee against Torture and the Committee for the Elimination of Racial Discrimination, comments on the implementation of these standards;

(b) To forward those comments to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its next session;

8. *Also requests* the Secretary-General:

(a) To identify general problems that may impinge on the effective implementation of standards and norms and

to recommend viable solutions with action-oriented proposals.

(b) To formulate practical proposals on procedures and action at the national, regional and international levels to implement United Nations norms and standards on human rights in the administration of justice for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

(c) To continue to assist Member States, at their request, in implementing existing international human rights standards in the administration of justice, in particular under the programme of advisory services;

(d) To continue to provide all necessary support to United Nations bodies working on standard-setting in this field;

(e) To co-ordinate the various technical advisory services provided by the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs of the Secretariat with a view to undertaking joint programmes and strengthening existing mechanisms for the protection of human rights in the administration of justice;

9. *Emphasizes* the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field;

10. *Draws the attention* of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the Committee on Crime Prevention and Control, to the issues raised in the present resolution, so that priority is accorded to issues related to human rights in the administration of justice;

11. *Decides* to consider at its forty-fifth session the question of human rights in the administration of justice.

82nd plenary meeting
15 December 1989

44/163. Situation of human rights in the Islamic Republic of Iran

The General Assembly.

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights⁴ and the International Covenants on Human Rights,⁵

1. *Takes note with appreciation* of the interim report of the Special Representative of the Commission on Human Rights;¹⁹⁸

2. *Takes note* of the view of the Special Representative that, in order to achieve full co-operation between the Government of the Islamic Republic of Iran and the Special Representative, there is a need to proceed to another stage in the discharge of his mandate;

3. *Welcomes* the invitation by the Islamic Republic of Iran to the Special Representative for him to visit that country;¹⁹⁹

⁴ A. 44/670, annex
⁵ See A/C.3/44/9