

Deeply alarmed at the continued occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15,⁶⁸

Recalling also the close co-operation established between the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat and the Committee on Crime Prevention and Control with regard to the elaboration of the principles on the effective prevention and investigation of arbitrary and summary executions, including extra-legal executions,

Welcoming the adoption by the Economic and Social Council of its resolution 1989/65 of 24 May 1989, containing the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

Welcoming also the adoption by the Economic and Social Council of its resolution 1989/64 of 24 May 1989, entitled "Implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty" and the recommendations contained therein,

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions, which represents a flagrant violation of the most fundamental human right, the right to life,

1. *Once again strongly condemns* the large number of summary or arbitrary executions, including extra-legal executions, that continue to take place in various parts of the world;

2. *Demands* that the practice of summary or arbitrary executions be brought to an end;

3. *Appeals urgently* to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;

4. *Reaffirms* Economic and Social Council resolution 1982/35 of 7 May 1982, in which the Council decided to appoint a special rapporteur to consider the questions related to summary or arbitrary executions;

5. *Recalls with satisfaction* Economic and Social Council resolution 1988/38 of 7 May 1988, by which the Council decided to renew the mandate of the Special Rapporteur, Mr. S. Amos Wako, for two years, while maintaining the annual reporting cycle;

6. *Urges* all Governments, in particular those which have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to co-operate with and assist the Special Rapporteur so that he may carry out his mandate effectively;

7. *Requests* the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened, or when such an execution has recently occurred, and, furthermore, to promote exchanges of views between Governments and those who provide reliable information to the Special Rapporteur, where the Special Rapporteur considers that such exchanges of information might be useful;

8. *Welcomes* the recommendations made by the Special Rapporteur in his reports¹⁸⁸ to the Commission on Human Rights at its forty-fourth and forty-fifth sessions with a view to eliminating summary or arbitrary executions;

9. *Encourages* Governments, international organizations and non-governmental organizations to organize training programmes and support projects with a view to training or educating law enforcement officers in human rights issues connected with their work, and appeals to the international community to support endeavours to that end;

10. *Considers* that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, as well as medical and forensic experts;

11. *Requests* the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur so that he may effectively carry out his mandate;

12. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

13. *Requests* the Commission on Human Rights at its forty-sixth session, on the basis of the report of the Special Rapporteur to be prepared in conformity with Economic and Social Council resolutions 1982/35, 1983/36, 1984/35, 1985/40, 1986/36, 1987/60 and 1988/38, to make recommendations concerning appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions.

*82nd plenary meeting
15 December 1989*

44/160. Question of enforced or involuntary disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolution 43/159 of 8 December 1988 on the question of enforced or involuntary disappearances,

Deeply concerned about the persistence, in certain cases, of the practice of enforced or involuntary disappearances, and about the fact that, in certain cases, the families of disappeared persons have been the target of intimidation and ill-treatment,

Expressing its profound emotion at the anguish and sorrow of the families concerned, who are unsure of the fate of their relatives,

Convinced of the need to continue implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances, with a view to finding solutions for cases of disappearances and helping to eliminate such practices,

Welcoming the progress made in the preparation of the draft declaration on enforced or involuntary disappearances,

¹⁸⁸ E/CN.4/1988/22 and Add.1 and 2 and E/CN.4/1989/25.

Bearing in mind Commission on Human Rights resolution 1989/27 of 6 March 1989.²

1. *Expresses its appreciation* to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work and to those Governments that have co-operated with it;

2. *Recalls* the decision of the Commission on Human Rights, at its forty-fourth session, to extend for two years the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI) of 29 February 1980,⁹⁹ while maintaining the principle of annual reporting by the Working Group;

3. *Also recalls* the provisions made by the Commission on Human Rights in its resolution 1986/55 of 13 March 1986¹⁰⁴ to enable the Working Group to fulfil its mandate with greater efficiency;

4. *Appeals* to the Governments concerned, particularly those which have not yet replied to the communications addressed to them by the Working Group, to co-operate fully with it so as to enable it, with respect for its working methods based on discretion, to perform its strictly humanitarian role, and in particular to reply more quickly to the requests for information addressed to them;

5. *Encourages* the Governments concerned to consider the wish of the Working Group, when such a wish is expressed, to visit their countries, thus enabling it to fulfil its mandate even more effectively;

6. *Extends its warm thanks* to those Governments that have invited the Working Group and requests them to give all necessary attention to its recommendations;

7. *Appeals* to the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment of which they may be the target;

8. *Calls upon* the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group when it considers the report to be submitted by the Working Group to the Commission at its forty-sixth session;

9. *Renews its request* to the Secretary-General to continue to provide the Working Group with all necessary facilities.

82nd plenary meeting
15 December 1989

44/161. 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,⁴ the International Covenants on Human Rights⁵ and the humanitarian rules set out in the Geneva Conventions of 12 August 1949¹⁸⁹ and the Additional Protocols thereto, of 1977,¹⁹⁰

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,

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

Taking note in particular of Commission on Human Rights resolution 1989/67 of 8 March 1989,² in 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 1988,¹⁹¹ 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 Agreements concluded at Geneva,

Welcoming also the co-operation that the Afghan authorities have extended in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan, and to international organizations such as the specialized agencies, 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,¹⁹² a situation which remains a matter of great concern even after the withdrawal of Soviet troops,

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

Noting 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,

Noting with equal concern that more than five 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 that 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 on the situation of human rights in

¹⁸⁹ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

¹⁹⁰ *Ibid.*, vol. 1125, Nos. 17512 and 17513.

¹⁹¹ S/19835, annex I; see *Official Records of the Security Council, Forty-third Year, Supplement for April, May and June 1988*, document S/19835.

¹⁹² A/44/669, annex.