

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.

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).