

minefields in many parts of the country and the reconstruction and rehabilitation of Afghanistan,

*Deeply concerned* at reports of human rights abuses and violations of humanitarian law and human rights, including the rights to life, liberty and security of person and to freedom of opinion, expression and association,

*Concerned in particular* at reports of abuses and violations of the human rights of women, including acts of violence and denial of access to primary and basic education, training and employment, affecting their effective participation in political and cultural life throughout the country,

*Concerned* that a unified judicial system cannot be established throughout the country under the prevailing circumstances,

*Commending* the activities carried out for the welfare of the Afghan people by various agencies and programmes of the United Nations and by the International Committee of the Red Cross and other humanitarian organizations,

*Noting with satisfaction* that the voluntary repatriation of the Afghan refugees has resumed,

*Taking note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan,<sup>198</sup> of the conclusions and recommendations contained therein and of the translation of previous reports into the Dari and Pashtu languages,

1. *Welcomes* the cooperation that the Government and local authorities in Afghanistan have extended to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan and to humanitarian agencies;

2. *Urges* all the Afghan parties to work with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the cessation of armed confrontation and the eventual establishment of a democratic Government elected through free and fair elections based on the right to self-determination of the people of Afghanistan;

3. *Recognizes* that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and therefore invites the Special Mission and the Special Rapporteur to exchange relevant information and to consult and cooperate with each other;

4. *Also urges* all the Afghan parties to respect accepted humanitarian rules and all human rights and fundamental freedoms, including the rights of women and children, and calls upon the Afghan authorities to take measures to ensure the effective participation of women in social, political and cultural life throughout the country;

5. *Calls* for the unconditional and simultaneous release of all prisoners of war, wherever they may be held, including former Soviet prisoners of war, and for the tracing of the many Afghans still missing as a result of the war;

6. *Calls upon* the Afghan authorities to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply the amnesty decree issued in 1992 by the Transitional Islamic State of Afghanistan in a strictly non-discriminatory manner, to reduce the period during which prisoners await trial and to treat all sus-

pected, convicted or detained persons according to relevant international instruments;

7. *Urges* the Afghan authorities to provide sufficient and effective remedies to the victims of grave violations of human rights and accepted humanitarian rules and to bring their perpetrators to trial in accordance with internationally accepted standards;

8. *Appeals* to Member States and to the international community to continue to provide adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries, pending their voluntary repatriation according to relevant international instruments, in particular through the support of activities such as mine detection and clearance and repatriation projects undertaken by the United Nations High Commissioner for Refugees, the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan as well as by United Nations agencies or non-governmental humanitarian organizations;

9. *Strongly urges* all parties to the conflict to take all necessary measures to ensure the safety of all personnel of humanitarian organizations and representatives of the media in Afghanistan;

10. *Invites* the United Nations to offer, upon the request of the Afghan authorities and with due regard for Afghan tradition, advisory services and technical assistance concerning the drafting of a constitution, which should embody internationally accepted human rights principles, and the holding of direct elections;

11. *Encourages* the United Nations Educational, Scientific and Cultural Organization to study, with the contribution of its competent committees, appropriate ways and means to restore the Afghan system of education and the Afghan cultural heritage, in particular the restoration of the Kabul Museum;

12. *Urges* the Afghan authorities to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

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

14. *Decides* to keep the situation of human rights in Afghanistan under consideration at its fifty-first session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

99th plenary meeting  
22 December 1995

## 50/190. Situation of human rights in Kosovo

*The General Assembly,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>5</sup> the International Covenants on Human Rights,<sup>22</sup> the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>6</sup> the Convention on the Prevention and Punishment of the Crime of Genocide<sup>199</sup> and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>135</sup>

*Welcoming* the General Framework Agreement for

<sup>198</sup>See A/50/567.

<sup>199</sup>Resolution 260 A (III).

Peace in Bosnia and Herzegovina<sup>200</sup> reached on 21 November 1995 at Dayton, Ohio, and hoping that it will have a positive impact also on the human rights situation in Kosovo,

Recalling its resolution 49/204 of 23 December 1994 and other relevant resolutions,

Taking note of Commission on Human Rights resolution 1995/89 of 8 March 1995<sup>38</sup> and recalling previous Commission resolutions 1992/S-1/1 of 14 August 1992,<sup>201</sup> 1992/S-2/1 of 1 December 1992,<sup>202</sup> 1993/7 of 23 February 1993<sup>36</sup> and 1994/76 of 9 March 1994,<sup>37</sup>

Taking note also of the reports of the Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, in which they describe the situation in Kosovo, the various discriminatory measures taken in the legislative, administrative and judicial areas, acts of violence and arbitrary arrests perpetrated against ethnic Albanians in Kosovo and the continuing deterioration of the human rights situation in Kosovo, including:

(a) Police brutality against ethnic Albanians, the killing of ethnic Albanians resulting from such violence, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees and discrimination in the administration of justice, including the recent trials of ethnic Albanian former policemen;

(b) Discriminatory and arbitrary dismissals of ethnic Albanian civil servants, notably from the ranks of the police and the judiciary, mass dismissals of ethnic Albanians, confiscation and expropriation of their properties, discrimination against ethnic Albanian pupils and teachers, the closing of Albanian-language secondary schools and the university, as well as the closing of all Albanian cultural and scientific institutions;

(c) The harassment and persecution of political parties and associations of ethnic Albanians and their leaders and activities, their maltreatment and imprisonment;

(d) The intimidation and imprisonment of ethnic Albanian journalists and the systematic harassment and disruption of the news media in the Albanian language;

(e) The dismissals from clinics and hospitals of doctors and members of other categories of the medical profession of Albanian origin;

(f) The elimination in practice of the Albanian language, particularly in public administration and services;

(g) The serious and massive occurrence of discriminatory and repressive practices aimed at ethnic Albanians in Kosovo, as a whole, resulting in widespread involuntary migration;

and noting that the Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolutions 1993/9 of 20 August 1993<sup>203</sup> and 1995/10 of 18 August 1995,<sup>204</sup> considered that those measures and practices constituted a form of ethnic cleansing,

Concerned at any attempt to use Serb refugees and other means to alter the ethnic balance in Kosovo, thus further

suppressing the enjoyment of human rights there, and, in this context, noting with concern the new citizenship law awaiting approval by the Parliament of the Federal Republic of Yugoslavia (Serbia and Montenegro),

Reaffirming that the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo played a positive role in monitoring the human rights situation and in preventing an escalation of conflict there, and recalling in this context Security Council resolution 855 (1993) of 9 August 1993,

Considering that the re-establishment of the international presence in Kosovo to monitor and investigate the situation of human rights is of great importance in preventing the situation in Kosovo from deteriorating into violent conflict, and, in this context, taking note of the report of the Secretary-General submitted pursuant to General Assembly resolution 49/204,<sup>205</sup>

1. *Strongly condemns* the measures and practices of discrimination and the violations of the human rights of ethnic Albanians in Kosovo committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. *Condemns* the large-scale repression by the police and military of the Federal Republic of Yugoslavia (Serbia and Montenegro) against the defenceless ethnic Albanian population and the discrimination against the ethnic Albanians in the administrative and judiciary branches of government, education, health care and employment, aimed at forcing ethnic Albanians to leave;

3. *Urgently demands* that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, the discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial and the practice of torture and other cruel, inhuman or degrading treatment, and to revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(b) Release all political prisoners and cease the persecution of political leaders and members of local human rights organizations;

(c) Allow the establishment of genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of its inhabitants as the best means of preventing the escalation of the conflict there;

(d) Abrogate the official settlement policy as far as it is conducive to the heightening of ethnic tensions in Kosovo;

(e) Reopen the cultural and scientific institutions of the ethnic Albanians;

(f) Pursue dialogue with the representatives of ethnic Albanians in Kosovo, including under the auspices of the International Conference on the Former Yugoslavia;

4. *Demands once again* that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) cooperate fully and immediately with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia in the discharge of her functions, as requested by the Com-

<sup>200</sup>See A/50/790-S/1995/999; see *Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995*, document S/1995/999.

<sup>201</sup>See *Official Records of the Economic and Social Council, 1992, Supplement No. 2A (E/1992/22/Add.1/Rev.1)*, chap. II, sect. A.

<sup>202</sup>*Ibid.*, Supplement No. 2B (E/1992/22/Add.2), chap. II, sect. A.

<sup>203</sup>See E/CN.4/1994/2-E/CN.4/Sub.2/1993/45 and Corr.1, chap. II, sect. A.

<sup>204</sup>See E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. II, sect. A.

<sup>205</sup>A/50/767.

mission in its resolution 1994/76 and in other relevant resolutions;

5. *Encourages* the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, with a view to taking urgent practical steps to tackle the critical needs of the people in Kosovo, especially of the most vulnerable groups affected by the conflict, and to assist in the voluntary return of displaced persons to their homes;

6. *Urges* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate unconditional return of the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo, called for in Security Council resolution 855 (1993);

7. *Welcomes* the report of the Secretary-General submitted pursuant to General Assembly resolution 49/204;

8. *Requests* the Secretary-General to continue to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly at its fifty-first session;

9. *Emphasizes* the importance of laws and regulations concerning citizenship applied by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) being in accordance with the standards and principles of non-discrimination, equal protection before the law and the reduction and avoidance of statelessness, as set out in the relevant international human rights instruments;

10. *Calls upon* the Special Rapporteur to continue to monitor closely the situation of human rights in Kosovo and to continue to pay due attention to this matter in her reporting;

11. *Decides* to continue examination of the human rights situation in Kosovo at its fifty-first session under the item entitled "Human rights questions".

99th plenary meeting  
22 December 1995

## 50/191. Situation of human rights in Iraq

*The General Assembly,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights<sup>5</sup> and the International Covenants on Human Rights,<sup>22</sup>

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

*Mindful* that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments,

*Recalling* its resolution 49/203 of 23 December 1994, in which it expressed its strong condemnation of the massive violations of human rights of the gravest nature in Iraq,

*Recalling also* Commission on Human Rights resolution 1991/74 of 6 March 1991,<sup>34</sup> by which the Commission requested its Chairman to appoint a special rapporteur to

make a thorough study of the violations of human rights by the Government of Iraq, based on all information the special rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

*Recalling further* the pertinent resolutions of the Commission on Human Rights condemning the flagrant violations of human rights by the Government of Iraq, including its most recent, resolution 1995/76 of 8 March 1995,<sup>38</sup> by which the Commission extended the mandate of the Special Rapporteur on the situation of human rights in Iraq for a further year and requested him to submit an interim report to the General Assembly at its fiftieth session and a final report to the Commission at its fifty-second session,

*Bearing in mind* Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens were respected,

*Recalling* Security Council resolutions 687 (1991) of 3 April 1991, 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

*Recalling also* Security Council resolution 986 (1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil up to the amount of one billion United States dollars every ninety days, on a renewable basis, to be used to purchase essential food and medical supplies for humanitarian purposes,

*Deeply concerned* by the persisting massive and grave violations of human rights by the Government of Iraq, regarding which there are no signs of improvement, such as summary and arbitrary executions, the enactment and implementation of decrees prescribing cruel and inhuman punishments, torture and other cruel, inhuman or degrading treatment, arbitrary arrests and detentions, lack of due process, non-respect for the rule of law and the suppression of freedom of thought, expression and association, as well as the persistence of specific discrimination within the country as regards access to food and health care, which amounts to a violation of the economic and social rights of Iraqis,

*Deeply disturbed* by the observation by the Special Rapporteur that Iraqi armed forces have continued their attacks on the farming communities throughout the region adjoining northern Iraq and in the south of the country, resulting in the destruction of their crops and livestock,

*Deeply disturbed also* by reports about the climate of oppression and the dire economic and social situation in the south of Iraq,

*Noting* the responsibility of the Iraqi authorities with regard to persons missing and detained as a result of the Iraqi occupation of Kuwait, and also noting that Iraq has recently renewed its participation in the Tripartite Commission established pursuant to the cease-fire agreement of 1991,

*Deploping* the refusal of the Government of Iraq to cooperate with the United Nations human rights mechanisms, in particular by receiving a return visit of the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights,