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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
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Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND
SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH
PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT
COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION
UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko,
Mr. Eide and Mrs. Gwanmesia: draft resolution

1995/... Situation of human rights in Iraq

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

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

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23)
endorsed by the General Assembly in its resolution 48/121 of 20 December 1993,
in particular, part I, paragraph 1, which reaffirms, inter alia, that human
rights and fundamental freedoms are the birthright of all human beings and
that their protection and promotion are the first responsibility of
Governments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and 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 human rights instruments,

Recalling 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 to ensure that the human and political rights of all Iraqi citizens were respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991 and 712 (1991) of 19 September 1991, authorizing Iraq to sell part of the oil it produces to satisfy food and medical requirements,

Considering Security Council resolution 986 (1995), dated 14 April 1995, which was adopted unanimously and authorizes the Government of Iraq to put additional quantities of its oil on the market to meet the basic health and nutritional needs of the Iraqi people,

Concerned by accumulated information and reports confirming the serious deterioration of the health and nutritional situation from which the majority of citizens with limited income suffer as victims of the international embargo, as well as by economic policy decisions depriving part of the national territory of supplies of medicines and foodstuffs,

Mindful that the United Nations has not yet sent a fact-finding mission to the marshlands region of southern Iraq,

Recalling its resolution 1994/14 of 25 August 1994,

Recalling in particular its resolution 1993/20 of 20 August 1993, in which it condemned the violations of human rights by the Government of Iraq and urged the implementation of Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population,

Deeply concerned by recent information that the population continues to flee the marshlands region, that thousands of Arab Shiah have sought refuge on the border between Iraq and the Islamic Republic of Iran because of artillery

bombardment and the programme by the Iraqi Government to drain the southern marshlands which have led to a mass exodus in the direction of the border with the Islamic Republic of Iran,

Deeply concerned also by the continued massive repression of the Arab Shiah population in the south of Iraq, particularly those who are under siege by the Iraqi armed forces there,

Concerned also by recent operations involving persecution, arbitrary imprisonment and summary executions in the town of Ramadi in the west of the country following popular demonstrations condemning the execution of Iraqis from that region in June 1995,

Horrorified by the recent large-scale imprisonments and executions of members of the Arab Dulaim tribes living in western Iraq,

Deeply concerned about the continuing terrorist acts of the Iraqi Government, both inside and outside the country, against opposition leaders and United Nations personnel,

Concerned also by the heavy artillery bombardment of Kurdish regions which has become very widespread in recent months and has particularly affected the city of Arbil,

Expressing its horror at the implementation of decrees of the Council of the Revolution calling for inhuman punishment for deserters and opponents, including tattooing of the forehead and mutilation of ears, fingers and wrists,

Horrorified by the fact that widespread and institutionalized torture continues to be practised as a result of the enactment of a set of decrees to that effect in 1994,

Deeply concerned that Iraq still refuses to cooperate with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, Mr. M. van der Stoep, and to permit him to visit Iraq to investigate human rights violations and refuses categorically to introduce a monitoring system, as twice requested by the General Assembly and the Commission on Human Rights,

Recalling the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1995/56), in which he notes the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, including that provided for in the decrees calling for the

mutilation and tattooing of the foreheads of deserters and doctors refusing to implement the decrees, enforced or involuntary disappearances, arbitrary arrest and detention, lack of due process and the rule of law and of freedom of thought, expression and association, as well as the existence of specific and serious discrimination within the country in terms of access to food and health care,

Deeply concerned by the internal embargo maintained by the Government against the Kurdish population in the north of Iraq and the Arab Shiah population in the southern marshlands,

1. Expresses its concern at the exceptional gravity of the human rights situation in Iraq and therefore welcomes the proposal of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, contained in his report (E/CN.4/1995/56) that human rights monitors should be deployed;

2. Calls upon the Government of Iraq immediately to halt its artillery bombardment, to cease all draining schemes and destruction of the marshes and to lift the internal embargo imposed in October 1991 on the populations of the marshlands;

3. Requests the Government of Iraq to abide by the various Security Council resolutions, particularly resolution 986 (1995) of 14 April 1995, which would permit it to sell some of its oil to meet the health and food needs of its population;

4. Appeals to the international community, to the organizations of the United Nations system and to the Government of Iraq to facilitate the delivery and distribution of medicines and foodstuffs to the population of the various parts of the country;

5. Invites the international community to take the necessary measures to provide assistance to Iraqi citizens and to prevent unprecedented ecological and human disasters, such as mass exoduses and higher infant mortality;

6. Calls upon the Government of Iraq to cease its internal embargo against the north and the Shiah populations in the south, both areas which are still under siege, and to re-establish the electricity supply to both regions;

7. Also calls upon the Government of Iraq to cease its terrorist acts against opposition leaders and United Nations personnel;

8. Also calls upon the Government of Iraq to put an end to the arbitrary arrests and imprisonment and summary executions of the members of the Dulaim tribes in the west of the country;

9. Calls for the cessation of the heavy artillery bombardment of Kurdish regions by the Iraqi army;

10. Demands the repeal of the inhuman decrees providing for the tattooing and mutilation of opponents, as well as the rehabilitation of the victims of those decrees;

11. Urges the Special Rapporteur on the situation of human rights in Iraq to visit the border and the marshlands and to report his findings to the General Assembly;

12. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to undertake his mission;

13. Also requests the Secretary-General to call upon the Government of Iraq to cooperate with the Special Rapporteur;

14. Urges the implementation of Security Council resolution 688 (1991) of 5 April 1991 and of the recommendations of the Special Rapporteur to station permanent monitors in the area of the marshlands and establish permanent aid centres;

15. Strongly condemns the violations of human rights by the Government of Iraq and the horrible deterioration of social conditions and decides to keep the situation of human rights in Iraq under review at future sessions of the Sub-Commission.
