

9. *Endorses* all the recommendations made by the Independent Expert in his report, especially those aimed at strengthening the Office of the National Counsel for the Defence of Human Rights, setting up and developing the National Civil Police in accordance with the model resulting from the Peace Agreement and carrying out the agreed reform of the judicial system;

10. *Reiterates its appeal* to all States to contribute to the consolidation of peace in El Salvador by supporting full compliance with the Peace Agreement and generously financing their implementation and the implementation of the National Reconstruction Plan;

11. *Decides* to keep the situation of human rights in El Salvador under consideration during its forty-eighth session, in the light of the course of events in the country.

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#### 47/141. 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,<sup>2</sup> the International Covenants on Human Rights<sup>16</sup> and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949<sup>177</sup> and the Additional Protocols thereto, of 1977,<sup>178</sup>

*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 resolution 46/136 of 17 December 1991 and all its other relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

*Taking note* in particular of Commission of Human Rights resolution 1992/68 of 4 March 1992,<sup>37</sup> in which the Commission decided to extend the mandate of the Special Rapporteur for one year and to request him to report to the General Assembly at its forty-seventh session on the situation of human rights in Afghanistan, and of Economic and Social Council decision 1992/240 of 20 July 1992, in which the Council approved the decision of the Commission,

*Noting* that, following the demise of the former Afghan Government, a transitional Islamic State of Afghanistan was established on the basis of the Peshawar Accord concluded by resistance parties on 24 April 1992,<sup>200</sup>

*Noting with deep concern* that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of

armed confrontation, which is affecting mainly the civilian population, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and much remains to be done for the treatment of prisoners in conformity with the provisions of the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto, of 1977,

*Concerned* that the prevailing uncertainty in the country over political and legal order may affect the situation of members of ethnic and religious minorities,

*Noting with concern* reports of violations of rights enshrined in the International Covenant on Civil and Political Rights,<sup>144</sup> such as the right to life, liberty, personal security and freedom of opinion, expression and association,

*Concerned* that neither the International Committee of the Red Cross nor the Special Rapporteur was able to visit prisoners who were associated with the former Government,

*Welcoming* the fact that over one million refugees have returned to Afghanistan since April 1992, and hoping that conditions in Afghanistan will allow those still in exile to return as soon as possible,

*Aware* that peace and security in Afghanistan are prerequisites for the successful repatriation of more than four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of the minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

*Welcoming* the declaration of general amnesty issued by the Islamic State of Afghanistan, which should be applied in a strictly non-discriminatory manner,

*Commending* the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

*Taking note with appreciation* of the report of the Special Rapporteur on the situation of human rights in Afghanistan<sup>201</sup> and of the conclusions and recommendations contained therein,

1. *Welcomes* the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan, in view of the circumstances prevailing in the country;

2. *Also welcomes* the cooperation that the authorities in Afghanistan 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;

3. *Urges* all the Afghan parties to increase their efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and fair elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of the more than four million refugees to their homeland in safety and

dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

4. *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 calls upon all Afghan parties to respect human rights;

5. *Urges* all the Afghan parties to respect accepted humanitarian rules as set out in 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 protect all prisoners from acts of reprisal and violence, including ill-treatment, torture and summary executions, to transmit to the International Committee of the Red Cross the names of all prisoners, to expedite the exchange of prisoners wherever they may be held and to grant to the Committee unrestricted access to all parts of the country and the right to visit all prisoners in accordance with its established criteria;

6. *Calls upon* all States and parties concerned to make all efforts for the realization of its decision 47/428 of 16 December 1992 entitled "Prisoners of war and persons missing as a result of war in Afghanistan", and calls upon them to make all efforts for the release, as soon as possible, of all prisoners of war as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949,<sup>202</sup> considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended;

7. *Requests* that the International Committee of the Red Cross be given full access to all prisoners by the warring factions;

8. *Calls upon* the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared, to apply amnesty decrees equally to all 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 Prisoners,<sup>181</sup> adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected/convicted persons article 14, paragraphs 3 (d) and 5 to 7 of the International Covenant on Civil and Political Rights;<sup>144</sup>

9. *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;

10. *Urgently appeals* to all Member States, humanitarian organizations and all parties concerned to cooperate fully, especially on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

11. *Also urgently appeals* to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

12. *Urges* all Afghan parties to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the

United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees;

13. *Urges* the authorities in Afghanistan to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

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

15. *Decides* to keep under consideration, during its forty-eighth session, the situation of human rights in Afghanistan in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

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#### 47/142. The situation in the Sudan

*The General Assembly,*

*Guided* by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>2</sup> the International Covenants on Human Rights,<sup>16</sup> and the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>3</sup>

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

*Taking note* of resolution AHG/Res.213 (XXVIII) on the strengthening of cooperation and coordination among African States, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-eighth ordinary session, held at Dakar from 29 June to 1 July 1992,<sup>203</sup> and recalling declaration AHG/Decl.1 (XXVI) adopted at the twenty-sixth ordinary session, held at Addis Ababa from 9 to 11 July 1990,<sup>204</sup>

*Noting with deep concern* reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, described in part in the reports submitted to the Commission on Human Rights at its forty-eighth session by the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions,<sup>205</sup>

*Noting* the announcement by the Government of the Sudan of its intention to constitute an independent judicial inquiry commission to investigate the killings of Sudanese nationals employed by foreign government relief organizations,

*Deeply concerned* that access by the civilian population to humanitarian assistance is being impeded, which poses a threat to human life and an offence to human dignity,

*Alarmed* by the large number of internally displaced persons and victims of discrimination in the Sudan, including members of minorities who have been forcibly displaced in violation of their human rights and who are in need of relief assistance and of protection,

*Alarmed also* by the mass exodus of refugees into neighbouring countries, and conscious of the burden that this places on those countries, but expressing its appreciation for the continuing efforts to assist them, thereby easing the burden on host countries,