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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Situation of human rights in Afghanistan

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the situation of human rights in Afghanistan prepared by Mr, Felix Ermacora, Special Rapporteur of the Commission on Human Rights, in accordance with Commission on Human Rights resolution 1988/167 of 10 March 1988 and Economic and Social Council decision 1988/136 of 27 May 1988,

ANNEX

Report on the situation of human rights in Afghanistan, prepared by the Special Rapporteur of the Commission on Human Rights in accordance with Commission resolution 1988/67 and Economic and Social Council decision 1988/136

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I, GENERAL INTRODUCTION

1. In 1984, the Special Rapporteur was instructed by the Commission on Human Rights "to examine the human rights situation in Afghanistan, with a view to formulating proposals which could contribute to ensuring full protection of the human rights of all residents of the country, before, during and after the withdrawal of all foreign forces". The Special Rapporteur's mandate has regularly been renewed by various subsequent resolutions of the Commission on Human Rights and the Economic and Social Council. Since then, the Special Rapporteur has submitted four reports to the Commission on Human Rights (E/CN.4/1985/21, E/CN.4/1986/2, E/CN.4/1987/22 and E/CN.4/1988/25) and three reports to the General Assembly (A/40/843, A/41/778 and A/42/667 and Corr.1).

2. During its forty-fourth session, the Commission on Human Rights, in resolution 1988/167, decided to extend the mandate of the Special Rapporteur for a year, an extension which the Economic and Social Council confirmed in its decision 1988/136. After considering the report submitted by the Special Rapporteur at the forty-second session, the General Assembly adopted resolution 42/135, in which it decided to keep under consideration, during its forty-third session, the question of human rights and fundamental freedoms in Afghanistan.

3. The Special Rapporteur accordingly has the honour to submit to the General Assembly, in the present document, his interim report in accordance with Commission on Human Rights resolution 1988/167 and General Assembly resolution 42/135. This document describes the most significant new developments affecting human rights since the report was submitted to the Commission on Human Rights in February 1988. It should therefore be considered in the light of that report (E/CN.4/1988/25), which it supplements.

4. In submitting this report to the General Assembly at its forty-third session, the Special Rapporteur wishes to emphasise that he is continuing, as in the past, to do his utmost to inform the General Assembly in the most impartial and most objective manner possible, with the sole aim of contributing to the improvement of the human rights situation in Afghanistan. Because of the current context in Afghanistan and in the light of the Geneva Agreement of 14 April 1988, the Special Rapporteur describes in chapter II below his activities since 1984. In chapter III he examines recent political developments in Afghanistan and their impact on human rights. In chapter IV he analyses the Constitution and describes constitutional life in Afghanistan, in chapter V he deals with the specific problem of the refugees during and after the partial withdrawal of the Soviet troops, and in chapter VI he evaluates the human rights situation, analysing in particular the situation in government-controlled areas and that in areas not under government control. In chapter VII he analyses the application of economic, social and cultural rights, in chapter VIII he evaluates the consequences of terrorist acts in Afghanistan and Pakistan, and in chapters IX and X he submits his conclusions and recommendations based on his analysis of the information available and taking account of recent developments in the overall human rights situation in Afghanistan.

II, ACTIVITIES OF THE SPECIAL RAPPORTEUR SINCE 1984

5. The Special Rapporteur received his initial mandate from the Commission on Human Rights in 1984. He wishes to stress that his mandate continues to be exclusively aimed at examining the human rights situation in Afghanistan. It goes without saying that the human rights situation closely reflects the political context in any country. In this particular case, the question of the right to self-determination of the Afghan people, considered by United Nations bodies mainly as a political question, is, in fact, a human rights question per se. Article 1 of the International Covenant on Human Rights stresses that the right to self-determination is paramount in the human rights system as a whole.*

6. In his conclusions and recommendations the Special Rapporteur has always stressed that the exercise of the right to self-determination of the Afghan people is intimately linked with (a) the question of the withdrawal of foreign troops, (b) the return of refugees and (c) the establishment of a body which is fully representative of the Afghan population, in particular a freely chosen Loya Jirgah. The latter has been the traditional political institution in widespread use in Afghanistan since it achieved unity in 1917, and is the institution for which provision has been made in the various constitutions since 1925, in particular the 1964 Constitution (Article 43).

7. The Special Rapporteur notes with great interest the efforts deployed by the Special Representative of the Secretary-General to ensure that a Loya Jirgah with the broadest representation of the Afghan population is convened. In this context, the Special Rapporteur wishes to recall that he has repeatedly emphasized the need for the convening of a Loya Jirgah which should represent the Afghan people as a whole,

8. In his previous reports the Special Rapporteur considered the human rights situation from two different points of view: that existing independently of the armed conflict and that arising as a consequence of that conflict. When he first visited Afghanistan in early 1988, he observed that the human rights situation could also be considered from yet other perspectives: that existing in the government-controlled areas, the combat areas and the areas under the control of traditional forces, as well as with regard to the specific problem of refugees. The Special Rapporteur was not able to gather first-hand information concerning the human rights situation in the areas controlled by traditional forces. However, he was informed about that situation by both representatives of humanitarian organisations and opposition movements in Pakistan and abroad. He also received valuable information from representatives of non-governmental organisations whose main concern has been to help the people in the combat areas and in areas where, owing to the circumstances, the Afghan Government and United Nations specialized agencies have been unable to provide the necessary assistance.

* Mr. Gros Espiell, The Right to Self-Determination: Implementation of United Nations Resolutions, United Nations publication, Sales No. E.79.XIV.5.

9, The Special Rapporteur has spared **no effort** to investigate the fate of the refugees which, as already stated in his previous reports, together with the **question** of self-determination, is one of the main **human rights** problem⁸ in Afghanistan. **In** his report to the **Commission on Human Rights** at its forty-fourth **session**, the Special Rapporteur estimated the number of Afghan refugees at approximately 5 million.

10, In his last two reports the Special Rapporteur has drawn the attention of the United Nations to cross-border terrorism. Many **thousands** of innocent civilians have been killed or injured due to terrorist **activities** in border **areas**, in Pakistan and Afghan cities. This is also an aspect of the human rights situation in the country under consideration,

11, The Special Rapporteur **wishes** to place on record the particularly valuable **assistance** and broadest possible co-operation he has **received** from the Afghan and Pakistan authorities during his recent visits.

12, As regards the method adopted, the Special Rapporteur has continued **as far as possible, as in the past**, to avoid **any** speculation and reject hearsay. No references are therefore made to non-identifiable **sources**. Furthermore, he **avoids** taking account of any **generalizations** about certain events **which** tend to make the headlines. In his view, such generalizations **cannot** constitute a sound basis for an analysis of the human rights situation in the country.

13, As in the past, the Special Rapporteur **has** endeavoured to establish **the facts** on the **basis** of his own **observations** following contacts and discussions with both senior government representatives and leaders of opposition movements or **other** generally well-informed persons. He has also carefully studied a substantial **body** of documentation **from** which he has selected what have appeared to him to be the most **relevant items**. The **main** sources of **reliable information** on issues such as the right to life, liberty and security of person have been the persons directly concerned, namely refugees, war-wounded, prison inmates and released former prisoners. The Special Rapporteur also **had** the opportunity of meeting Mr. Alain Guillo, a French journalist released from Pol-i-Charkhi **prison** on 29 May 1988. He **has been** unable, however, to contact Mr. E'auto Biloslavo, an Italian journalist, who was also detained in the same prison (**see** para. 93).

14, His travels in various provinces in Afghanistan constitute another important **source of information**. The Special Rapporteur has made **several visits** since July 1987. He **has been** to the provinces of **Balkh, Farah, Herat, Jowzjan, Kabul, Kandahar, Nangarhar and Paktia**. **However**, he **has been** unable to go into areas controlled by the opposition movements owing to circumstances beyond his control,

15, During his visits to the Afghan provinces, the Special Rapporteur has found **that** there are districts or regions which, with the tacit agreement of the **Government**, are administered by independent local or regional officials, or **are occupied** and administered by opposition movements. One example is the Anardara district in the province of **Farah**, with a population of 45,000, from which the Government has withdrawn all control, both **administrative and** military. The **same** applies to the **Panshir** valley, which is completely under the **control** and authority

of Commander **Ahmad** Shah Masood. Security conditions were such that the Special Rapporteur was unable to go to these areas.

16. The information gathered on these areas is based on reports either from opposition movements or from humanitarian organizations actively working there. The Special Rapporteur is not in a position to comment on this information. One of the sources that seems most reliable is a recent report by the Swedish Committee which evaluates the situation and the short-, **medium-** and long-term assistance needs in relation to the returnees, the size of the livestock population and the state of the agricultural sector. The report also mentions the major obstacle to any possible reconstruction in the Panshir region, namely the staggering number of minefields scattered over the whole area. Given the lack of information on the situation in the areas not under government control, the **Special** Rapporteur has drawn extensively on this study, which was carried out by experienced, independent persons (see **paras.** 72, 73, 106 and 107).

17. After the renewal of his mandate by the Commission on Human Rights at its forty-fourth session, the Special Rapporteur, in keeping with the practice he has always followed in the matter and in order to obtain the most broadly based information possible, went to Pakistan from 4 to 9 September 1988 and to Afghanistan from 11 to 19 September 1988.

18. During his visit to Pakistan from 4 to 9 September 1988, the Special Rapporteur had talks in Islamabad with a high-ranking official from the Ministry of Foreign Affairs and with the High Commissioner for Afghan Affairs.

19. In the North-West Frontier Province, he visited refugee camps (**Kahr**, in the district of Banjur, and **Rani**, in the district of Dir), where he had lengthy talks with refugees from the provinces of Baghlan, **Bamian**, **Kunduz** and Takhar. During his visits to the district of Dir, the Special Rapporteur went to the village of **Dogay** where bombardments attributed to the Soviet-Afghan air force were reported to have caused the death of a schoolchild and left 10 other people wounded. In that connection the Special Rapporteur was informed of a number of acts in violation of the Geneva Agreements, causing deaths on both sides among the civilian population. Aware that it is outside his mandate to verify the implementation of the Agreements, the Special Rapporteur considers that he is in duty bound to draw the attention of the General Assembly to the effects of such alleged acts on the right to life and security of the civilian population. Finally, he went to Peshawar, Pakistan, to visit hospitals specially set up to treat wounded Afghans.

20. In order to inquire into specific cases of torture, the Special Rapporteur visited the Psychiatric Centre for Afghans in Peshawar. where he interviewed three patients. In addition, the Centre placed at his disposal a file containing descriptions of a number of persons and covering the period from January 1988 up to the date of his visit.

21. The Special Rapporteur also had talks with the President of the Alliance of Opposition Movements in Peshawar, Mr. **Sayed** Ahmed Gailani, with whom he exchanged views on the overall situation in Afghanistan, with particular reference to development since the signing of the Geneva Agreements.

22. Lastly, the Special Rapporteur sought information on the situation from private individuals, such as Mr. Naim Majrooh, son of the former Dean of the University of Kabul who was murdered on 11 February 1988 in Peshawar, and Professor Louis Dupree, a distinguished professor of Afghan culture and history, as well as Mrs. Dupree who has concerned herself for several years with the situation of women in Afghanistan. He also had talks with the representatives of the following humanitarian organisations: Agency Co-ordinating Body for Afghan Relief (ACBAR), Union Aid, Afghan Media Resource Centre, Bureau International Afghanistan, Mission d'aide au **développement** rural en Afghanistan (MADERA), Austrian Relief Committee, Swedish Committee for Afghanistan and National Committee for Human Rights in Afghanistan.

23. Before setting out for Afghanistan, the Special Rapporteur, on 27 July 1988, sent a letter to the Government of Afghanistan thanking it for the co-operation he had received during his two previous visits to Afghanistan and expressing the hope that that co-operation might continue to be given practical effect through a further visit whose principal purpose would be to obtain information that would enable him to supplement the information in his possession and thus to submit his interim report to the **General** Assembly at its forty-third session. The Afghan Government reacted positively to the Special Rapporteur's request, by a letter dated 25 August 1988. It should be noted that the preparations concerning the programme proposed by the Special Rapporteur, the length of his visit and the security guarantees for the persons interviewed by him were not made subject to any condition.

24. The Special Rapporteur accordingly visited Afghanistan from 11 to 19 September 1988. During this visit, he was received, in accordance with the schedule established in close consultation with the Afghanistan authorities, by the President of the Republic of Afghanistan, the President of the National Front, who is also Vice-President of the Republic, the Prime Minister, the Minister and Deputy Minister for Foreign Affairs, the Minister for Repatriated Refugees, the Deputy Minister of Justice, the Deputy Minister of Religious Affairs, the Deputy Minister of Defence, the First Deputy Minister of State Security and the President of the Special Court of National Security. He also had talks with the President of the National Assembly, the President of the Senate and the President of the Constitutional Council. He **also** had contacts with various officials responsible for humanitarian questions, in particular, the Secretary General of the Afghan Red Crescent Society and the President and Members of the Association of Afghan Lawyers. Finally, he visited the National Museum, where he saw an impressive number of works of art.

25. During his visits to the provinces, the Special Rapporteur met with officials of the National Front and of the People's Democratic Party of Afghanistan (PDPA), religious leaders and members of the committees of national reconciliation.

26. He also attended a parliamentary session during which both chambers together passed a vote of confidence in the Ministers of Defence and Culture and also discussed and voted on procedural questions.

27. In Kabul, the Special Rapporteur visited the Pol-i-Charkhi Central Prison, where he conversed with the prison directors, who come respectively under the authority of the Ministry of the Interior (blocks III and IV) and the Ministry of State Security (blocks I and II).

28. Lastly, it should be noted that during his visits to Pakistan and Afghanistan, the Special Rapporteur viewed several films provided by various sources. The Afghanistan Information Centre, formerly directed by Professor Majrooh, the Afghan Media Resource Centre and Union Aid for Afghan Refugees provided him with the following films: "Living conditions of the civilian population in Bamian after the fall of the city in August 1988" and "Some cases of refugees injured by mines during their return, in July 1988, to Barikot (Kunar Province)".

29. The Afghan Government, for its part, submitted the following films: "Jihad and torture*", "Kunduz incidents" and "The release of prisoners after the launching of the process of national reconciliation".

30. Aware as he is of the risks of partiality, the Special Rapporteur is of the view that the content of these films can serve only as a secondary source of information.

31. For the purpose of drafting this report, the Special Rapporteur, in addition to gathering information during the two visits to Pakistan and Afghanistan, has followed the course of events since February 1988 and systematically examined the written information he has received from private individuals and/or humanitarian organisations represented in the region and dealing with questions relating to his mandate. To his great regret, he received no information this time from the Bibliotheca Afghanica Foundation, which has been unable to continue to collect information on Afghanistan because of financial difficulties.

III. RECENT POLITICAL DEVELOPMENTS RELATING TO THE HUMAN RIGHTS SITUATION IN AFGHANISTAN

32. The Special Rapporteur stated in the oral introduction to his latest report to the Commission on Human Rights (**E/CN.4/1988/25**) that the withdrawal of Soviet troops from Afghanistan is a pre-condition for the establishment of respect for human rights in the country and for the return of refugees.

33. On 14 April 1988, following negotiations between the parties to the conflict, four agreements on the settlement of the situation relating to Afghanistan were reached in Geneva (referred to as the Geneva Agreements). Their conclusion was welcomed throughout the world.*

* The signing of the Geneva Agreements on 14 April 1988 was considered by many Governments as an historic event and was duly celebrated all over the world. In this connection official statements were made, inter alia, by the Governments of the following countries: Afghanistan, Japan, the Mongolian People's Republic, Pakistan, Spain, Union of Soviet Socialist Republics, United States of America, and the 12 States members of the European Community.

34. The Special Rapporteur welcomes the signing of these Agreements and associates himself with the Secretary-General's statement that they "constitute a most significant achievement [a.d] represent a major stride in the effort to bring peace to Afghanistan and to assure a reprieve, for its people". It is a matter of satisfaction for the Special Rapporteur that the United Nations has in fact been able to demonstrate that conflicts can be resolved through peaceful negotiations and has succeeded in making the parties accept the necessity of the withdrawal of foreign troops from Afghanistan, a condition which enables the Agreements to be regarded as a basis for the exercise by the Afghan people of their right to self-determination,

35. However, even though he considers that the Geneva Agreements give grounds for hope, the Special Rapporteur has still not been able to report any improvement in the human rights situation within the country, Acts of war are continuing, violation of human rights are at least as frequent as in the past, affecting particularly the civilian population and endangering the lives and security of innocent men, women and children. As described later in this report, the Special Rapporteur had the opportunity during his visit to Pakistan and Afghanistan to judge for himself the situation and state of distress of these men, women and children, injured even in their hospital beds.

36. As far as human rights are concerned, the Geneva Agreements refer in particular to the withdrawal of the contingent of Soviet force and the voluntary and unimpeded repatriation of the refugees, In this respect they state the following;

Concerning the withdrawal

"In accordance with the timeframe agreed upon between the Union of Soviet Socialist Republics and the Republic of Afghanistan there will be a phased withdrawal of the foreign troops which will start on the date of the entry into force of the Agreement on 15 May 1988. One half of the troops will be withdrawn by 15 August 1988 and the withdrawal of all troops will be completed within nine months (i.e. 15 February 1989)."

Concerning the question of the voluntary return of refugees provided for in Instrument II

"Article I

"All Afghan refugees temporarily present in the territory of the Islamic Republic of Pakistan shall be given the opportunity to return voluntarily to their homeland in accordance with the arrangements and conditions set out in the present Agreement.

"Article I I

"The Government of the Republic of Afghanistan shall take all necessary measures to ensure the following condition8 for the voluntary return of Afghan refugees to their homeland8

"(a) All refugees shall be allowed to return in freedom to their homeland;

"(b) All returnees shall enjoy the free choice of domicile and freedom of movement within the Republic of Afghanistan1

"(c) All returnees shall enjoy the right to work, to adequate living conditions and to share in the welfare of the State;

"(d) All returnees shall enjoy the right to participate on an equal basis in the civic affairs of the Republic of Afghanistan. They shall be ensured equal benefits from the solution of the land question on the basis of the Land and Water Reform;

"(e) All returnee8 shall enjoy the same rights and privileges, including freedom of religion, and have the same obligations and responsibilities as any other citizens of the Republic of Afghanistan without discrimination.

"The Government of the Republic of Afghanistan undertakes to implement these measures and to provide, within its possibilities, all necessary assistance in the process of repatriation.

"Article III

"The Government of the Islamic Republic of Pakistan shall facilitate the voluntary, orderly and peaceful repatriation of all Afghan refugees staying within its territory and undertakes to provide, within its possibilities, all necessary assistance in the process of repatriation,

"Article IV

"For the purpose of organising, co-ordinating and supervising the operations which should effect the voluntary, orderly and peaceful repatriation of Afghan refugees, there shall be set up mixed commissions in accordance with the established international practice. For the performance of their functions the members of the commissions and their staff shall be accorded the necessary facilities, and have access to the relevant areas within the territories of the High Contracting Parties,

"Article V

"With a **view to the orderly movemont of the returnees, the commissions** shall determine frontier **crossing point6** and **establish necessary transit centres.** They shall **also establish all other modalities for the phased** return of **refugees,** including **registration and communication** to the country of return of the **names of refugees who express the wish** to return,

"Article VI

"At *the* request of the Government6 **concerned, the United Nationr High Commissioner for Refugees** will co-operate and provide **assistance** in the **process** of voluntary **repatriation** of refugee6 in accordance with the parent Agreement. Special agreement6 **may** be concluded for **this purpose between UNHCR** and the High Contracting **Parties ."**

37. These provision6 envisage one fundamental human right6 element, namely, the main condition for the free exercise of the right to self-determination which ha6 **always** been called for in the **resolutions adopted** by the General **Assembly,** the Economic and Social Council, and the **Commission on Human Rights.**

38. The **Geneva** Agreements only stipulate the condition6 for the **exercise** of the right to self-determination **of the Afghan people;** they require implementation, **As envisaged** under the **Agreements,** the United **Nationr** ha6 **established the** following implementation and monitoring machinery! a United Nation6 Good **Off ice6 Mission** in Afghanistan and Pakistan, to observe the withdrawal of Soviet troops in accordance with the Geneva Agreements (**UNGOMAP**), and the Office of the Co-ordinator for United Nation6 Humanitarian **and Economic! Assistance Programme6 Relating to Afghanistan.** Both are closely linked with human right6 and humanitarian issues and lay the foundations for **the** fulfilment **of the** recommendation made in paragraph 134 of the Special Rapporteur's report to the Commission on **Human Rights** at **its** forty-second session (**E/CN.4/1986/24**), in **which it was stated that:**

"In regard to the human right6 situation during withdrawa! of troops, adequate precautions should be taken to ensure the protection of all civilians, in particular women, children and elderly **persons.** The international community and humanitarian **organizations,** such a6 ICRC, should be invited to supervise this protection and to furnish humanitarian **assistance,** wherever needed. "

39. In another recommendation to the **Commission on Human Rights (E/CN.4/1988/25, pare, 76),** the Special Rapporteur stated that the withdrawal of Soviet **troops** **should** be accompanied by a **universal** cease-fire in conformity with all relevant rules, and the **parties** to the conflict **should** adhere strictly to the Geneva Conventions of 1949 or, if they were not parties thereto, they **should** at **least** implement article 3 **of** those Conventions.

40. In hi6 latest report he also recommended (**paras. 70-73**) that in the government-controlled areas :

(a) The amnesty should be broadened, **Amnestied persons** should be entirely **free** and **should** not be placed under hours arrest or police **surveillance**;

(b) The Government should implement the human **rights provisions** contained in the new **Constitution** in the spirit of the International **Covenant on Civil and Political Rights** ;

(c) The system of revolutionary or special **tribunals**, revolutionary or **special prosecutors**, and the **special police (KHAD)** should be **dismantled**;

(d) The fate of missing **persons** should be **investigated**.

41, In **areas** not under government control he recommended (**paras. 74-75**) that:

(a) The full **assistance** of specialised **agencies and** non-governmental organisation⁶ should be **extended** to **areas** not yet under government control, The ICRC should be guaranteed **free access** to all place⁶ in which humanitarian **action** was required)

(b) Opposition movement⁶ should find a **way** to release all **prisoners** under their control without any condition,

42, It **is** quite evident that the Geneva Agreements do not take into account all the important **human rights issues**. Much, therefore, **remains** to be **done**.

43, After the conclusion of the **Geneva Agreements**, the Alliance of the **Opposition Movement**⁸ declared **decisively** that they did not feel bound by them, **because** they had never been consulted or involved in the negotiations between the Special Representative of the Secretary-General of the United Nations and the **Governments** of Pakistan and **Afghanistan**. They also criticised the fact that the Geneva Agreements did not refer to the setting **up of** an interim government in **Afghanistan** as requested by the Alliance of Opposition Movement⁸ in a memorandum **submitted** to the Special **Representative** of the Secretary-General in February 1980,

IV, THE CONSTITUTION AND CONSTITUTIONAL LIFE IN AFGHANISTAN

44, The Special Rapporteur analysed both the draft **and** the final Constitution of the Republic of Afghanistan. The text of the new Constitution **was** adopted by a **Loya Jirga** on 30 November 1987, in which, however, the great majority of refugees and **persons** from the opposition movements abroad were not **represented**. Its **provisions** have been implemented on a large scale, Article 5 provide⁶ for a multi-party system and set⁶ the framework of the law under which parties can be formed. Accordingly, besides the People's Democratic Party of Afghanistan (PDPA), the following **parties have been established**: Revolutionary Organisation of the **Toilers** of Afghanistan, **Organization of Toilers** of Afghanistan, **Islamic Party of the People of Afghanistan**, Solidarity Movement of Afghanistan, Party of Justice of Peasants, Anzarullah **Association (Association of Helpers of God)**,

45. The **People's Democratic Party of Afghanistan (PDPA)** still is the predominant political force, as demonstrated by the fact that several leading members of the Government are members of the PDPA. On the other hand, some important ministerial posts are occupied by members of other political parties or persons not affiliated to any party.

46. In paragraphs 21 and 22 of his last report to the Commission on Human Rights (E/CN.4/1988/25) the Special Rapporteur made reference to the function and role of the National Front. The National Front is an umbrella organization which, according to its statutes adopted on 15 January 1987, unites all national and democratic forces and elements in the country. However, the Special Rapporteur notes that political parties are not necessarily obliged to adhere to the National Front, as exemplified by the Islamic Party of the People of Afghanistan,

47. While the Constitution itself does not contain any provision for free, secret and universal elections, a law regulating the electoral process has recently been adopted which does contain such provisions.

48. The last report of the Special Rapporteur to the Commission on Human Rights indicated that the new Constitution contains a catalogue of human rights which correspond to those enumerated in the International Covenant on Civil and Political Rights to which Afghanistan is a party. However, the Special Rapporteur expressed doubts as to the effectiveness of the proclaimed catalogue, since those rights require further legislation to be effective. Many such laws have not been enacted to date. However, the Special Rapporteur is satisfied that at least the following laws have implemented the relevant human rights provisions:

- Law concerning** elections (the right to vote)
- Law concerning** the press (freedom of the press)
- Law concerning** labour (the right to work)
- Law concerning** the unified system of the judiciary (personal liberty)
- Law concerning** passports (freedom of movement)
- Law concerning political parties** (the right to freedom of assembly),


49. In this connection, reference must also be made to the law concerning petitions dated 24 September 1986 which, at first glance, appears to introduce a petition system meeting the requirements of article 3, paragraph 2, of the International Covenant on Civil and Political Rights. However, this is misleading since the main purpose of the law as specified in its article 4 is to:

"Strengthen the control of the citizens over the activities of the organs of the State and social institutions and ensure that the laws of the country are respected by private employees, "

50. The Special Rapporteur was not able to study the effectiveness of these laws in practice. Conversations conducted inside Afghanistan lead him to doubt whether all human rights provisions are fairly implemented,

51. Articles 108 and 117 of the Constitution refer to special courts and to the office of a special attorney. In his last report to the Commission on Human

Rights, the Special Rapporteur expressed dissatisfaction with there Qrovieione which in effect stipulate the continued existence of the revolutionary aourtr and attorney system. The Special Rapportour has now been apprised that tha term "special courts" refers inter alia to family and labour courts and that the system of revolutionary courts au described in the last report has been abrogated.

52. According to the terms of the law abrogating the Revolutionary Tribunal and defining the sphere of competence in the Supreme Court, it is the tark of the latter to ensure that the rights of citizens are respected (article 3); all citizens are equal before thr law without discrimination on grounds of sex, religion, political opinion, social position . . . (article 6); judges are independent and give their verdicts strictly according to the principle of equality (article 7); judges must base their judgements on respect for the Constitution, the legislation in force and the Shari'a and, in all cases, cite thr mort apt legal coneideratione (article 8). Moreover, the law makee provision for Qublio or closed hearings. Provision is also made for the right of  ccuaod to use their own language, receive legal assistance and have recourse to a defence lawyer,

53. The special revolutionary courtc have been replaced by national security courts which bare their legal decisions on the same legislation as the notorious revolutionary courts. However, the system of special courts has been changed. Judiciary committeer subordinated to a main judiciary committee have both administrative and appeal functions. This system would appear to constitute an improvement, but does not fully guarantee the rights of the accused.

54. The national security courts are, inter alia, competent to deal with complaints of abuses of authority by members of the security forcer, It should be noted that cases have been brought to th attention of the Special Rapportour in which members of the security forcer have been brought to trial for alleged ill treatment of detainees. The Special Rapportour was not able to examine the relevant filer.

55. On the other, no changes have been introduced with regard to the office of the Attorney, and attorney8 still have the power to detain persons and even request detentions of up to six months (see A/42/667, paras. 45 to 47).

56. The National Assembly war elected in May 1988 in accordance with the Constitution; 1.5 million citizens participated in the election. According to information submitted by the Government, some 300,000 members of opposition groupe took part in this electoral process. Furthermore, a number of opposition members are reported to sit in the two houses.

57. The President of the National Assembly has stated that the House of Representatives contain8 234 seats, 47 of which have still not been filled; the Senate is composed of 126 seats, 13 of which are still unfilled; the House of Representatives is made up of 65.8 per cent intellectuals, 8.5 per cent peasants, 2.7 per cent heads of private enterprises, 10.4 per cent of religious leaders and 4.7 per cent of nomads. The political composition of the House of Representatives is reported to b e as follows: 56 per cent members with no political affiliation, who may form a parliamentary group, 22.6 per cent members of the PDPA, 3 per cent

members of the Revolutionary Organisation of **Toilers**, and 3 per cent combining members of the **Islamic Party of the People of Afghanistan**, the **Edalat (justice) Party of the Peasants and the Organisation of Toilers**. In addition, within the **Government**, 18 ministerial portfolios are held by persons not affiliated to any political party, including the Prime Minister,

58. According to Government sources, 60 seats in the National Assembly have been reserved for representatives of the refugee population, but it is doubtful that this number is proportionate to that of the refugees,

59. The Special Rapporteur was able to attend a meeting of the House of Representatives mainly devoted to procedural matters which, in his opinion, did not differ significantly from parliamentary debates he had experienced in the 17 years of his own service as a Member of Parliament. However, he could not judge the manner in which more substantive problems are being dealt with by the Afghan House of Representatives.

60. During his visit to the provinces, the Special Rapporteur discussed inter alia matters concerning public administration. In several areas the policy of reconciliation has led to the creation of "peace zones" and "peace provinces". In the province of Farah the Special Rapporteur learned that one district, Anardara, with a population of about 45,000, was administered by the opposition. In this connection, the local authorities expressed the view that provincial autonomy was both conducive to and resulting from the policy of national reconciliation and did not imply separatist tendencies. Furthermore, it was emphasized that in the administration of justice remedies were available at the level of State courts,

61. The opposition movements based in Pakirtan, whose chairman met with the Special Rapporteur, have established a no-called "interim government" which has proclaimed a "Constitution of the Interim Islamic Government of Afghanistan" containing 87 articles. This constitution is a kind of political directive, in which the provisions are not fully elaborated. Only two provisions contain a reference to human rights, namely articles XXIII and XXXVI, which refer to "what is right and what is wrong according to the Islamic Shari'a".

V. SITUATION OF THE REFUGEES

62. In his report to the forty-fourth session of the Commission on Human Rights (E/CN.4/1988/25), the Special Rapporteur estimated, on the basis of matching statistical data, the number of Afghan refugees in Pakistan and the Islamic Republic of Iran at 5 million. According to official estimates from the Government of Pakirtan, there were 3,270,195 refugees, spread over the North-West Frontier Province, Baluchistan, the Punjab and Sind, as of 15 July 1988. Some 300,000 persons were still waiting to be registered in the North-West Frontier Province and Baluchistan. Compared with January 1966, when the official estimate was 3,179,328 refugees, there would appear to have been an increase of 100,867 refugees in Pakirtan over the last six months. This increase has been attributed to violent fighting in the region of Miramshah and Spinboldak,

63. Following his visit to two refugee camps in Pakirtan, that of Rani in the district of Dir and Kahr in the district of Banjur, the Special Rapporteur was able to form two conclusions. On the one hand, the situation in these camps seems to be controlled by the leaders of the Afghan opposition and, on the other, the refugees' desire to return to their country seems to be influenced by both political and safety considerations. In this context, mention should be made of the risks caused by mine explosions, as was pointed out to the Special Rapporteur in the case of the refugee who was seriously injured at Barikot when they returned to that post after it was abandoned by the Soviet troops.

64. Regarding the reports of the return of some refugees to Afghanistan, the Special Rapporteur again found that although the return movement is still very weak, the reception centres provided for returnees being almost empty except for the one at Kabul, some evidence of return is apparent and could well become stronger in the coming months when need-time arrives. According to the official estimates sent to the Special Rapporteur by the Afghan Ministry for Repatriated Refugees, the number of refugees returning to the country rose from 111,303 at the end of January to 150,850 at the end of August 1905, made up as follows: 78,247 from Pakistan, 70,503 from the Islamic Republic of Iran and 2,100 from other countries. According to other sources, these statistics have been regarded as too high compared with the facts. At this point, the Special Rapporteur is not in a position to verify them. (See appendix 1.)

65. During his visit to Afghanistan, the Special Rapporteur again had the opportunity to visit the reception centres for repatriated refugees both at Kabul and in the provinces. He had lengthy interviews with a large number of returnees. In most cases, the reason behind their decision to return was the withdrawal of Soviet troops from their province or region of origin and the results of the national reconciliation process, which gave them hope. Nevertheless, some mentioned the safety risks caused by the presence of mines as a real deterrent for many who might otherwise once more attempt to return. In addition to the mine syndrome, which seems to be having an increasing effect on the decision to return, there is the lack of security in the liberated zones, which are repeatedly subject to continuous bombardment. In this connection, the civilian population, which is the first victim, on the one hand charges the Afghan and Soviet forces with responsibility for the bombardments and on the other blames opposition movements which through their Actions bring about reprisals.

66. Lastly, some of the refugees spoke of opposition to their return, either from the authorities themselves (although this reason is brought up less and less), or from the political leaders of the opposition movements, or again from the tribal chiefs. Also, some returnees from the Islamic Republic of Iran said that they had experienced pressure from the Iranian authorities, which sought to place them in refugee camps, and they had therefore preferred to return to the country.

67. On being questioned by the Special Rapporteur about the prospect of the return of the Afghan refugees to their country, Professor Louis Dupree, an eminent historian and specialist in Afghan questions, identified four categories of refugees outside Afghanistan, to whom must be added the refugees inside the country. The refugees in the first category, who are of rural origin, will in all

probability return in about 90 per cent of cases to their villages of origin. They are from agricultural areas, three quarters of them are women, children or elderly persons, and they will return to work their land, particularly since many of them have no right, under Pakistan legislation, to own land in that country, and since the women have less freedom of movement in the camps than they would have in their own villages,

68. Some of the refugees in the second category, which includes tradesmen and entrepreneurs, may return to the country, with a tendency on the part of a number of them to leave part of their investments in Pakistan or Iran.

69. The refugees in the third category, which consists of intellectuals and technocrats, living in Pakistan, Iran, India and the Gulf countries, would like to return to Afghanistan to take part in the rebuilding of the country but find themselves facing three difficulties: family pressure, patriotic feeling and the risk of being killed,

70. Among the refugees in the fourth category, which consists of intellectuals who have studied abroad and are currently living in Europe or the United States with their families, very few are likely to decide to return since their families are in general well integrated into the society in which they are living.

71. In addition to the refugees in these four categories there are the refugees within the country, of whom there are about 1 million, who have been forced to flee their villages as a result of bombardments and have found a temporary haven either on the outskirts of or within the country's major cities. It should be noted in this connection that the population of Kabul alone has risen from 600,000 in 1978 to almost 2 million in 1988. These refugees inside the country will return to their regions of origin as soon as the situation permits.

72. In addition, a recent survey prepared by the Swedish Committee for Afghanistan* shows that when certain conditions are fulfilled the majority of Afghans return to their provinces of origin because they are deeply attached to the land, regardless of their ethnic identity. This survey, carried out by a team of distinguished experts in the agricultural, medical and engineering fields, was aimed at evaluating needs in the Panshir valley with a view to proposing solutions to the following problems: the return of the refugees, the rehabilitation of agriculture which has been seriously affected by acts of destruction, the reconstruction of the irrigation system, the replenishment of livestock herds and, lastly, the removal of mines from the whole valley.

73. As regards the return of the refugees, the survey shows that by the end of May 1988, corresponding to the departure of Soviet troops from the valley, many refugees from inside the country had returned spontaneously from Kabul to their region of origin at a rate of about 200 persons a day, with the figure rising over

* Swedish Committee for Afghanistan: "An evaluation mission in the Panshir valley", July 1968,

the last two months. Their first aim was to rebuild their homes. Despite the difficulties encountered in the valley, all the refugees interviewed are reported as expressing their firm determination to remain. In the village of Anaba, 450 of the original 500 families are said to have returned in the two months following the region's liberation.

74. At such stage of the development, the Special Rapporteur studied the motives of those who have so far decided to return to their homeland. In this connection, while not envisaging a mass return of refugees before the foreign troops have been entirely withdrawn, the Special Rapporteur noted that the motives invoked by most of the refugees interviewed were based on the following political and factual considerations: the complete withdrawal of the Soviet troops, the constitution of an Islamic Government in which they would have complete confidence on condition that it did not include any member of the current PDPA, which is regarded as a symbol that must disappear, the state of insecurity caused by the continuing bombardments and, lastly and above all, the presence of mines scattered over the whole territory which make movement in the province of origin extremely dangerous. The Special Rapporteur was also able to verify that the decision of the refugees to return to their homeland was influenced in one direction or another by the heads of the opposition movements, the leaders inside the country and the tribal chiefs.

VI, EVALUATION OF THE HUMAN RIGHTS SITUATION IN AFGHANISTAN

A, Situation in government-controlled areas

1. General

75. In the course of three visits to Afghanistan, the Special Rapporteur has had an opportunity to visit the following government-controlled areas: Kabul, Herat, Mazar-i-Sharif, Kandahar, Jalalabad, Khost, Farah and Jowzjan.

76. During his visit to Afghanistan the Special Rapporteur, as in the past, sought to gather the maximum amount of information on the situation of the right to life, the right to liberty and security of person, including conditions of detention and the problem of torture and ill-treatment as well as the impact of the conflict on civil, political, economic, social and cultural rights. In that connection he was particularly anxious to see the extent to which the implementation of the "reconciliation policy" had contributed to the restoration of human rights.

77. As is already stated in his previous report to the Commission on Human Rights (E/CN.4/1988/25), the "reconciliation policy", through which modest progress on human rights has been made, continued to apply during the period under consideration. In particular, it has led to the holding of elections which, pursuant to the Constitution, have culminated in the establishment of a National Assembly.

78. In addition, the government announced that it has initiated a policy of creating demilitarized zones and peace zones. Two examples were cited in that

regard; the region of Panshir and the province of Bamian were declared to be zones in which all military operations are prohibited, while the peace zones have been cleared of mines by the armed forces with a view to safeguarding the security of the civilian population,

2. Right to life

79. On the issue of capital punishment, the Government informed the Special Rapporteur that under the law, the death sentence was only applicable to major criminal offences. It also pointed out that no death sentence had been passed since the initiation of the policy of national reconciliation,

Allegations concerning executions or disappearances

80. The Special Rapporteur was informed of cases of disappearances during the period under consideration but was not able to verify the allegations or to obtain information on the circumstances in which such disappearances might have taken place. He was in particular informed of the cases of: Mr. Qholm Mohsammad, son of Gholam Nab.; Mr. Nour Mohamad, son of Mr. Mohamad Youssof, Mr. Abdul Ghadir, Mr. Djalad Khan, Mr. Mohunad Hayat, Hadji Mohamad, son of Bachir Ahmed, Mohamad Zamam, son of Mohamad Akbar, and Mohamad, son of Abdelmohamad, Abdul Ahmad and Sabour Sadiq.

Consequences of the presence of mines for the safety of the population

81. A particular cause for anxiety and fear, specifically in connection with the return of the refugees, is the existence of minefields. The representative of a non-governmental organisation informed the Special Rapporteur that he had witnessed peasants taking matters into their own hands by driving herds of animals into a minefield to clear it,

82. A most important aspect of the right to life requiring immediate action is therefore clearance of mines throughout the entire territory of Afghanistan. According to information given to the Special Rapporteur in both Pakistan and Afghanistan, apart from the serious long-term danger to the Afghan population of the existence of a multitude of minefields, there is the more immediate problem of how to protect the right to life of the refugees as they return to their country. In that connection, the Government stated that, notwithstanding the continuing conflict in several regions of the country, it had taken a number of measures for the clearance of the minefields in certain regions which had been designated as "peace zones".

83. The following, undoubtedly partial, statistics furnished by the Afghan Government indicate the scope of the phenomenon and the need for the international community to take urgent measures. According to those statistics, since 1980 the Soviet-Afghan forces have laid 2,911 minefields, of which 1,518 have been cleared while the remaining 1,393 are still active. During the same period, 623,755 anti-personnel mines were laid. Seven hundred and eighty minefields were laid by Afghan troops and 2,133 by Soviet troops. 314 of the fields which have already been cleared are currently the responsibility of the Afghan authorities and 299 will be

returned to them upon completion of the withdrawal of Soviet troops, planned for **15 February** 1989. The distribution of these minefields is as **follows**: 158 at Chaydan, 10 at **Charikal**, 44 at **Bagram**, 18 at Kabul and 65 at Turghundi,

84, According to official statements made to the Special Rapporteur, these minefields **were** laid around **strategic, economic** and military centres in order to strengthen defences and ensure security. In this connection, the **Government** states that it **has** maps indicating where **these** minefields are located,

85, The Afghan **Government** also drew the attention of the Special Rapporteur to the existence of a number of **minefields** laid by the opposition **movements** but it is difficult to identify and count them. For their part, the Government's special forces had **neutralized** 285,481 **mines** of different types, mainly **anti-personnel** mines, anti-tank mines and a very powerful **type of layered** mine laid mainly in mountainous areas. In addition, 185,780 mines laid **on roads and/or** around highly concentrated civilian population centres had been **dismantled**. The Special Rapporteur is not in a position to verify **these facts**, (See appendix II,)

3. Right to liberty and security of person

Situation of the imprisoned population and detention conditions

86. During his visit to Afghanistan the **Special Rapporteur** verified in general the continuation of efforts already under way to **free** a **number** of **detainees** pursuant to **amnesty** decrees and to improve, in a way difficult to evaluate, certain aspects of detention conditions. In that connection, the Special Rapporteur was informed that, since January 1988, 6,997 prisoners have been **freed** from **prisons** in the entire territory, pursuant to the amnesty decree of 26 November **1987**. In addition, 652 **prisoners** were freed pursuant to the decree of 26 April 1968 and 16 under the decree of 4 July **1980**.

87. In addition to the **amnesty decrees** covering the expected release of prisoners, a number of **commissions**, such as medical or national reconciliation commissions, are empowered to request the **release** of political detainees for medical reasons or by standing surety for certain prisoners on the grounds of age. In this way, 637 have been **freed** since the introduction of the national reconciliation policy,

88, The Government also stated that, since the proclamation of national reconciliation, amnesty decrees and the intervention of the commissions have resulted in the freeing of 8,302 prisoners,

89. Government sources announced that, in September **1988**, 2,125 political prisoners remained *in* prison, including 6 women. In addition, 860 men and 33 women continued to be detained for common-law crimes. It should be noted that arrests appear to be continuing but their number **is** below that of prisoners **freed**,

90. During his visit to the **Pol-i-Charkhi** prison, the Special Rapporteur met the prison governor responsible for blocks III and IV which are under the authority of the Ministry of the Interior. Those **blocks are** intended for prisoners who have already been sentenced. According to the **governor** responsible, 1,626 prisoners

were detained at the time of the Special Rapporteur's visit. Blocks I and II, which the Special Rapporteur visited, are reserved partly for prisoners sentenced for political reasons, partly for suspects and partly for detainees still under interrogation. At the time of the 12 September 1988 visit, it was pointed out that the number of prisoners in blocks I and II totalled 285, of whom 81 were still under interrogation, 92 were suspects and 112 had already been sentenced. According to further information, 108 detainees were under interrogation throughout the country. According to the responsible prison official, all sentenced detainees at Pol-i-Charkhi were able to meet freely with representatives of ICRC during the first visit in March 1988. In addition, during his visit to blocks I and II, the Special Rapporteur was able to verify that sanitary conditions in blocks I and II were better than in other blocks of the prison.

91. During his interviews with the directors of the Pol-i-Charkhi prison, the Special Rapporteur was informed of the freeing of Mr. Heidi Baouendi, a Tunisian citizen, who had been detained in this prison in 1984 accused of participation in terrorist acts. Mr. Baouendi had been exchanged and handed over to an opposition movement. According to recent information, he is currently in France, thus indicating that, in addition to the possibility of being amnestied, prisoners are sometimes exchanged for persons detained by the opposition movements.

92. During his visit to Afghanistan the Special Rapporteur raised with the Government information he had received concerning the detention of two citizens of the Federal Republic of Germany, a medical doctor and a nurse.

Allegations of torture and ill-treatment

93. The Special Rapporteur received information from the French journalist **Alain** Guillo, which he has not been able to verify, that 15 of the 65 detainees in the Pol-i-Charkhi cells reserved for foreigners, have been tortured by such methods as the use of electric shocks, **immobilization** for several hours in uncomfortable positions, and the suspension of weights from the testicles. The Special Rapporteur was not able to meet another journalist, an Italian, Mr. **Fausto** Biloslavo, who was detained at the same time and who was freed in June 1988.

94. The Special Rapporteur also received information regarding cases of torture and ill treatment in a detention centre identified as House I at **Bibi** Mahrou (Kabul). Information provided to the Special Rapporteur alleged torture of four students who had been arrested on 30 July 1988. These were Messrs. Mohamad Daoud, Mohamad Saber, **Ahmad** Rachid and "Djavid". The Special Rapporteur has not, however, been able to verify these allegations or to obtain any confirmation from the Government regarding the existence of this centre.

95. In addition, in statements made to the Special Rapporteur during his visit to Pakistan, former prisoners of Pol-i-Charkhi, some of whom had recently been released, alleged that they themselves and other detainees had suffered ill-treatment. The Special Rapporteur was also informed, once again, that released prisoners of military age would be enrolled in the army direct without any possibility of contacting their families.

96. The Special Rapporteur raised the question of torture at the **highest** levels of the Afghan Government and received **assurances** that everything would **be** done to **ensure** that perpetrator8 of such acts would be punished in accordance with the **existing legislation** and pursuant to the **provisions of** the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which the Republic of Afghanistan **is** a party. **While** recognising the wish of the **Government** to **distance itself** from **acts of torture** or ill-treatment committed **by** public **employees**, the Special Rapporteur **feels constrained** to draw the attention of the General Assembly to the various allegations which continue to reach him.

97. The Special Rapporteur **saw** a film which was made available to him by the Government **and** which **showed** acts of **torture** inflicted **on** captured prisoners. The producer of the film, when contacted by the **Special Rapporteur**, later declared that the acts of torture had been committed by members of opposition movements **and used** by the latter **as** propaganda **to discredit** the Government.

B. The human rights situation in combat areas

98. The **situation in combat areas** has changed **since** the Geneva **Agreements of** 14 April 1988, in particular **as** regard the withdrawal of Soviet **troops** and the modalities **for such** a withdrawal. It has been **asserted** that the combined Soviet **and Afghan** forces have **used** their military power **to safeguard** the withdrawal of Soviet troops on the one hand and on the other, to keep control over the principal **cities** and villages in the **various provinces** of Afghanistan. It **was also** reported that the withdrawal was accompanied by heavy bomb **attacks** and "cleaning-up" operations, which caused heavy **losses amongst** the civilian population,

99. According to official figures of the United Nations, on 15 May 1988 Soviet **troops were** present in 18 main **garrisons** located in the following 17 of the 31 provinces of Afghanistan! Badakhshan, Baghlan, **Farah, Gazni, Helmand, Herat, Kabul, Kandahar, Kunar, Kunduz, Logar, Nangarhar, Paktiya, Parwan, Samangan, Takhar and Zabul,**

100. From 15 May to 7 **August** 1988 the following 10 garrisons previously under the **control** of Soviet troops were evacuated and handed over to the Afghan armed **forces:** Baraki, Daulatabad, **Faizabad, Gardez, Gaeni, Jalalabad, Kandahar, Kunduz, Lashkargah and Ruha.**

101. After 15 August 1988 eight main garrisons remained under the **control** of Soviet troops. They are located in the following five provinces! Baghlan, **Herat, Kabul, Parwan** and Samangan. Further, it was **asserted** that Soviet forces will continue to **use** the **area** of Hayratan in Balkh Province as a border crossing point for the withdrawing troops.

102. The following incidents were reported to have occurred after the conclusion of the Geneva Agreements, inflicting severe **losses** on the civilian population (the Special Rapporteur **was** able to **see** films **and** photographs of several **such** incidents)!

On 7 March 1988 Soviet artillery bombarded residential areas in the suburbs of **Herat;**

At the end of April 1988 nomads who were migrating from Jalelabad to Kabul were attacked by Soviet and Afghan troops;

During the month of May 1988 the withdrawal of Soviet troops from the Aynak area in north central Logar was followed by intense bombing, causing heavy damage to residential areas, especially along the Logar road;

In mid-May 1988, Maydan Shar was subjected to heavy bombing which caused civilian losses;

On 8 June 1988 the Sangh Lakh valley was bombed; schools, mosques and houses were damaged;

On 22 July 1988 Soviet bombardment in the western part of Sangh Lakh valley destroyed many houses and reportedly killed 12 civilians;

In mid-August 1988 Kunduz came under heavy attack from Soviet aeroplanes, which destroyed much of the city, causing heavy civilian losses.

103. The Special Rapporteur has been informed about the continued use of booby-trap bombs and the wounds they are causing. He was able to interview civilian adults and children injured by such weapons during his visit to various hospitals in Afghanistan and Pakistan. He was also provided with updated statistics on recently admitted cases of war-wounded persons specifically following mine explosions. According to information given to the Special Rapporteur during his visit in Peshawar (Pakistan) to the ICRC hospital and the Afghan Surgical Hospital, the number of victims of explosions had sharply increased over the period July-August 1988.

104. Over the last six months 243 war-wounded children were registered at the Indira Gandhi Institute of Child Health in Kabul. Among these cases, the Special Rapporteur saw a 10-year-old boy who had lost his hand and one eye while playing with a wrist-watch which exploded,

105. Figures differ with regard to the total number of people killed during the war. Reports from sources considered reliable by the Special Rapporteur estimate the figure at 3.5 million. It should be noted, however, that the report of the United Nations Co-ordinator mentions only 1.5 million.* Statistics published by the Soviet army give a total of 12,000 to 15,000 Soviet soldiers killed since 1979. Some killings of captured Soviet soldiers have recently been reported, such as the execution on 6 April 1988 by elements of the opposition movements of a downed Soviet pilot near Charikar. The Afghan Ministry of Defence has not yet published its statistics, nor are figures available from opposition movements. Mention must also be made of persons disabled by mine explosions or whose injuries are such that it is difficult to conceive of their following any economic activity ever again,

* First consolidated report prepared by the Office of the United Nations Co-ordinator for Humanitarian and Economic Assistance Programmes relating to Afghanistan, Geneva, September 1988, p. 42.

C. Situation of human rights in areas not under government control

106, The opposition movements claim that they control 80 per cent of the country, This figure must be viewed with caution since they do not in fact exercise control over the principal cities, villages or centres of administration. The Special Rapporteur was unable to visit areas not under government control. However, a very reliable report on the Panahir valley has been prepared by a team from the Swedish Afghan Committee which visited that area following the complete withdrawal of Soviet troops and regular Afghan forces. The Committee's report describes the situation in a particular location which the opposition groups call a "liberated area".

107, To the extent that the above-mentioned report provides information relating to human rights issues, the Special Rapporteur felt it useful to reflect the findings of the Committee as follows:

(a) Mines

(1) The widespread use of mines in the Panahir valley during the nine years of conflict represents the major impediment to reconstruction efforts in that region. Three types of mine planted in the valley have been identified: trip mines, pressure mines and wave mines. Trip mines consist of a hand grenade placed on a wooden stick driven into the ground. The grenade's detonating pin is attached to a thin "trip" wire, rigged at ankle height above the ground. Although trip mines are the most numerous found in this valley, they do not present major problems to demining teams. The first step is to burn the round cover in areas suspected of harbouring these mines, thereby exposing the grenades and their trip wires. The wire is then carefully cut and the grenade deactivated. Pressure mines, made of plastic, are mainly planted around Afghan Government and Soviet military installations, and along paths leading from mountain passes to military posts. Although their detection by means of conventional equipment is extremely hazardous, once their location is identified, they are easily removed and deactivated by unscrewing the plastic detonating plug. The third category, wave mines, is the most delicate and destructive of the anti-personnel mines. A wave mine consists of a series of 7 to 12 mines placed centripetally around a central transistorized battery-powered detonating device. They are triggered by vibration: the sound of a voice may be enough to detonate them. Fortunately, relatively few of these mines were used and most of them have been placed only around Soviet military installations or left behind by Soviet helicopter troops after high mountain assaults.

(2) Not previously mentioned are the mines constructed by the opposition movements themselves. The majority of these, comprising C4 explosive placed in metal cans and usually detonated by a pressure device, have been removed from the Panahir valley. However, since some of the elements of opposition movements who originally placed these mines have been killed, their location is now unknown.

(3) In this connection, the United Nations Co-ordinator for Humanitarian and Economic Assistance Programme Relating to Afghanistan, fully aware of the

gravity of the situation, considers that, "the problem of mine clearance will require a major co-ordinated international effort and an immediate mobilisation of resources by the donor community. The early establishment of central, co-ordinating mechanisms in the border areas and inside Afghanistan will be vital".

(b) Medical situation

(4) Medical care in the Panshir valley is provided by the military units of the opposition movements. Medical aid is generally administered by health workers with basic training, occasionally supervised by doctors. Recently, 11 non-governmental organisation-trained graduates of Pakistan-based teaching programmes have assumed positions of medical responsibility with these units. Generally speaking, each unit has no more than one small room used for medical purposes, with very limited equipment. Two units, however, have been designated as providing more advanced facilities, the better equipped handling up to 30 in-patients per month.

(c) Education

(5) Education has not been a priority in recent times in the Panshir because of a small civilian population. The return of the refugees makes it imperative that attention should again be directed towards this vital service. Before the war, there were two high schools (12 grades) serving the valley, one in Bazarak and the other in Rocha. Most villages had primary schools (six grades). At the time of evaluation, there was one primary school, in Anaba, but it was closed after the troop withdrawal of 15 May 1988. It has since reopened and at present 30 pupils are enrolled per class.

(6) In Paryan valley there is one school in Kawjan with only two grades. The same is true of Safed Chir. In the parallel valley of Darreh, there is one primary school and four secondary schools with two or three grades.

(7) The teachers are members of the opposition movement with no prior teaching experience. They receive a small stipend in money or in kind. Few books exist in the valley.

VII. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

108. Due to difficulties in obtaining data concerning economic, social and cultural rights in Afghanistan, the Special Rapporteur refers to the first consolidated report of the Office of the United Nations Co-ordinator for Humanitarian and Economic Assistance Programmes relating to Afghanistan*, which states that, "this

* Office of the United Nations Co-ordinator for Humanitarian and Economic Assistance Programme relating to Afghanistan, First consolidated report (UNOCA/1988/1), Geneva, September 1988.

first Consolidated Report represents a fully collaborative effort by the United Nations system to compile a base line assessment of the situation in Afghanistan".

109. The Special Rapporteur has considered the essential findings of this report, but was unable to check the data presented against all elements of the economic, social and cultural rights as contained in the relevant Covenant to which Afghanistan is a party. However, he can confirm that the data presented in the Report of the Co-ordinator largely coincide with his own findings ascertained over several field missions. The data were also confirmed by Government officials in private conversations, by representatives of specialised agencies and non-governmental organisations, as well as by numerous eyewitnesses whose impressions of the situation were published in the press.

110. In regard to the enjoyment of economic, social and cultural rights, the first consolidated report contains important data concerning agriculture, the health situation, education and the problems of the infrastructure of the latter. The report also mentions the humanitarian work of non-governmental organisation for the people of Afghanistan (see annex 5 to the report). The report contains relevant proposals for improving the present situation. It goes without saying that the implementation of all these humanitarian proposals requires a situation largely free from violations of the most basic human rights, such as the right to life, to personal freedom and security, and freedom of movement. The report shows that the implementation of humanitarian principles must be independent of political and ideological motivations if it is to be effective in a non-discriminatory manner,

1. Agriculture

111. Agricultural production is an essential element for supplying the population with food and supporting the rural economy. The agricultural situation has been influenced by land reform plans and decrees (see the report of the Special Rapporteur contained in document E/CN.4/1985/21, paras. 67 to 69).

112. The first consolidated report states that: "in terms of agricultural production the consequences of the war have been dramatic"; levels of production of major crops have steadily declined! wheat, the major staple, has declined by almost one third; cotton production is 52 per cent below the levels of 10 years ago; food shortages have increased; the large displacement of the agricultural population during the nine years of conflict have resulted in the abandonment of many farms; war damage, lack of maintenance, and neglect have severely reduced the efficiency of the irrigation systems crucial to Afghan agriculture! and extensive damage to forest cover is reported in many parts of the country (especially in the provinces of Paktia, Kunar and Badkhi).

113. The consolidated report attempts an assessment of the agricultural situation in the various regions of Afghanistan. As far as the northern provinces are concerned, it seems that the main war damage consists of the destruction of villages and irrigation systems, as well as the robbing of livestock. Shortages of labour, draught animals, fertilisers and pesticides were also reported. The eastern regions have witnessed some of the heaviest fighting of the war. This has severely affected agricultural production damaging the irrigation system and

destroying villages and livestock. In the east arntral provinces, a strategically important region, wide perimeters have been cleared of vegetation and houses on either ride of the main highways. In the southern provinces the districts of Kahkrees, Shah Walikot and Keshki Nakhud have been badly damaged.

2. Health

114. The first conrolidated report gives a survey of thr health services in the different regions of Afghanistan. It indicates, inter alia, that many operational disease aontrol programmes have been interrupted, that tuberculosis is on the rise, that the incidence of malaria has reached epidemic levels, that there is a high prevalence of respiratory ailments and eye disorders, and that safe drinking water is in short supply. On top of all this, there is the problem of tens of thousands of disabled persons. A marked deterioration in the national health structure has also been reported. Health facilities in the cities have acntinued to function, but mort of the sun-centres in rural areas havr been reported to be totally destroyed.

115. It is reported that the nutritional status of the population as a whole is not **●** alarming, but malnutrition among children is estimated to be high. This has been confirmed to the Special Rapporteur at the Children's General Hospital in Kabul, where reference was also made to the steady increase in pricer for essential food. At this juncture, the first conrolidated report refers to the cross-border health care dispensed inside Afghanistan by a number of non-governmental organisation8 and organisations working with the opposition movements (see 9.11 of the first consolidated report),

3. Education

116. The first conrolidated report states in paragraph 10.2: "Over the part 10 years, except in a few urban centres, tho education system has practically collapsed. This is particularly true for primary and secondary as well as literacy education in rural areas ... Primary school gross enrolment hae dropped from about 30 par cent in 197811979 to about 18 per cent in 198611987 ... In all areas, except for Kabul city, teacher training, vocational training and university education are basically non-existent".

VIII. TERRORIST ACTS

117. During the period under review, the Special Rapporteur learnt of a growing number of terrorist acts in Afghanistan and Pakistan,

118. In this connection the Special Rapgorteur wishes to recall that the question of international terrorism was considered by thr United Nations in General Assembly resolution 32/147 of 16 December 1977 and was referred to in the report of the Ad Hoc Committee on International Terrorism of 1977.* The First Protocol

* Official Records of the General Assembly, Thirty-second Session, Supplement No. 37 (A/32/37).

Additional to the Geneva Conventions of 12 August 1949, taking into account the Declaration on Principles of International Law concerning Friendly Relations and Co-operation Among States in accordance with the Charter of the United Nations, proclaims that, "in cases not covered by the Protocol or by other international agreements, civilians and combatants remain under the protection and authority of the principles of the international law" (article 1). Article 51 of this Protocol provides for the protection of the civilian population, Indiscriminate attacks, as described, are forbidden, in particular acts or threats of violence the primary purpose of which is to spread terror among the civilian population, are prohibited, Article 52 provides that attacks shall be limited strictly to military objectives,

119. On 1 August 1988 the Republic of Afghanistan adopted a law on terrorism, of which the relevant paragraphs read as follows:

Article 3.1 Any person who assassinates a political, social or religious personality, a representative of the State or a tribal or ethnic chief, in connection with the latter's governmental or social responsibilities, for the purpose of undermining or weakening the sovereignty of the people, shall be sentenced to life imprisonment or receive the death penalty or have all his property confiscated.

Article 3.2 If the persons specified in subparagraph 1 have been subjected to physical or psychological pressure for the purpose set out in subparagraph 1, those responsible for such acts shall be sentenced to imprisonment for three to ten years.

Article 4.1 If a representative of a foreign State is assassinated for attempting to incite war or diplomatic tension between the Republic of Afghanistan and other countries, the assassin shall be sentenced to life imprisonment or receive the death penalty or have all his property confiscated,

Article 4.2 If the person specified in subparagraph 1 has been subjected to physical or psychological pressure for the purpose set out in subparagraph 1, the person responsible for such an act shall be sentenced to imprisonment for three to ten years,

120. It is clear from this definition of the Afghan law that all members of the opposition movements are to be considered terrorists within the meaning of this law. They are not considered freedom fighters or combatants as defined in the Protocols to the Geneva Conventions.

121. On the basis of humanitarian law, the Special Rapporteur would describe terrorists as those who carry out acts against the civilian population and civil objectives which are forbidden by humanitarian law. According to this definition, terrorism in Afghanistan and Pakistan has multiplied during the period under consideration. The Special Rapporteur mentioned in his report to the General Assembly at its forty-second session (A/42/667, para. 104) that more than 4,000 civilians have perished as a result of acts of terrorism. The Special Rapporteur has personally witnessed several victims of this kind of terrorism.

122. Many innocent **civilians - men, women and children - have been killed by this kind of terrorism**. The **Afghan Government has** informed the Special Rapporteur of the following acts of terrorism perpetrated *in the* period April to August 1988:

The use of heavy artillery and ground-to-ground missiles against administrative buildings in the towns and villages and against places of worship and charitable institutions: 4,154 cases of the use of missiles and 24 explosions, causing the death of 945 civilian⁶ and 1,098 wounded including 187 children and 98 women,

Destruction of 3 hospitals, 8 mosques, 5 schools, 387 houses, 152 stores and 195 vehicles (destroyed or burned),

The use of "Blue-pipe" missiles caused the destruction of 5 MIG-21, 1 SU-22, 3 SU-7, 2 AN-32, 2 AN-26, 1 IL-39 aircraft and 26 helicopters.

123, The following terrorist incidents may be quoted for the month of September 1988:

On 1 September 1988 a rocket attack on Kabul airport, which could be considered as an act with strategic aims, killed 9 civilian^r and wounded 29;

On 11 September 1988 a bomb blast in a Kabul business centre killed and wounded several people;

On 27 September 1988 a rocket attack on a residential area of Kabul allegedly killed 35 civilians.

124, On the other hand, the Government of Pakistan claims that acts of terrorism within the meaning of humanitarian law are committed on its territory,

IX, CONCLUSIONS

A. Civil and political rights

125, Taking into account the political system and the situation of conflict, the Special Rapporteur recognises the will of the Government of the Republic of Afghanistan to improve the enjoyment of civil and political rights,

126, The number of political prisoners has fallen sharply as a result of various measures, in particular the amnesty decrees which have been enacted since the inception of the "policy of national reconciliation".

127, Leaving aside speculation on the motives for such a policy, the Special Rapporteur recognises that, in general, there is greater improvement in the human rights situation in government-controlled areas. However, allegations of torture and ill-treatment of prisoners on remand and political prisoners are still being received. Such allegations are rejected by the authorities. On the other hand, it seems that the conditions of detention in Pol-i-Charkhi prison have improved.

visits by the families of prisoners are allowed more frequently, the number of detainees per cell has been reduced, and the improvement in sanitary conditions is noticeable.

128, Religious liberties for the Islamic population are not restricted.

129, Despite continuous attempts on the part of the Afghan Government to persuade refugees to return and to facilitate their reintegration into Afghan society, the guest houses designed to house returning refugees in the provinces are generally empty, with the exception of those in Kabul. Since the signing of the Geneva Agreements, more than 5 million refugees have remained outside the country and it is claimed that only 30,000 have returned. The reasons for the failure to return on the part of refugees in Pakistan are ideological and factual: ideological, inasmuch as many refugees want not only complete withdrawal of Soviet troops, but also the abolition of the present Government in Afghanistan; factual, inasmuch as, despite existing possibilities, refugees fear the climate of insecurity in the country and the extensive presence of mines and explosives which represent a significant threat to their personal safety. To date, most of the minefields have not been detected, although both the Soviet and the Afghan forces possess maps of the minefields laid.

B. Constitutional life

130. The Constitution of the Republic of Afghanistan has entered into force. Several of its provisions have been implemented by law, some of which also include the United Nations human rights provisions. The parliamentary institutions provided for in the Constitution are functioning. The representativity of the Afghan Parliament seems questionable, because of the nearly 5 million refugees abroad.

C. Human rights in regard to the withdrawal of troops

131, The international community, both inside and outside the United Nations, has been demanding for years the withdrawal of Soviet troops from Afghanistan. The Geneva Agreements represent a very important condition for the exercise by all Afghans of their right to self-determination. However, the Geneva Agreements do not by themselves guarantee the enjoyment of human rights. There are gaps which must be filled by a constructive human rights policy elaborated by all the parties involved, including the opposition movements,

132, Many Afghan villages and houses have been destroyed in the course of the Soviet troop withdrawal and many civilians have been killed due to the fighting tactics of the opposition movements and acts of retaliation. One sign of a humanitarian attitude was the joint appeal by Afghan and opposition forces to the population of Kandahar to evacuate the city when fighting was imminent,

133, The treatment of prisoners of war does not meet provisions laid down in the Geneva Convention of 1949. Prisoners are used as a means of bargaining and exchange. The fate of around 313 Soviet soldiers missing in action is still unclarified. Afghan law considers members of the opposition movements terrorists and not combatants as defined by the Geneva Convention,

134. The planting of minor ~~constitutes~~ a throat to the right to life.

135. The Geneva Agreement⁸ indicate that the conflict in Afghanistan is of an international nature, In the event that the total withdrawal of Soviet troops does not atop the hostilities between Afghan troops and the opposition movements, the conflict will evolve from an international conflict to an internal one. This could create a new situation in regard to humanitarian law,

D. Co-operation of the Afghan Government with intergovernmental and non-governmental organisations

136. The Afghan Government currently co-operates to a greater extent than before with international organisations, in particular with the specialised ~~●~~ gencie⁸ of the United Nations system, with the Office of the United Nations High Commissioner for Refugees and with the International Committee of the Red Cross (ICRC).

137. The Special Rapporteur has been informed that the Afghan Government authorised ICRC to visit prisons in Kabul and the provinces in accordance with its established criteria, ICRC is therefore bound to undertake another visit to Pol-i-Charkhi prison in accordance with its established practice of repetitive visits. In fulfilling its humanitarian tasks ICRC, with the co-operation of the Afghan Government, has set up in Kabul an orthopaedic rehabilitation centre and has just opened a surgical hospital with a capacity of 60 beds,

138. The Special Rapporteur has not encountered other examples of co-operation between non-governmental organisations and the Afghan Government. It appears that non-governmental organisations which are involved in providing assistance, and which have been of great help to the Afghan people in areas not controlled by the Government, are reluctant, for ideological reasons, to co-operate with the present Afghan Government. This can be seen from the fact that the staff of non-governmental organisations do not always complete the necessary travel formalities to enter the country. When they enter the country clandestinely they are contravening Afghan law and are subject to prosecution. It is regrettable that the national Red Crescent societies in Pakistan and Afghanistan are not collaborating. According to the Secretary General of the Afghan Red Crescent society, an offer in this regard has been made without any response so far.

E. Victims of the conflict

139. According to estimates, the number of casualties in Afghanistan since 1980 are as follows: civilian deaths, 2 million; Soviet losses, between 12,000 and 15,000. No information is available concerning the losses suffered by Afghan troops or the opposition movements.

140. The number of wounded in Pakistan hospitals and in Kabul is on the increase, as are injuries resulting from mines. As regards amputees, for the ICRC orthopaedic rehabilitation centre in Peshawar, Pakistan, alone, civilian amputees from 1980 to August 1988 number 2,322. The total number of amputees in Afghanistan, therefore, far exceeds this figure.

F. Human rights and the opposition movements

141. Following the signature of the Geneva Agreement, acts of terrorism within the meaning of the First Protocol Additional to the Geneva Conventions of 1949 have caused many deaths amongst innocent civilians.

142. The opposition movements based in Pakistan and supported by the Alliance have set up their own "interim government" and issued a constitutional act containing 87 articles, which are political directives. The opposition movements have not accepted the offer of a cease-fire and so far have not been prepared to enter into talks with the present Afghan Government. On the other hand, within the framework of its policy of reconciliation, the Afghan Government has created so-called "peace zones" and "peace provinces" on the basis of agreements with local commanders. A new form of self-government has been developed in these territories, although the Afghan Government is trying not to lose total sovereignty over them.

143. It is the hope of the Special Rapporteur that the opposition movements will increasingly respect human rights as provided for in the International Bill of Human Rights,

G. The reality of economic, social and cultural rights

144. The first consolidated report of the Office of the United Nations Co-ordinator for Humanitarian and Economic Assistance Programmes relating to Afghanistan, dated September 1988, includes a survey of the actual situation in Afghanistan with regard to agriculture, health and education. At the same time, it describes the reality of the application of the economic, social and cultural rights enshrined in the International Covenant on Economic, Social and Cultural Rights to which Afghanistan is a party. The findings correspond to the situation reflected in previous reports by the Special Rapporteur. The data contained in this new report indicate that the economic, social and cultural situation in the country has deteriorated over the years of conflict and has now become dramatic,

145. In areas not under the control of the Government, non-governmental organizations are able to supply cross-border health care and assistance to agriculture. However, it appears that the assistance of the non-governmental organizations is sometimes tied to ideological prejudices which are not conducive to effective co-operation with the present Afghan Government. This leads to difficulties with the authorities since employees of non-governmental organizations active in the humanitarian field tend to ignore governmental travel regulations.

X. RECOMMENDATIONS

146. The Special Rapporteur wishes to remind the General Assembly that his mandate requires him also to make recommendations concerning the restoration of human rights "during and after the withdrawal of foreign troops". Since the human rights situation evolved after the Geneva Agreements and the beginning of the withdrawal of Soviet troops, the following recommendations differ from those contained in previous reports.

A. Government-controlled areas

147. The policy of amnesty should be pursued. Released prisoners should be really free, and not placed under surveillance or harassed following their release.

148. The Government should see to it that prisoners and detainees are not tortured or ill-treated by subordinate bodies. Combatants should be treated in conformity with humanitarian law, in particular article 3 common to the Geneva Conventions of 1949,

149. The fate of missing persons should be investigated, in particular those reported as missing under the leadership of President Noor Mohammad Taraki and Hafizullah Amin, up to 27 December 1979,

150. ICRC should be granted full access to all prisons and detention centres, as well as to all persons held there,

B. Areas not under government control

151. Opposition movements should transmit maps of the minefields they have planted to the United Nations agencies which deal with this problem,

152. Opposition movements should not consider their prisoners hostages; they should respect humanitarian law, in particular article 3 common to the Geneva Conventions of 1949, and should not, in conformity with the First Protocol Additional to the Geneva Conventions, attack the civilian population and civilian objectives or endanger the lives of innocent civilians, under any pretext whatsoever. In particular they should refrain from indiscriminate acts.

C. Combat areas

153. The principles of humanitarian law should be fully respected.

154. Inasmuch as the Soviet troop withdrawal was an essential condition for restoring peace in the region, it should not be accompanied by acts of retaliation, nor should it give rise to the planting of new mines,

155. All efforts must be deployed to end the growing internal conflict by peaceful means, regardless of the ideological position of the various parties involved. Democratic institutions should replace those established under military rule. The use of democratic means, genuinely free election and a fully representative Loya Jirga, would facilitate solutions to the conflict without further loss of life. It should be remembered that the nature of the conflict will change when foreign troops have withdrawn from Afghanistan. In the intervening period, the bases must be laid down for a peaceful settlement between the parties to the internal conflict. The setting up of a panel to discuss the means of reaching such a settlement must take second place to the imperative need for all responsible Afghan parties to come together unconditionally to discuss the needs of the country,

158, In the event the international conflict evolves *into* an internal one, the belligerents should be obliged to apply, *an a* minimum, the provisions of article 3 common to the Geneva Convention⁶ of 1949. In this content, ICRC "may offer its services to the parties to the conflict".

157, At this juncture it should also be recalled that article 5 al, 2(d) of the Statutes and Rules of Procedure of the International Red Cross and Red Crescent Movement adopted in Geneva in October 1986, confers on ICRC the role "to endeavour at all times - as a neutral institution whose humanitarian work is carried out particularly in time of international and other armed conflicts or internal strife - to ensure the protection of and assistance to military and civilian victims of such events and of their direct results". The implementation of this provision could also be used to contribute to a reduction of the danger of an internal conflict following the complete withdrawal of the Soviet troops in accordance with the Geneva Agreements.

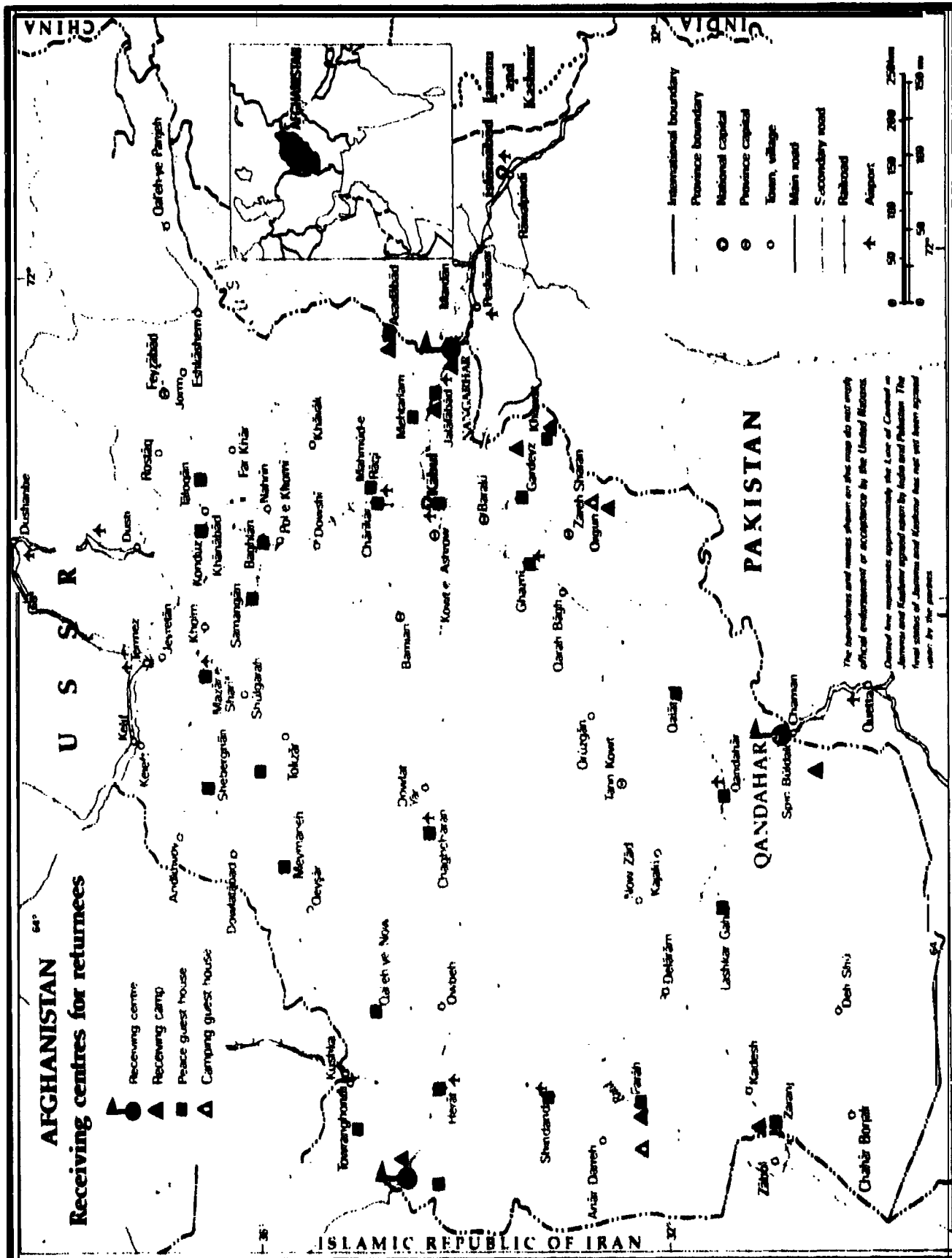
158, Attention is also drawn to paragraph 02 of the report (E/CN.4/1988/25) to the Commission on Human Rights in which the Special Rapporteur recommended that in post-war Afghanistan, it will be essential to adopt concrete measures aimed at securing the observance of human rights. A pilot programme could be envisaged and Afghanistan could become a test case for the effectiveness of the advisory services system of the United Nations.

159. The first consolidated report of the United Nations Co-ordinator contains a survey of the dramatic situation regarding efforts to apply economic, social and cultural rights in particular in non-urban areas. The recognition and implementation of a programme to alleviate relief needs and to begin the task of rehabilitation and recovery of Afghanistan would be an important humanitarian contribution to the restoration of all human rights in the country, its implementation requires the co-operation of all Governments, United Nations agencies, non-governmental organizations and political forces, irrespective of the political or ideological differences which may exist among them. Humanitarian law and principles should be exempt from political considerations and should be effective across borders.

160. The question of who bears responsibility for having created the human rights situation described in the country lies outside the scope of the present report. The study of such a question could be envisaged in the future, if so requested,

APPENDIX I

Map indicating reception centres for returnees in Afghanistan



APPENDIX II

Types of mines deployed in Afghanistan

1. Preliminary information suggests that some 15 types of anti-personnel and five types of anti-tank mines have been deployed in Afghanistan. Of the anti-personnel, 4 are scatterable mines and 11 are hand or mechanically emplaced. The general characteristics of these mines are described below. It should be emphasized that this information is incomplete and will be updated as soon as field missions are carried out.

. Type PEM-1 (or PM2): The "Butterfly" or "Green Parrot" anti-personnel bomblet is most commonly dispensed from helicopters and mortars, and has been deployed across Afghanistan, but in particular around the border routes from Pakistan. This plastic mine has an extremely low metallic signature, and is unique in that it can be detonated by distortion to its position, such as being kicked or handled, and also by accumulated pressure. It has no self-destruct or neutralizing capability, and being only 1.5 cm high is easily covered by blown sand, grass, etc. Its ground burst charge is 40 g of liquid explosive and is thus designed to maim,

. Type PMN (or PMN-6): This manually laid anti-personnel mine is made of duraplastic, shaped like a circular tobacco tin, and contains 240 g of explosives. This type of mine is pressure detonated.

. Type PMD, PMD-6M: This anti-personnel mine consists of 75-200 g of explosives in an oblong wooden box, with a hinged lid overlapping, and acting as the pressure plate. A large number of booby traps can be used with these mines.

. Type OZM 3/4 and Type 69: This cylindrical anti-personnel mine can be detonated by pressure, trip wire, electrical or remote means. The body of the mine jumps to 1.5-2.5 m, depending on the length of the tether cord, before exploding with a range of 25 m. This type of mine causes extensive maiming.

. Type POMZ-2: This anti-personnel mine consists of a wooden stake with a cast iron fragmentation body with six rows of fragmentation like a hand grenade, with a cylinder of 75 g cast TNT. This type of mine is detonated by a trip wire and generally is lethal,

. Type TM-62: This family of anti-tank mines is generally circular with a slight domed appearance of sheet metal or plastic casing. The main charge weight is 7 kg and a tilt-rod detonator is fitted.

. Type TM-46 and Type 72: This standard anti-tank mine is circular shaped and has a metallic case with either a pressure or tilt-rod fuse. These mines have an anti-lift fuse. The charge of 5.3 kg is capable of causing very extensive damage to unarmoured vehicles, such as trucks and Land Rovers.

. Type TM-38: This anti-tank mine contains a thin sheet steel box, with a 3.6 kg charge in the lower half, and a pressure fuse in the lid section.

. **Type TMD-BI** This anti-tank mine consists of a wooden box approximately 30 x 30 cm, with wooden pressure boards on the top. This type of mine can be easily altered, enlarged and booby-trapped.

. **Type TM-41:** Identical to the type TM-46 except for the universal pressure/pull fuse. Basically of cylindrical construction, this mine has a main charge of 3.8 kg boosted by 74 g picric acid.

. **Type TS-50 and T/79:** This circular plastic *anti-personnel* mine is pressure detonated, with a main charge of 50 g. Large numbers of these mines have been laid on rural access roads and paths.

. **Type VS-50:** This anti-personnel plastic mine is sometimes fitted with electronic anti-handling and self-neutralization devices.

. **Type s.Ek33:** This circular plastic anti-personnel mine is irregularly contoured, and its low height (3 cm) makes visual detection hard. This type of mine has been widely deployed.

. **Type V-69:** This bounding mine is detonated by direct pressure on any of its five "horns", or by a trip wire. The main charge is surrounded by over 1,000 metal splinters, producing a lethal casualty radius of 25 m.

. **Type AT:** This anti-tank mine is non-metallic and anti-lift,

. **Type AP:** This anti-personnel mine has minimal metal content and is pressure detonated with a main charge of tetryl.

. **Type AT:** This non metallic anti tank mine is pressure activated, with the above type AP mine placed between pressure plates and the main charge,

. **Type M14:** This small circular blast anti-personnel mine is of total plastic construction with integral plastic fuse, with a charge of 28 tetryl.

. **Type M3:** This fragmentation anti-personnel mine in a rectangular case of cast iron has a 400 g charge detonated by pressure or pull.

. **Type M16:** This 500 g anti personnel bounding mine has also been widely deployed.