

Also taking note with deep concern of the reports on the findings of the Special Rapporteur¹⁹⁹ and the Secretary-General, assisted by the staff of the Special Rapporteur,²⁰⁰ regarding rape and abuse of women in the territory of the former Yugoslavia, particularly Bosnia and Herzegovina,

Deeply alarmed at the situation facing victims of rape in the conflicts in different parts of the world, in particular in Bosnia and Herzegovina, and the continuing use of rape as a weapon of war,

Desirous of ensuring that persons accused of upholding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice by the International Tribunal where appropriate,

Recognizing the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims,

Taking into account resolution 37/3 of 24 March 1993 of the Commission on the Status of Women,²⁰¹

Noting with appreciation the work of humanitarian organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

1. *Strongly condemns* the abhorrent practice of rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, which constitutes a war crime;

2. *Expresses its outrage* that the systematic practice of rape is being used as a weapon of war and an instrument of "ethnic cleansing" against the women and children in the areas of armed conflict in the former Yugoslavia, in particular against Muslim women and children in Bosnia and Herzegovina;

3. *Demands* that those involved immediately cease those outrageous acts, which are in gross violation of international humanitarian law, including the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, and take immediate action to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under those instruments and other applicable international human rights instruments;

4. *Urges* all Member States to take joint and separate action, in cooperation with the United Nations, to bring about an end to that despicable practice;

5. *Reaffirms* that all persons who perpetrate or authorize crimes against humanity and other violations of international humanitarian law are individually responsible for those violations, and that those in positions of authority who have failed adequately to ensure that persons under their control comply with the relevant international instruments are accountable together with the perpetrators;

6. *Urges* Member States to exert every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in those outrageous international crimes;

7. *Commends* the Special Rapporteur for his report on the situation of human rights in the territory of the former Yugoslavia;¹⁹⁹

8. *Urges* all States and all relevant intergovernmental and non-governmental organizations, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Health Organization, to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation;

9. *Invites* the Commission on Human Rights to request the Special Rapporteur to continue investigation into the rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, in particular in Bosnia and Herzegovina;

10. *Declares* that rape is a heinous crime, and encourages the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to give due priority to the cases of the victims of rape in the areas of armed conflict in the former Yugoslavia, in particular in Bosnia and Herzegovina;

11. *Requests* the Secretary-General to provide such necessary means as are available to him in the area to enable any future missions to have free and secure access to places of detention;

12. *Also requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly not later than 31 January 1994;

13. *Decides* to continue the consideration of this question at its forty-ninth session.

85th plenary meeting
20 December 1993

48/144. Situation of human rights in Iraq

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights³ and the International Covenants on Human Rights,¹⁹

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

Mindful that Iraq is a party to the International Covenants on Human Rights,

Recalling its resolution 47/145 of 18 December 1992, in which it expressed its deep concern at flagrant violations of human rights by the Government of Iraq,

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

Recalling in particular Commission on Human Rights resolution 1991/74 of 6 March 1991,³¹ by which the Commission requested its Chairman to appoint a Special Rapporteur to make a thorough study of the violations of human rights by the

Government of Iraq, based on all information the Special Rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq.

Bearing in mind the pertinent resolutions of the Commission on Human Rights condemning the flagrant violations of human rights by the Government of Iraq, including its most recent resolution, 1993/74 of 10 March 1993,³³ by which the Commission extended the mandate of the Special Rapporteur for a further year and requested him to submit an interim report to the General Assembly at its forty-eighth session and a final report to the Commission at its fiftieth session,

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

Deeply concerned by the massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detention and lack of due process and the rule of law and of freedom of thought, of expression, of association and of access to food and health care,

Deeply concerned also by the fact that chemical weapons have been used on the Iraqi civilian population, by the forced displacement of hundreds of thousands of Iraqi civilians and by the destruction of Iraqi towns and villages, as well as by the fact that tens of thousands of displaced Kurds have had to take refuge in camps and shelters in the north of Iraq,

Deeply concerned further by the increasingly severe and grave violations of human rights by the Government of Iraq against the civilian population in southern Iraq, in particular in the southern marshes, a large part of which has sought refuge on the border between Iraq and the Islamic Republic of Iran,

Expressing concern in particular at the fact that there are no signs of improvement in the general situation of human rights in Iraq, and, therefore, welcoming the decision to deploy a team of human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq,

Regretting that the Government of Iraq has not seen fit to respond to requests for a visit of the Special Rapporteur on the situation of human rights in Iraq, and noting that, despite the formal cooperation extended to the Special Rapporteur by the Government, such cooperation needs to be substantially improved, in particular by giving full replies to the inquiries of the Special Rapporteur about acts being committed by the Government that are incompatible with the international human rights instruments that are binding on that country,

1. *Takes note with appreciation* of the interim report submitted by the Special Rapporteur of the Commission on Human Rights²⁰² and the observations, conclusions and recommendations contained therein;

2. *Expresses its strong condemnation* of the massive violations of human rights of the gravest nature, for which the

Government of Iraq is responsible and to which the Special Rapporteur has referred in his recent reports, in particular:

(a) Summary and arbitrary executions, orchestrated mass executions and burials, extrajudicial killings, including political killings, in particular in the northern region of Iraq, in southern Shia centres and in the southern marshes;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) Enforced or involuntary disappearances, routinely practised arbitrary arrest and detention, including arrest and detention of women, the elderly and children, and consistent and routine failure to respect due process and the rule of law;

(d) Suppression of freedom of thought, expression and association and violations of property rights;

(e) The unwillingness of the Government of Iraq to honour its responsibilities in respect of the economic rights of the population;

3. *Deplores* the refusal of Iraq to cooperate in the implementation of Security Council resolutions 706 (1991) and 712 (1991) and its failure to provide the Iraqi population with access to adequate food and health care;

4. *Calls upon* the Government of Iraq to release immediately all persons arbitrarily arrested and detained, including Kuwaitis and nationals of other States;

5. *Calls once again upon* Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights³⁴ and to the International Covenant on Civil and Political Rights,³⁴ to abide by its obligations freely undertaken under the Covenants and under other international instruments on human rights and, particularly, to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

6. *Recognizes* the importance of the work of the United Nations in providing humanitarian relief to the people of Iraq, and calls upon Iraq to allow unhindered access of the United Nations humanitarian agencies throughout the country, including ensuring the safety of United Nations personnel and humanitarian workers, *inter alia*, through the continued implementation of the Memorandum of Understanding signed by the United Nations and the Government of Iraq;

7. *Expresses special alarm* at the repressive practices directed against the Kurds, which continue to have an impact on the lives of the Iraqi people as a whole;

8. *Also expresses special alarm* at the resurgence of grave violations of human rights in southern Iraq, which is the result of a policy directed against the marsh Arabs in particular, many of whom have sought refuge outside the country;

9. *Welcomes* the sending of human rights monitors to the border between Iraq and the Islamic Republic of Iran, and calls upon the Government of Iraq to allow immediate and unconditional stationing of human rights monitors throughout the country, especially the southern marsh area;

10. *Expresses its special alarm* at all internal embargoes, which permit essentially no exceptions for humanitarian needs and which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon the Government of Iraq, which has sole responsibility in this regard, to remove them and to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

11. *Urges once more* the Government of Iraq to set up an independent commission of inquiry to look into the fate of tens of thousands of persons who have disappeared;

12. *Regrets* the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government fully to cooperate and to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations to improve the situation of human rights in Iraq;

13. *Requests* the Secretary-General to provide the Special Rapporteur with all assistance necessary to carry out his mandate;

14. *Decides* to continue its consideration of the situation of human rights in Iraq during its forty-ninth session under the item entitled "Human rights questions" in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

*85th plenary meeting
20 December 1993*

48/145. Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights³ and the International Covenants on Human Rights,¹⁹

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

Bearing in mind its relevant resolutions, including the most recent, resolution 47/146 of 18 December 1992, as well as those of the Commission on Human Rights, including the most recent, resolution 1993/62 of 10 March 1993,³³ and those of the Subcommission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1993/14 of 20 August 1993,²⁰³

Noting that the Government of the Islamic Republic of Iran has responded to the request of the Special Representative of the Commission on Human Rights for information concerning allegations of human rights violations in that country, but that it did not allow him to pay a fourth visit to the country so that he might obtain direct and first-hand information on the current human rights situation there,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the

territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Noting the observation of the Special Representative that there is enough evidence to show that it is entirely proper for the human rights situation in the Islamic Republic of Iran to remain under international scrutiny,²⁰⁴

Noting also that the Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolution 1993/14, has condemned the continuing flagrant violations of human rights in the Islamic Republic of Iran,

Noting further the concluding observations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the human rights situation in the Islamic Republic of Iran.

1. *Takes note with appreciation* of the interim report of the Special Representative of the Commission on Human Rights²⁰⁵ and the considerations and observations contained therein;

2. *Expresses its deep concern* at continuing reports of violations of human rights in the Islamic Republic of Iran;

3. *Expresses its concern* more specifically at the main criticisms of the Special Representative with regard to the human rights situation in the Islamic Republic of Iran, namely, the high number of executions, cases of torture and cruel, inhuman or degrading treatment or punishment, the standard of the administration of justice, the absence of guarantees of due process of law, discriminatory treatment of certain groups of citizens by reason of their religious beliefs, notably the Baha'is, whose existence as a viable religious community is threatened, and restrictions on the freedom of expression, thought, opinion and the press, and that, as noted by the Special Representative, there is continued discrimination against women;

4. *Expresses its grave concern* at the continued use of the death penalty, which the Special Representative has described as excessive;

5. *Also expresses its grave concern* that there are continuing threats to the life of a citizen of another State, whose case is mentioned in the interim report of the Special Representative, as well as to individuals associated with his work, which appear to have the support of the Government of the Islamic Republic of Iran;

6. *Urges* the Government of the Islamic Republic of Iran to refrain from activities such as those mentioned in the interim report of the Special Representative against members of the Iranian opposition living abroad;

7. *Regrets* that the Government of the Islamic Republic of Iran has still not permitted the Special Representative to visit the country and has thus not enabled him fully to discharge his mandate by according him full cooperation;

8. *Also urges* the Government of the Islamic Republic of Iran to implement existing agreements with international humanitarian organizations;

9. *Calls upon* the Government of the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human