



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1987/22
19 February 1987

ENGLISH
Original: ENGLISH/FRENCH

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APR 1 1987

SECTION

COMMISSION ON HUMAN RIGHTS
Forty-third session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN
ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND
OTHER DEPENDENT COUNTRIES AND TERRITORIES

Report on the situation of human rights in Afghanistan prepared
by the Special Rapporteur, Mr. Felix Ermacora, in accordance
with Commission on Human Rights resolution 1986/40

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I. MANDATE OF THE SPECIAL RAPPORTEUR

1. The Special Rapporteur, first appointed in 1984 pursuant to Economic and Social Council resolution 1984/37 of 24 May 1984, has submitted two reports to the Commission on Human Rights in the last two years (E/CN.4/1985/21 and E/CN.4/1986/24) and two reports to the General Assembly (A/40/843 and A/41/778). His mandate was renewed in 1985 and 1986 by the Commission on Human Rights (resolutions 1985/38 of 13 March 1985 and 1986/40 of 12 March 1986). The General Assembly, after considering the report submitted to it by the Special Rapporteur at its forty-first session, adopted resolution 41/158 of 4 December 1986 in which it decided to keep the question of human rights and fundamental freedoms in Afghanistan under consideration at its forty-second session.
2. The integral version of the report submitted by the Special Rapporteur to the General Assembly (A/41/778) is now available; it includes the chapters originally circulated separately under cover of a note verbale and in the original language only. The present report has been prepared in accordance with the provisions of Commission resolution 1986/40. It contains various references to A/41/778. For a better understanding of the present report in the context of the Special Rapporteur's work as a whole, it is essential to consult document A/41/778, which should be considered an integral part of this report.
3. In the past, the Special Rapporteur has followed the course of events throughout the reporting period through visits to the region including visits to refugee camps and hospitals, and analysed information received in writing from individuals and organizations that is relevant to his mandate.
4. This time, he has again undertaken a visit to Pakistan. During this visit, which took place from 3 to 7 February 1987, the Special Rapporteur, due to circumstances of a complex nature, was able to visit neither refugee camps nor hospitals where firsthand information on the human rights situation in Afghanistan could have been obtained. However, before undertaking his visit, he addressed a questionnaire to 21 organizations and individuals. Furthermore, after the announcement of the reconciliation process, additional information was obtained from various sources.
5. The Special Rapporteur has therefore analysed the situation of human rights in two separate chapters below (chaps. IV and V), dealing with the periods before and after the announcement of the reconciliation process.
6. In a letter dated 15 December 1986 to the then Minister for Foreign Affairs of Afghanistan, Mr. Abdul Wakil, the Special Rapporteur referred once more to the possibility of visiting Afghanistan. No reply has been received to date.
7. As in the past, the Special Rapporteur has taken note of the opinions expressed by the representatives of the Afghan Government in various United Nations bodies and notes with satisfaction that the Government of Afghanistan has submitted several documents concerning the announcement of the reconciliation process.

8. Lastly, the Special Rapporteur wishes to emphasize what he said in his previous reports (E/CN.4/1985/21, paras. 33-35, and A/40/843, paras. 19-21), namely, that the study of the human rights situation in a given country is part of the mandate of United Nations bodies, that it in no way constitutes interference in the internal affairs of the country in question and that it is not contrary to the provisions of Article 2, paragraph 7, of the Charter of the United Nations.

II. POLITICAL BACKGROUND AND DEVELOPMENT OF THE HUMAN RIGHTS SITUATION IN AFGHANISTAN

9. The Special Rapporteur draws the attention of the Commission to the elements he believes have caused the present conflict in Afghanistan - now in its eighth year - with such devastating effects on the civilian population of that country resulting from the violation of human rights and humanitarian law. These elements have been described in previous reports and are not repeated here.

10. In his report to the General Assembly, the Special Rapporteur gave an account of the development of the human rights situation in Afghanistan up to September 1986. In so doing, he has at all stages taken account of the efforts to find a political solution to the conflict, as only an agreed political solution can improve the human rights situation. The Special Rapporteur stated that the military side of the conflict was exacerbated by the presence of a "small contingent of Soviet forces" which actively participated in the operations alongside government troops. In this connection the Special Rapporteur mentioned the announcement that approximately 8,000 foreign soldiers (six regiments) were to be repatriated. Reliable sources have confirmed that partial withdrawal of troops began on 15 October 1986 and ended at the end of 1986.

11. Since then, new political developments have taken place: the Revolutionary Council - a government body of the highest rank within the constitutional framework of Afghanistan - announced on 3 January 1987 that the Government was prepared to respect a unilateral "cease-fire" from 15 January for a period of six months. According to information received, this decision was welcomed by officials of the Union of Soviet Socialist Republics, but the alliance of the opposition movements through their present spokesman rejected the offer of a cease-fire. Official sources have reported, however, that some leaders of the resistance inside Afghanistan agreed to it. Furthermore, a new decree on the general amnesty was issued on 25 January 1987.

12. The appeal for national reconciliation, the cease-fire declaration and the amnesty decree are discussed in paragraphs 25 to 28 below.

III. SITUATION OF THE REFUGEES

13. According to the latest information received by the Special Rapporteur, the development of the refugee situation is still alarming. In his report to the General Assembly (para. 21), he estimated the number of refugees from Afghanistan at "approximately 5 million": it is now safe to assume that the number of refugees has increased during the last three months, due to heavy bombardments of the population in Paktia, Kandahar and Herat provinces in particular. In Pakistan, according to the official registration lists as at 15 January 1987, there are approximately 2.9 million registered refugees;

some 400,000 are reportedly still waiting to be registered. According to the latest information, there are about 2.2 million Afghan refugees in the Islamic Republic of Iran, including new arrivals; since September 41,000 have been newly registered. The total of Afghan refugees might therefore now be estimated to be in excess of 5 million.

14. Official government statements that refugees are returning in large numbers are not confirmed by officials in Pakistan and the Islamic Republic of Iran who are directly responsible for the refugee problem. Such returns, if any, have been sporadic and negligible in relation to the total refugee population.

IV. SITUATION OF HUMAN RIGHTS IN AFGHANISTAN UP TO THE ANNOUNCEMENT OF THE RECONCILIATION PROCESS

15. In previous reports, the Special Rapporteur considered the human rights situation during two periods: before and after the intervention of Soviet troops at the end of 1979. Apart from that intervention, the human rights situation has been influenced by political developments in the country and by government measures which were not accepted by the political opposition to the régime. In this context, the Special Rapporteur has referred to the following phenomena: the disappearance of persons (in particular before 1979), the treatment of political prisoners as well as conditions of detention and methods of interrogation, and the procedures of the revolutionary courts.

16. The Special Rapporteur has continued to consider the situation in the country and has taken note of information on various aspects of that situation, such as:

(a) Reports of the execution of four inmates in the Pol-i-Charkhi prison at the beginning of January 1987;

(b) The death of 500 civilians in early September 1986, following a bombardment at Emam Saheb in Kunduz; the destruction of a clinic at Shinwar in Nangarhar province on 25 November 1986 as a result of bombardment and, at the same time, three bombardments of the Basic Health Unit of Woch-Obi in Tani (Paktia province);

(c) The very critical food situation resulting from the armed conflict as a consequence of which prices of some basic items in Kunduz province are increasing. For example, the cost of 1 kg of rice rose from 18 afghanis in 1978 to 45 afghanis in 1986; 1 kg of wheat from 6.50 to 20 afghanis; and 1 kg of barley from 5 to 20 afghanis;

(d) Widespread measures adopted to impose a different cultural system; these relate, in particular, to the system of education at all levels, cultural institutions and areas such as expertise and research.

17. On the other hand, the Special Rapporteur has received the following information transmitted by the Permanent Representative of Afghanistan to the United Nations Office at Geneva concerning his Government's efforts in the cultural and economic fields:

"Speaking of the role of Islam and the situation of believers, Najib pointed out that in the past five years, 231 mosques have been built and 1,026 have been repaired in Afghanistan.

The State has spent 270 million afghanis for this purpose. However, counter-revolutionary groups, the 'warriors of the faith', have destroyed 254 mosques during this period. At the same time, with the benefit of aid from the State more than 25,000 Muslims have made a pilgrimage to Makkah. In all, the State has spent 726 million afghanis (26,000 for each believer) for this purpose. The Government of the Democratic Republic of Afghanistan pays salaries for 11,570 servants of religion in 5,167 mosques. The State has taken over the cost of the theological faculty of the University of Kabul and of 20 religious schools. The clergy, patriotic in outlook, is playing an increasingly active part in the socio-economic changes and in the work of public authorities and organizations.

Enterprises built with aid from the Soviet Union represent approximately 60 per cent of the industrial production of the Democratic Republic of Afghanistan, all of the natural gas production and 60 per cent of the electric power output. More than half the asphalt highways (1,500 out of 2,600 km) have been built with aid from the Soviet Union.

Assistance from the Soviet Union has made it possible to build the nitrogen fertilizer factory in Mazar-i-Sharif, the first large chemical enterprise in Afghanistan, the automobile repair factory at Jangalak, a pioneer in Afghanistan's mechanical industry, and the housing construction combine in Kabul.

Two major gas plants, Hoja-Gugerdak and Jarkuduk, have been built because of natural gas deposits discovered by Soviet geologists in the northern part of the country. The gas is used in the Democratic Republic of Afghanistan for energy needs and as a raw material for the chemical industry. Deliveries of gas to the Soviet Union are extremely important to Afghanistan.

The Soviet Union's economic assistance to its southern neighbour has for many years been a notable factor in the economic development of Afghanistan, and Soviet aid has contributed to the civil engineering projects that form the basis of the Afghan economy. Out of 213 such projects, more than 100 are already in operation (40 since 1978). All of them belong exclusively to Afghanistan. The enterprises built with Soviet aid account for approximately 60 per cent of industrial production.

As a result of this assistance, the Afghan economy has grown considerably stronger in the past five years. The GNP has risen by more than 11 per cent, electric power generation by 48 per cent, natural gas output by 11 per cent and cement production by 10 per cent. In

agriculture, the level for most indicators is higher than the level before the Revolution. The socio-economic development plans for the next five years, as from March 1986, provides for a 25 per cent increase in GNP, 28 per cent in industry and 15 per cent in agriculture. The Soviet Union will be providing Afghanistan with substantial aid in fulfilling these plans.

The industrial production plan for the first half of the current Afghan year was fulfilled 113.8 per cent, i.e. an increase of 9.7 per cent over the same period for the previous year.

The plan for industrial production in the public and mixed public-private sectors was fulfilled 111.3 per cent, i.e. an increase of 8.4 per cent over the first half of last year; in other words, over and above the plan, articles of a total value of 918 million afghanis were produced.

The private sector produced goods totalling 2.5 billion afghanis, which is a 12.8 per cent increase in the rate of growth for the same period last year.

Under the State budget, revenue stood at 103 per cent and expenditure at 101.2 per cent of planned targets.

Government measures have reactivated national entrepreneurs and led to the emergence of new enterprises in the private sector. In 1986, investments were made in the private sector for the construction of 67 industrial projects. Under the five-year plan (1986-1991), the share of the private sector in national income will rise to 101.6 billion afghanis, compared with 86.4 billion afghanis in 1978."

18. According to information originating from the Government of Afghanistan, a number of incidents occurred during which innocent civilians were killed, kidnapped or tortured and hospitals bombarded with ground-to-ground rockets, principally as a result of the action of opposition groups. These incidents were said to have taken place between 1984 and 1986 in various provinces. Chemical weapons, grenades, mines and powder for the poisoning of foodstuffs were allegedly used by the opposition movements.

19. On the other hand, the Special Rapporteur received new information on the killing of civilians, particularly in Herat and Kandahar by government forces. In another incident, individuals belonging to the resistance movements who were detained around Kandahar were believed to have been forced by government soldiers to march in an area supposedly mined in advance.

V. SITUATION OF HUMAN RIGHTS IN AFGHANISTAN FOLLOWING THE ANNOUNCEMENT OF THE RECONCILIATION PROCESS

20. The human rights situation in Afghanistan is linked with that country's internal and external political development. Between 1980 and 1986, no new political event influenced the human rights situation, though the Government tried to suppress the opposition by every available means and the opposition movement put up resistance to the Government's high-handed action which has in particular caught the attention of world opinion because of the unbearable human sufferings caused as a direct consequence of the armed conflict.

21. Mr. Gorbachev, in his declaration in Vladivostok in July 1986, introduced a new political element with his announcement of the withdrawal of some Soviet troops from Afghanistan at the end of 1986. Following a visit to Moscow in the middle of December 1986 by the head of the Afghan Government and after heavy fighting against civilian targets in the centre of Kandahar and in Herat (between 4 and 15 December 1986), the Government announced:

- (a) A cease-fire for up to six months starting on 15 January;
- (b) Withdrawal of troops to their garrisons and posts;
- (c) Cessation of artillery and air attacks;
- (d) Limitation of army activities to border control and safeguarding of public installations;
- (e) An appeal to refugees to return;
- (f) A general amnesty for political prisoners providing they were not "terrorists".

In this context, reference was made to "real non-alignment" and the neutrality of Afghanistan. It was stated that new relationships should be developed between Afghanistan, as a sovereign independent State, and its neighbours, in pursuance of a policy of neutrality and non-alignment.

22. A process of "national reconciliation" has been proclaimed. However, the revolutionary force in the country remains in authority. A "High Commission of National Reconciliation" has been established.

23. In its declaration, the Revolutionary Council of Afghanistan states that it expects the following in response to its peaceful measures: "cessation of fire, using any kind of weapons, on cities, villages, economic establishments, military units and land and air transport; cessation of mining of roads; cessation of terrorist and subversive activities; cessation of transportation and deployment of weapons and munitions in the territory of Afghanistan; cessation of the illegal entry of foreign journalists into the territory of Afghanistan."

24. The declaration of the Revolutionary Council mentioned above was followed by a speech by the General Secretary of the Communist Party of Afghanistan, Mr. Najibullah, before the "noble members of the extraordinary supreme commission for national reconciliation", in which he described the process of national reconciliation as well as the conditions of the cease-fire.

25. It is apparent from the declaration of national reconciliation adopted by the Revolutionary Council that the amnesty decreed on 1 January goes beyond what seems to have been expected:

- (a) The cease-fire, to take effect on 15 January, is decreed for six months, with all combat operations brought to a halt and Afghan troops assigned to their garrisons. The Afghan Government also undertakes to put an end to all air attacks and artillery fire;

(b) The sole task of the 500,000 strong Afghan armed forces will be to defend "military installations" and the "country's borders";

(c) The most significant point is that the National Revolutionary Council decided to include in article 2 of the new Constitution the fact that Islam is the national religion. In his appeal to the resistance movement, Mr. Najibullah invoked the Koran in order to put an end to the "fratricidal war" which has engulfed Afghanistan for eight years;

(d) A general amnesty has apparently been decreed for "all citizens who have links with the rebels" and have agreed to lay down their arms. The national leaders, the elders, the clergy, and in some circumstances the representatives of the armed opposition, will be called upon to take part in the national reconciliation process.

26. The following guarantees will be given to the political and military opponents of the State who are actively fighting against the people, provided that they make a firm commitment during the period of reconciliation to stop fighting. It should be noted that the following information on these guarantees has been received from the Permanent Representative of Afghanistan to the United Nations Office at Geneva.

"In the context of national reconciliation and after achieving its full realization, every Afghan national shall fully enjoy all rights and freedoms guaranteed in those international instruments in the field of human rights to which the Democratic Republic of Afghanistan is a party as well as in domestic laws and regulations. This opportunity will be provided without any distinction or discrimination, to all Afghan nationals, including those temporarily living abroad and those at present fighting the people's power, provided that they lay down their arms, observe the unilateral cease-fire declared on 15 January 1987, and respond positively to the government invitation to talks. On the basis of and in conformity with the spirit of national reconciliation, all Afghans, including all members of political and armed groups currently opposed to the platform of the revolutionary power, are entitled to express their views freely and on an equal footing in the peace Jirgahs (councils), participate in elections, elect or be elected and take part in the conduct of public affairs. Full guarantees, including the right to return to their original residential localities, is provided to those opponents who choose to engage in peace talks."

27. Concerning the cease-fire, the Government of Afghanistan reported that, in an attempt to stop bloodshed and create suitable and peaceful conditions for achieving full and complete reconciliation, it had unilaterally declared a six-month cease-fire from midnight on Jadi 24/25 1365 (14/15 January 1987). The cease-fire was resolutely supported by the people and all non-governmental and mass organizations which felt that putting an end to bloodshed and fratricidal war in the country would firmly guarantee the most fundamental of human rights, namely, the right to life. It was unfortunate that the opponents of the Government, contrary to the national and religious sentiments of the Afghan people and in contradiction of the wishes of all Afghans, had irresponsibly rejected the Government's humanistic proposals in their declaration on 17 January 1987; in so doing, they had openly reiterated their desire to continue the war.

28. Concerning the peace talks, the Afghan Government stated that, by establishing an extraordinary commission for national reconciliation, it was striving towards the creation of necessary conditions for peaceful talks among all Afghans, including those living abroad. Local committees on national reconciliation would supervise the strict and faithful observance of the cease-fire and convene peace Jirgahs (councils) in their respective localities; the committees would be composed of equal numbers of representatives of both sides. The Party and State leadership declared that the Afghan Government was ready for principled compromise, even to the extent of establishing a coalition government, as a government of national unity. The Government pointed out that the above measures were all manifestations of its principles and its humanistic policy for the full and systematic realization of human rights through the broadest possible participation of the people in the political, economic, social and cultural spheres of life.

29. It has been officially announced that "during the last three months, more than 30 bands, totalling more than 1,000 persons, laid down their arms. Approximately 100 other bands are in the process of negotiating with the Government on the question of ceasing hostilities." It has been said that more than 3,000 refugees have left Pakistan and returned home.

30. At a meeting held in Peshawar on 17 January 1987, however, representatives of the opposition movements rejected the offer of reconciliation. It was difficult for them to arrive at a clear and unanimous position; it seems that the opposition movements are in favour of direct negotiations with the USSR for the withdrawal of foreign troops.

31. In addition, the Special Rapporteur has been informed of the following incidents which occurred after the appeal for national reconciliation and have been imputed to resistance movements:

(a) Three persons, including two children, are said to have been killed when a car-bomb exploded in front of the Allah-ud-Din school in Kabul;

(b) Four persons were reportedly killed and a number of others injured when a car-bomb exploded in Kabul on 1 February 1987;

(c) Thirty people were reportedly killed in another attack for which an opposition movement claimed responsibility on 5 February 1987;

(d) Mr. Abdullah, head of the National Commission of Reconciliation for the province of Kunduz and Mr. Inayatullah, a member of the High Commission of National Reconciliation, were reportedly killed at the beginning of February 1987;

(e) Since the declaration of the cease-fire on 15 January 1987, bombardments by the opposition movements are said to have more than doubled.

32. However, the Special Rapporteur was also informed that civilians had been killed as a result of action by government forces, particularly in Herat and Kandahar.

33. Generally speaking, concordant information points to the fact that, since the declaration of the cease-fire, bombardments have been continued and intensified, particularly on the North-West frontier with Pakistan and are

reportedly causing the deaths of a number of civilians seeking refuge in Pakistan. From the information gathered, hospital records reveal a continual increase in the number of wounded.

34. The Special Rapporteur has also been informed that, further to an agreement concluded at the end of January 1987 by the Afghan Government and the International Committee of the Red Cross (ICRC), the latter is authorized to visit all prisoners in accordance with its own procedures. The first visits should take place at the Pol-i-Charkhi prison in February 1987.

35. On 25 January 1987, the Presidency of the Revolutionary Council of the Democratic Republic of Afghanistan issued a general amnesty decree on the occasion of the national reconciliation, which was communicated to the Secretary-General of the United Nations by the Permanent Representative of Afghanistan to the United Nations by a letter dated 29 January 1987 (A/42/112). This decree states, inter alia, that the pursuance of the punishment of all Afghans who perpetrated acts against the Democratic Republic of Afghanistan has been renounced under certain conditions. Some detainees will not be required to complete their prison sentences. Article 2 of the decree lists the following categories of detainees who will be eligible for such pardon:

(a) All convicts who have been sentenced to up to five years in prison, regardless of length of sentence and the term served;

(b) Those who have been condemned to seven years' imprisonment and have served four years or more of their term;

(c) All female convicts, regardless of length of sentence and the term served;

(d) All male convicts who had not reached 18 years of age upon perpetration of their offence, regardless of length of sentence and the term served;

(e) All male convicts aged over 60, regardless of the length of their sentence and the term served;

(f) All male convicts who, in the view of an authoritative medical commission, are suffering from chronic diseases, regardless of the type of offence, length of sentence and the term served.

36. However, article 6 contains a very important restriction regarding the persons referred to in article 2 as follows:

"Articles 2 and 4 of this Decree are not applicable to persons, with the exception of those who are suffering from chronic diseases, who committed the crimes of spying, murder or causing explosions; their cases come under articles 175, 176, 179, 192, item 1, 206, item 1, and article 395, item 5, of the penal law, article 8 of the penal law against combat preparedness, articles 105 and 115 of the principles governing military fines of 1948, and article 17 of the law on military penalties".

37. Article 8 envisages the establishment of a commission to implement article 2, composed of the deputy President of the Extraordinary Commission of National Reconciliation, as Chairman of the Commission, and representatives of the Ministries of State Security, the Interior, the Special Revolutionary Court and the Special Revolutionary Prosecution Department. Implementation of article 4 (which concerns closure and renunciation of the circulation of files concerning the detainees referred to in paragraph 35(c) and (f) above) is entrusted to the investigative organs of the courts and the prosecution department with which their case is filed.

38. Finally, concerning the amnesty, the Government of Afghanistan states that the programme of national reconciliation guarantees the right of refugees to return to their homeland in safety and freedom. Ensuring respect for the sacred religion of Islam is the core of the national reconciliation process. The general amnesty is applicable to all returnees and other Afghans engaged in hostilities, regardless of their past crimes and the severity of the punishments conferred upon them. The programme of national reconciliation guarantees protection from prosecution for previous anti-revolutionary deeds, any form of desertion from the armed forces, or non-payment of taxes. Furthermore, technical assistance, loans, health and educational facilities, employment and re-employment are guaranteed to returnees.

39. According to still unverified information, a number of political prisoners are said to have been released recently under the partial amnesty decreed by the Government.

VI. CONCLUSIONS

40. Conclusions cannot be drawn without due regard to the political developments in the conflict. The human rights situation in Afghanistan which is the subject of the Special Rapporteur's mandate must be seen against the background of the development of policies in and on the area concerned. There are now developments towards a political solution of the conflict which the Special Rapporteur has always believed to be the only genuine solution thereto. Therefore, his conclusions must take into account the human rights situation before and after the introduction of the reconciliation process.

41. It must be noted that there has always been confusion about the meaning of the term "cease-fire". In any case, the announced cease-fire is not an armistice within the meaning of article 36 of The Hague Convention of 1907 (IV) respecting the Laws and Customs of War on Land, which provides for mutual agreement between belligerent parties. As those who proclaimed the cease-fire do not formally recognize the other party to the conflict, proclamation of the cease-fire, welcome though it may be, may only be considered as a non-binding declaration of intent by one party. However, the cease-fire proclaimed could be a prelude to a peaceful settlement.

42. The amnesty decree issued on 25 January 1987 is much wider in scope and content than similar decrees issued in 1980 and 1981 (see A/40/843, paras. 51 and 52). However, the amnesty is not unconditional despite the encouraging formulation of article 2. On the one hand, certain types of "political crimes" are excluded from the amnesty (art.6) and, on the other, the decree is not self-executing. The implementation of the decree depends on a screening of the cases by a commission whose composition corresponds to the political

structure of the Government. The Special Rapporteur concludes that the effect of the decree can only be judged in due course in the light of its full implementation.

43. It must further be said that, in spite of the political declarations concerning peaceful reconciliation, there has so far been no marked change in the human rights situation in the country: fighting is continuing, particularly in the border areas; many wounded persons are crossing the border and the number of refugees is increasing steadily; the full effect of the proclaimed amnesty is not yet evident; the political declarations have not yet been put into effect. The Special Rapporteur expresses the hope that the national reconciliation process will lead to a meaningful improvement of the human rights situation in the country.

44. The unchanged human rights situation continues to be the source of the Special Rapporteur's deepest concern, because of the sufferings of the civilian population and the magnitude of the economic, social and cultural problems confronting millions of refugees.

45. The number of refugees has considerably increased in recent months; indeed it is already estimated to exceed 5 million.

46. The number of casualties since September 1986 could not be verified in the same manner as in previous reports. In any case, fewer civilians were reported killed in 1986: 10,000 to 12,000 deaths were reported up to September 1986 compared with 37,000 for 1985.

47. The Special Rapporteur has received no information that would cause him to revise the findings in his report to the General Assembly (paras. 101 to 111).

48. However, further information has been submitted on the effects on human rights of increasing action by opposition movements involving deaths of innocent civilians outside the fighting zone.

49. The commencement of a conciliatory process is to be welcomed, but it must be seen against the background of the Saur Revolution of 1974 and of the declaration of 1987 to the effect that, even in the conciliatory process, the principles of the Saur Revolution may not be changed. This might in practice affect the scope of the implementation of the right to self-determination.

50. One new development seems to be the closer contact between the Government of Afghanistan and ICRC. Important plans have been drawn up and even agreed upon; however, other important plans of a humanitarian nature have not been implemented. The Special Rapporteur is of the opinion that the opposition movements have also to contribute to the humanitarian tasks of ICRC. At the present time, ICRC can only visit areas under government control. No information has yet been received indicating that it may ultimately be allowed to visit political detainees in all areas.

VII. RECOMMENDATIONS

51. The Special Rapporteur wishes therefore to reiterate the recommendations contained in his latest report to the General Assembly (A/41/778, paras. 112-115).

52. He notes that, in considering developments towards a political solution, it has been suggested that the political future of Afghanistan at the international level should be based on neutrality. He remains convinced that a permanent neutral status could be an important element in the restoration and maintenance of full respect for human rights in a nation which has suffered so much.

53. Because more than 5 million refugees from all provinces and from all social levels are currently living outside the country, thereby creating a problem calling for humanitarian action, the Commission on Human Rights should make an urgent appeal to all States to strengthen their humanitarian support by increased contributions to the relief effort and, in particular, to the Office of the United Nations High Commissioner for Refugees.

54. Moreover, precisely because of the lack of improvement in the situation, the Special Rapporteur believes that the United Nations Educational, Scientific and Cultural Organization should be encouraged to take special responsibility for the protection of the cultural heritage of Afghanistan, including the observance of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954.

55. The Commission on Human Rights should keep under careful observation the effects on the human rights situation of the most recent political developments in Afghanistan, in particular, the announced cease-fire and the proclaimed amnesty. Such observation should focus particularly on whether:

- (a) The bombardments have ceased;
- (b) There has been a significant reduction in civilian casualties;
- (c) There has been a halt to the brutalities emanating from warfare;
- (d) A considerable number of refugees have begun to return to their country;
- (e) The economic, social and cultural situation of the people in areas not controlled by the Government has changed for the better;
- (f) Whether the use of torture during interrogations has been stopped and prison conditions improved.

56. Since the refugees, who now number over 5 million, have no representation either inside or outside their own country, it is of paramount importance that a way be found to ensure their representation and the protection of their interests in reaching a "genuine national reconciliation".

57. If the political reconciliation process announced by the Government and the peace talks at the international level lead to improvements in the situation, then the Commission on Human Rights should, in co-operation with the specialized agencies and humanitarian organizations, offer the whole gamut of advisory services in the field of human rights to encourage the process and contribute to a restoration of the enjoyment of human rights for all citizens of the country wherever they may live even before a complete withdrawal of foreign troops from the country.