

Official UN Summary of 1st September 1988 Session of
the Sub-Commission on the Promotion and Protection of Human Rights

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The situation in Iraq

186. At the 35th meeting, on 1 September 1988, Mr. van Boven introduced draft resolution E/CN.4/Sub.2/1988/L.35, sponsored by Mr. van Boven, Mr. Eide, Ms. Palley, Mr. Rivas and Mr. Sobarzo.

187. The draft resolution read as follows:

"The situation in Iraq

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

"Guided by the principles of the charter of the United Nations, the Universal Declaration of Human Rights and the international covenants on human rights,

"Having reference to the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare,

"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,

"Concerned by reliable reports of mass extrajudicial executions, enforced or involuntary disappearances and arbitrary detention in Iraq, as reflected in the report of the Special Rapporteur on Summary or Arbitrary Executions (E/CN.4/1988/22), the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1988/19 and Add.1), and specific and detailed reports on non-governmental organizations,

"Deeply concerned by United Nations reports documenting the use of prohibited chemical weapons in the conflict between the Islamic Republic of Iran and Iraq, most recently the Report of the Mission Dispatched by the Secretary-General to Investigate Allegations of the Use of Chemical Weapons in the Conflict Between the Islamic Republic of Iran and Iraq (S/2006), which concluded that 'chemical weapons continue to be used on an intensive scale against Iranian forces' and that 'the use of such weapons in the present conflict has been intensifying and has also become more frequent',

"Deeply concerned also by persistent and reliable reports of the use of prohibited chemical weapons by the Government of Iraq against civilian populations, including their use against the population of the Iraqi town of Halabja on 16 and 17 March 1988,

"Noting with satisfaction the conclusion of a cease-fire agreement between the Islamic Republic of Iran and Iraq and expressing its hope that this agreement will lead to an end to the hostilities between the two countries,

"1. Expresses its concern over the situation of human rights and fundamental freedoms in Iraq;

"2. Expresses its grave concern over the use by Iraq of prohibited chemical weapons;

"3. Urges the Government of Iraq to ensure full respect for human rights and fundamental freedoms and to immediately halt the use of prohibited chemical weapons;

"4. Recommends therefore to the Commission on Human Rights that it study carefully at its forty-fifth session the evolution of the situation of human rights and fundamental freedoms in Iraq, and consider the appointment of an individual of recognized international standing as special rapporteur with the mandate to examine the human rights situation in Iraq."

188. The sponsors orally revised draft resolution E/CN.4/Sub.2/1988/L.35 by deleting the fifth preambular paragraph.

189. Statements relating to the draft resolution were made by Mr. Al-Khasawneh, Mr. Eide, Mr. Joinet, Mrs. Ksentini and Ms. Palley.

190. At the same meeting Mrs. Warzazi moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Sub-Commission take no decision on draft resolution E/CN.4/Sub.2/1988/L.35.

191. Mr. Al-Khasawneh, requested a roll-call vote on the motion made by Mrs. Warzazi, which was adopted by 11 votes to 8, with 5 abstentions.

192. The voting was as follows:

In favour: Mr. Al-Khasawneh, Mr. Alfonso Martínez, Mr. Assouma, Mr. Chernichenko, Mr. Diaconu, Mr. Hatano, Mr. Ilkahanaf, Mrs. Ksentini, Mr. Tian Jin, Mr. Türk and Mrs. Warzazi.

Against: Mrs. Bautista, Mr. van Boven, Mrs. Daes, Mr. Eide, Mr. Joinet, Ms. Palley, Mr. Rivas and Mr. Treat.

Abstaining: Mrs. Flores, Mrs. Mbonu, Mr. Sobarzo, Mr. Varela and Mr. Yimer.

193. Statements in explanation of vote after the vote were made by Mr. Al-Khasawneh, Mr. Alfonso Martínez, Mrs. Bautista, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley and Mr. Tian Jin.