

tative, in particular by not allowing the Special Representative to visit the country,

Taking into account the specific and detailed allegations of grave and extensive violations of human rights to which the Special Representative refers in his interim report on the situation of human rights in the Islamic Republic of Iran¹⁸⁸ and to which the Government of that country has not responded,

Endorsing the conclusion of the Special Representative that continued monitoring of the human rights situation in the Islamic Republic of Iran is called for,

1. *Takes note with appreciation* of the interim report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran and of the general observations contained therein;¹⁸⁹

2. *Expresses its deep concern* over the specific and detailed allegations of violations of human rights in the Islamic Republic of Iran to which the Special Representative refers in his interim report, and, in particular, those related to the right to life, such as summary and arbitrary executions, the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person and to freedom from arbitrary arrest or detention, the right to a fair trial, the right to freedom of thought, conscience and religion and to freedom of expression, and the right of religious minorities to profess and practise their own religion;

3. *Endorses* the conclusion of the Special Representative that, on the basis of the information available to him, specific and detailed allegations concerning grave violations of human rights cannot be dismissed, and urgently appeals to the Government of the Islamic Republic of Iran to respond satisfactorily to these allegations;

4. *Urges* the Government of the Islamic Republic of Iran, as a State party to the International Covenant on Civil and Political Rights,⁷ to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant;

5. *Requests* the Commission on Human Rights to study carefully the final report of the Special Representative, as well as other information pertaining to the situation of human rights in the Islamic Republic of Iran, and to consider further steps for securing effective respect for human rights and fundamental freedoms for all in that country;

6. *Urges* the Government of the Islamic Republic of Iran to extend its full co-operation to the Special Representative of the Commission on Human Rights, and, in particular, to permit him to visit that country;

7. *Requests* the Secretary-General to give all necessary assistance to the Special Representative;

8. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, during its forty-first session in order to examine this situation anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

*116th plenary meeting
13 December 1985*

¹⁸⁸ A/40/874.

40/142. Status of the Convention on the Prevention and Punishment of the Crime of Genocide

The General Assembly.

Recalling its resolution 260 A (III) of 9 December 1948, by which it approved and proposed for signature and ratification or accession the Convention on the Prevention and Punishment of the Crime of Genocide,

Mindful of the fact that the year 1986 marks the thirty-fifth anniversary of the entry into force of the Convention,

Reaffirming its conviction that genocide is a crime under international law, contrary to the spirit and aims of the United Nations,

Expressing its conviction that implementation of the provisions of the Convention by all States is necessary for the prevention and punishment of the crime of genocide,

Bearing in mind that the fortieth anniversary of the victory over nazism and fascism in the Second World War is being commemorated in 1985,

1. *Once again strongly condemns* the crime of genocide;

2. *Reaffirms* the necessity of international co-operation in order to liberate mankind from such an odious scourge;

3. *Takes note with appreciation* of the fact that many States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or have acceded thereto;

4. *Urges* those States that have not yet become parties to the Convention to ratify it or accede thereto without further delay;

5. *Invites* the Secretary-General to submit to the General Assembly at its forty-first session a report on the status of the Convention;

6. *Requests* the Commission on Human Rights to consider at its forty-second session the question of promoting the full implementation of the Convention and to submit its observations and proposals thereon, through the Economic and Social Council, to the General Assembly at its forty-first session.

*116th plenary meeting
13 December 1985*

40/143. Summary or arbitrary executions

The General Assembly.

Recalling the provisions of the Universal Declaration of Human Rights,⁶ which states that every human being has the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights,⁷ which states that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

Recalling also its resolution 34/175 of 17 December 1979, in which it reaffirmed that mass and flagrant violations of human rights are of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Recalling further its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary or arbitrary executions, and its resolutions 37/182 of 17 December 1982, 38/96 of 16 December 1983 and 39/110 of 14 December 1984,

¹⁸⁹ *Ibid.*, sect. II.

Deeply alarmed at the continued occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

Recalling resolution 1982/13 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,¹⁹⁰ in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Welcoming Economic and Social Council resolution 1984/50 of 25 May 1984, and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15,¹³⁸ as well as the ongoing work on summary or arbitrary executions within the Committee on Crime Prevention and Control,

Convinced of the need for appropriate action to combat and eventually eliminate the practice of summary or arbitrary executions, which represents a flagrant violation of the most fundamental human right, the right to life,

1. *Strongly condemns* the large number of summary or arbitrary executions, including extra-legal executions, which continue to take place in various parts of the world;

2. *Demands* that the practice of summary or arbitrary executions be brought to an end;

3. *Welcomes* Economic and Social Council resolution 1982/35 of 7 May 1982, in which the Council decided to appoint for one year a special rapporteur to examine the questions related to summary or arbitrary executions;

4. *Also welcomes* Economic and Social Council resolution 1985/40 of 30 May 1985, in which the Council decided to continue the mandate of the Special Rapporteur, Mr. S. A. Wako, for a further year and requested the Commission on Human Rights to consider the question of summary or arbitrary executions as a matter of high priority at its forty-second session;

5. *Urges* all Governments and all others concerned to co-operate with and assist the Special Rapporteur of the Commission on Human Rights in the implementation of his mandate;

6. *Requests* the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened, or when such an execution has recently occurred;

7. *Also requests* the Special Rapporteur to consider, in his next report, possible measures to be taken by the appropriate authorities when a death occurs in custody, including adequate autopsy;

8. *Considers* that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council;

9. *Requests* the Secretary-General to provide all necessary assistance to the Special Rapporteur so that he may effectively carry out his mandate;

10. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights⁷ appear not to be respected;

¹⁹⁰ See E/CN.4/1983/4-E/CN.4/Sub.2/1982/43 and Corr.1, chap. XXI, sect. A.

11. *Requests* the Commission on Human Rights at its forty-second session, on the basis of the report of the Special Rapporteur to be prepared in conformity with Economic and Social Council resolutions 1982/35, 1983/36, 1984/35 and 1985/40, to make recommendations concerning appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions.

*116th plenary meeting
13 December 1985*

40/144. Declaration on the human rights of individuals who are not nationals of the country in which they live

The General Assembly,

Having considered the question of the human rights of individuals who are not nationals of the country in which they live,

Decides to adopt the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live, which is annexed to the present resolution.

*116th plenary meeting
13 December 1985*

ANNEX

Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live

The General Assembly,

Considering that the Charter of the United Nations encourages universal respect for and observance of the human rights and fundamental freedoms of all human beings, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights⁶ proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in that Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the Universal Declaration of Human Rights proclaims further that everyone has the right to recognition everywhere as a person before the law, that all are equal before the law and entitled without any discrimination to equal protection of the law, and that all are entitled to equal protection against any discrimination in violation of that Declaration and against any incitement to such discrimination,

Being aware that the States parties to the International Covenants on Human Rights²⁴ undertake to guarantee that the rights enunciated in these Covenants will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Conscious that, with improving communications and the development of peaceful and friendly relations among countries, individuals increasingly live in countries of which they are not nationals,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recognizing that the protection of human rights and fundamental freedoms provided for in international instruments should also be ensured for individuals who are not nationals of the country in which they live.

Proclaims this Declaration:

Article 1

For the purposes of this Declaration, the term "alien" shall apply, with due regard to qualifications made in subsequent articles, to any individual who is not a national of the State in which he or she is present.

Article 2

1. Nothing in this Declaration shall be interpreted as legitimizing the illegal entry into and presence in a State of any alien, nor shall any provi-