

AFGHANISTAN

CCPR A/40/40 (1985)

581. The Committee considered the initial report of Afghanistan (CCPR/C/31/Add.1) at its 603rd, 604th and 608th meetings, held on 10 and 12 July 1985 (CCPR/C/SR.603, 604 and 608).

582. The report was introduced by the representative of the State party who acknowledged that his country's report was rather brief but explained that it was the first time his Government had prepared a report of that type and, like other Governments of developing countries, it did not have sufficient technical experience.

583. The representative referred to the feudal system existing in Afghanistan before the Revolution of April 1978 and to the democratic and progressive reforms of the present Government. He stated that since the Revolution more than 300 laws, decrees and regulations had been promulgated in his country, including several concerned with promoting and protecting human right in accordance with the provisions of the Covenant and other international instruments to which Afghanistan was a party. He cited in this regard measures to ensure respect for the democratic rights and freedoms of Afghan citizens, including the abolition of all inhuman and anti-democratic laws, arbitrary arrest, persecution and search; the guarantee of the right to life and security for all, respect for the principles of Islamic religion and religious observances, freedom of thought, conscience and religion, and freedom to manifest one's religion or belief in worship and observance; a profound respect for and observance of the national, historical, cultural and religious traditions of the people; the equality of Afghan citizens not only before the law but also in the economic, political, social and cultural spheres; the right of everyone to recognition everywhere as a person before the law, respect for legitimate rights, the inviolability of the person and the principle of peace and revolutionary order in the country; the right freely and openly to express one's opinions, the right of assembly and the right of peaceful demonstration, likewise the right to join democratic and progressive social organizations in a patriotic spirit, in the interests of the social order and national security; equal rights of women and men and the right to work, to rest, to education, to health and the right to social security for the elderly, for disabled workers, for families which had lost their breadwinner; the freedom to engage in scientific, technical, cultural and artistic activities in accordance with the objectives of the Revolution; respect for private ownership and property, security of domicile and of communications, including telephonic, telegraphic and other communications; the right of movement and freedom to choose one's residence freely, the right of return of every Afghan citizen to Afghanistan, and the right to complain or to petition individually or collectively to State organs. In that connection, he pointed out that fundamental rights and freedoms were guaranteed by the Fundamental Principles of the Democratic Republic of Afghanistan, that relevant legislation was constantly being improved and brought up to date and that practical steps had been taken to ensure the enjoyment of all the rights contained in the Covenant by everyone living in Afghanistan and those who were subject to Afghan legislation, without any distinction. He also pointed out that limitations of the rights of Afghan nationals and other people under Afghan jurisdiction were determined by law and were in compliance with article 4, paragraph 2, of the Covenant.

584. The representative stated that the combination of the duty of the State and that of the citizens

to observe the law constituted the unique principle of democratic legality of the country. He stressed that humanism was a fundamental aspect of the national and democratic revolution in Afghanistan and that thousands of citizens initially opposed to the present Government had returned to their homes, availing themselves of the general amnesty promulgated on 18 June 1981. He also informed the committee about the meeting of the Loya-Jirgah or Supreme Council, composed of the most respected representatives of the people, held at Kabul from 23 to 25 April 1985. In its deliberations the Loya-Jirgah had supported the Government in its domestic and foreign policies and socio-economic changes.

585. Regarding the implementation of article 6,7,9,19 and 20 of the Covenant, the representative drew the attention of the Committee to the relevant information provided by his Government. With reference, in particular, to article 7 of the Covenant, the representative said that any person guilty of inflicting cruel, inhuman or degrading treatment, torture or corporal punishment was liable to a term of imprisonment of five to 10 years under article 275 of the Afghan Penal Code.

586. In respect of the implementation of article 14 of the Covenant, the representative stated that, in accordance with chapter 7 of the Fundamental Principles, the judicial system was independent of government influence. The Supreme Court, which was the highest judiciary body in the country, supervised the work of the lower courts and ensured uniform application of the law at all levels. Trials were conducted in accordance with the law. If a law was not sufficiently explicit, the court decided in conformity with the shariah (Islamic Law) and the principles of democratic legality and justice. In November 1981, the Presidium of the Revolutionary Council had established that acts which were contrary to the law and any abuse of power or interference with the rights of citizens could be appealed in accordance with the procedures established by law. A special revolutionary court had been established to try special cases of crimes against the interior and exterior security of the State. However, the special court was a provisional one and owed its existence to the undeclared war conducted against his country by international imperialism and the forces of reaction in the region. The special court respected the Fundamental Principles of the Democratic Republic of Afghanistan and its activities would automatically come to an end when the war ceased and the situation returned to normal.

587. In addition, the representative stated that the principle of the presumption of innocence was guaranteed under the law; if the charge could not be substantiated no action was taken against the accused person, with any doubts always being resolved in his favour. He pointed out that under the Criminal Procedure Act of Afghanistan, the examining magistrate was required to submit to the prosecutor within 72 hours all material confirming the need to arrest a person charged with a criminal act. The prosecutor, in turn, was required to decide within three days whether to extend the detention, to bring charges or to release the detainee.

588. With regard to the right to form and join trade unions, guaranteed by article 6 of the Fundamental Principles of the Democratic Republic of Afghanistan, the representative stated that the Central Council of Afghan Trade Unions, set up after the Revolution, currently had more than 2000,000 members and was making efforts to develop training schemes and to improve the working and living conditions of the population. A labour law, currently in the final stage of preparation and to be adopted in the near future, provided for the guarantee of workers' rights

589. With regard to measures taken in Afghanistan to implement article 25 of the Covenant, the representative referred to the Law of Local Organs of the State Power and Administration which provided for the right of the people to participate directly and to share in the decision-making process regarding State affairs. He said that the Political Bureau of the Central Committee of the People's Democratic Party of Afghanistan (PDPA) had recently launched an appeal to the people to take a more active part through traditional local self-governing bodies (jirgahs) in bringing about revolutionary transformation in managing State affairs at the local level. In addition, the representative drew attention to various legal measures adopted by his Government concerning the equality of citizens before the law and the eradication of the historical causes of underdevelopment, illiteracy and the passive status of women. He stressed that the Democratic Organization of Afghan Women, with the support of the PDPA and of the State, had initiated a broad-based programme for the protection of women's interests and their active participation in the political and social life of the country. In addition, the historical practice of oppression of the Hazars, the Turkomen, the Uzbeks and other minorities had been brought to an end and equality between all ethnic, religious or linguistic minorities was ensured by law.

590. Members of the Committee expressed appreciation to the Government of Afghanistan for acceding to the Covenant at a time when the State was facing a difficult situation and thanked the representative for considerably amplifying the information provided in the report. They note however, that the report was too concise. It referred only to the legal measures adopted to give effect to rights recognized in the Covenant, but did not mention the actual situation in the country, the progress made in the enjoyment of those rights or the factors and difficulties affecting the implementation of the Covenant. Members were deeply concerned about the general situation in Afghanistan, stressed the need for additional information and invited the representative of Afghanistan to give the committee a realistic picture of the situation. Two members were of the view that the Committee should consider whether it would be appropriate to request a new report. It was stressed that co-operation should be extended to the State party and that the Secretary-General should be assisted in his efforts to bring about a peaceful solution in Afghanistan.

591. Members of the Committee wondered how laws and remedies could be successfully implemented in Afghanistan given the current situation which was variously described as a state of emergency, a civil war, an armed conflict, a war or a situation brought about by terrorist activities, and they asked to what extent that situation affected human rights. Several members of the Committee pointed out that, in addition to the State party's report, they had also consulted the report on the situation of human right in Afghanistan prepared by the Special Rapporteur of the Commission of Human Rights (E/CN.4/1985/21). According to those members, that report provided clear evidence of regrettable violations of human rights in Afghanistan. They hoped that a frank and constructive dialogue on the factual situation in the country could be established between the Afghan Government and the Committee. It was observed, on the other hand, that the comprehensive legislation introduced in Afghanistan was in itself an impressive achievement for such a young regime, especially considering the troubled state of the country. In order to provide a complete picture of those achievements, it would be necessary to know the actual situation what had motivated the desire for change and what factors were hampering the Government's efforts to attain its proclaimed goal and might justify emergency measures. Therefore, information was needed regarding the situation before the Revolution, the extent to which the Fundamental Principles of the Democratic Republic of Afghanistan and other laws and activities had changed it, and what

difficulties were being encountered.

592. One member of the Committee expressed the opinion that the report and the introductory statement made by the representative of the Government of the Afghanistan constituted a distortion of the reality existing in the country. He stated that, although the Government of Afghanistan had signed a number of international instruments pertaining to human rights, such as the Covenant, its motivation had been the protection of its public image rather than of its population. He referred to many information sources according to which thousands of citizens had been deprived of their fundamental rights, such as the right to life, the right to freedom of religion, and the right to freedom of expression. Opponents to the regime had been tortured and assassinated. Mosques had been violated and members of the Islamic faith forced to endorse government policies. Tens of thousands of people had been massacred and 4 million Afghans were currently living as refugees in neighbouring countries. In his view the report was unacceptable.

593. Several members of the Committee made particular reference to the detailed information provided by the Special Rapporteur of the Commission on Human Rights with regard to the situation of conflict existing in Afghanistan, in which foreign troops and armed groups were involved, and to the massive exodus of people living as refugees in neighbouring countries. In connection with article 1 of the Covenant, they asked what steps had been taken or were being taken by the Afghan Government, internally or internationally vis-a-vis neighbouring countries, to face up to the refugee situation and to allow the Afghan nation to enjoy its rights under that article, as well as whether there were legal and political processes whereby the people of Afghanistan could exercise that right. It was also asked when foreign troops would leave the country and when the Afghan people would have the right to choose their own government and political, economic and social system without any form of outside pressure. With regard to article 31 of the Fundamental Principles, which stated that Afghan people must “be proud of the title of subject of Democratic Republic of Afghanistan”, it was asked whether in the current situation of conflict that was a legal obligation enforceable by punishment and, if so, what penalty was prescribed and to what extent revolutionary legislation expressed the will of the people.

594. Referring to article 2, paragraph 2, of the Covenant, members of the Committee wished to know why the report did not mention the right to political or other opinion among the rights respected for all individuals in Afghanistan without distinction of any kind; whether the Covenant was incorporated into the legislation of Afghanistan and whether a citizen whose rights were violated could invoke the Covenant in the Afghan courts; whether the Covenant had been translated into the Afghan national language and made available to the public; whether illiteracy constituted a problem for its publicity; whether an effort had been made to develop awareness among the people and law enforcement officials of the right contained in the Covenant; what remedies and legal procedures existed under the Afghan Penal Code for individuals seeking to defend their rights under the Covenant, especially if they had been violated by persons acting in an official capacity; what rules and regulations ensured the right to an effective remedy and what civil remedies existed in Afghanistan; whether there was a procedure equivalent to habeas corpus and what the provisions for compensation were in the case of a miscarriage of justice.

595. In connection with article 3 of the Covenant, it was asked what incompatibilities prevented Afghanistan from acceding to the Convention on the Elimination of All Forms of Discrimination

against women and why they did not affect the ratification of the Covenant.

596. Referring to article 4 of the Covenant, members of the Committee wished to know whether the Government of Afghanistan, in view of the situation existing in the country, had decreed a state of emergency under that article and had apprised the Secretary-General of the United Nations and other States parties of that fact; whether the state of emergency had been legalized; what rights had been suspended; which authority was empowered to declare a state of emergency; under what circumstances such a declaration could be made; what powers the Executive had in such a case and the exact meaning of the expression, referred to in the report, "the law has anticipated certain limitations of rights ... during public emergencies". The attention of the Government of Afghanistan was drawn to the experience of Government in using the provisions of article 4 of the Covenant to combat terrorist activities.

597. With regard to article 6 of the Covenant, members of the Committee asked whether Afghanistan intended to abolish the death penalty, how often the death penalty had been imposed in the recent past, whether statistics existed on its application which would show how many death sentences had actually been carried out, how many people had been pardoned or have had their sentences commuted, for what crimes the death penalty was imposed and what the "unforgivable crimes", for which a person could be sentenced to death, were. They also wished to know which courts were authorized to impose the death penalty; whether that penalty was subject to appeal or review and if so, under what circumstances and what official machinery existed for investigating alleged arbitrary killings. It was also asked whether the Government of Afghanistan shared the view that provisions concerning minimum guarantees in armed conflicts not of an international character, which were contained in the 1949 Geneva Conventions and Additional Protocol II, reflected the substance of article 6 of the Covenant and were applicable; how it was ensured that foreign troops complied with the Afghan Government's obligations under the Covenant and what the situation was in the parts of the national territory which were not under the Government's control.

598. In relation to article 7 of the Covenant, certain members, referring to allegations of torture, asked what the procedure was for investigating and punishing persons responsible for torture; what was being done to abolish torture and to remedy alleged cases of torture and ill-treatment of individuals; and what advice the Government was giving to the police on the State's responsibilities under article 7.

599. Turning to article 9 of the Covenant, members of the Committee wished to know how long provisional detention could last; what the maximum period of detention fixed by law was and what extent the courts permitted its extension; what remedies were available to a person alleging unlawful arrest or detention, cruel or inhuman treatment at the hands of the police or defence force and inhuman conditions of detention. Further information was sought on the Khad, or security apparatus; some members suggested that its operations raised different considerations regarding security of person. They asked whether it was empowered to arrest and detain people and even to carry out summary executions, where its powers were set out and how they were controlled.

600. With regard to article 10 of the Covenant, details were requested on the penitentiary system and the steps taken to ensure the reformation and social rehabilitation of prisoners.

601. Regarding article 12 of the Covenant, members of the Committee asked what the normal procedure was for leaving the country or moving from one part of it to another. It seemed to some that indirect restrictions existed and further information was sought on them. It was also asked under what circumstances a person could be deprived of the right to enter Afghanistan or an Afghan citizen could be prevented from returning to his country; what general restrictions existed on the right to leave the country and to return to it; whether reports of refugees being turned back at the Pakistan border and in some cases even being attacked were true; and whether the Afghan Government had any programme to facilitate the return and resettlement of refugees. The report of Afghanistan spoke of "former citizens" not being permitted to return. Certain members wanted to know the circumstances in which a person could be deprived of his citizenship and thus perhaps lose his right to return to his country.

602. In connection with article 14 of the Covenant, members of the Committee referred to the special court establishment to deal with issues of State security and inquired whether it was possible to appeal against its decisions and, if so with what chance of success; whether the amparo or habeas corpus system was applicable to it; what the maximum penalties it could impose were; whether it was court of final appeal or the sole court of that type; whether there were any other special or exception jurisdictions; who appointed the judges and how their independence was guaranteed; whether the court was a military one; whether it used summary proceedings; in which form it passed sentence and whether it had imposed the death sentence of any occasion.

603. Furthermore, members of the Committee wished to know how the judicial system gave effect to the independence of the judiciary; whether there were any courts in Afghanistan other than those referred to in article 56 of the Fundamental Principles, and, if so, what their jurisdictions were. They also asked what the procedure was for the removal of judges; what security of tenure they possessed; what control existed over their salary and pension rights; how many times persons attempting to exert pressure on judges had been relieved of their duties; why it was necessary for the Supreme Court to report its activities to the revolutionary council and whether that did not undermine the independence of the judiciary; whether the court selected criminal cases in accordance with the shariah, where the law was not clear and whether the Afghan Government was ready to accept the forms of punishment sanctioned by some versions of the shariah.

604. In addition, members of the Committee asked how the minimum guarantees set out in paragraph 3,4 and 5 of the article 14 of the Covenant were applied and, in particular, what rights an individual had to legal assistance of his own choosing; whether a defence lawyer was also provided; whether any restrictions were placed on his action; how the independence of lawyers was safeguarded; how many lawyers there were in Afghanistan and how many were employed in government service; whether private practice was allowed; what the contents of the proposed law on the legal profession were; what the definition of a political crime was; under what circumstances a trial could take place in camera; which courts heard appeals; and whether an accused person had the right to representation before the Presidium of the Revolutionary Council when it was deciding whether or not to approve a death sentence.

605. With regard to article 17 of the Covenant, it was asked under what circumstances the entry of search of a home was permitted by law and whether the Khad had arbitrarily interfered with privacy.

606. In connection with article 22 of the Covenant, reference was made to article 29, paragraph 7, of the Fundamental Principles and it was asked how “democratic and progressive social organizations” were defined and who had the power to define them.

607. With reference to article 24 of the Covenant, information was requested on maternity and family allowance and on maternity and infant mortality rate.

608. Regarding article 25 of the Covenant, members of the Committee referred to the Law of Local Organs of the State Power and Administration and asked how the implementation of that law would “stabilize and consolidate democracy”; whether the law provided for political pluralism; what legal provision and procedures governed local organs and how it was ensured that those organs were truly representative. Information was also requested on the law governing the election of the Supreme Council (Loya-Jirgah) and on when the Afghanistan authorities intended to hold genuine elections. In addition, it was asked whether all political tendencies could participate in political life on an equal footing or whether there was merely a one-party system, what legal provisions existed to ensure that women had an equal right to take part in public affairs and what percentage of public employees were women.

609. The representative of Afghanistan, in his reply to questions raised and comments made by members of the Committee, referred to the economic and social situation of his country before the Revolution of April 1978. He stated that, according to the estimation of United Nations experts per capita income at that time was one of the lowest in the world; 90 percent of the population were landless; infant mortality rates had been high and life expectancy had not exceeded 40 years. The people had been deprived of all fundamental rights. After the Revolution, the economic situation of the country had been improving. Public and education services had been extended and currently 233, 300 people were involved in literacy programmes. The basic needs of the population in terms of food and supplies had been met.

610. The representative rejected allegations according to which his Government was opposed to the Islamic religion. He stated that the Government had made efforts to create favourable conditions for all citizens to exercise their religion freely and to respect its traditions provided that such activities did not threaten the peace and security of the State. Various articles of the Fundamental Principles referred to respect for the responsibilities and duties of the clergy; moreover, a supreme Council for Islamic Clergy had been established as well as a Department of Islamic Affairs which had since become a Ministry. That Ministry had provided facilities for use of Muslims and a large number of Afghan Muslims had made the pilgrimage to Mecca.

611. The representative explained that immediately following the Revolution, a number of hostile regimes, in particular the United States, had launched a careful planned military and economic campaign to undermine the efforts of the Afghan people. The destruction caused by external aggression against Afghanistan had amounted to three quarters of the country’s total development investment in the 20 years preceding the Revolution. Only when the aggression against Afghanistan had finally reached such proportions that the Revolutionary Government had no longer been able to oppose it alone, had it asked for help. The presence of Soviet troops in Afghanistan to help defend the country’s borders from external aggression was justified under the 1978 Afghan-Soviet Treaty of Friendship, Good Neighbourliness and Co-operation, as well as under article 51 of the

Charter of the United Nations. He rejected the allegation that villages had been bombed. With regard to refugees, he stated that their number had been over-estimated and that many so-called refugees were merely conforming to their life-style or migrant workers.

612. With reference to article 1 of the Covenant, the representative pointed out that Afghanistan had subscribed to the resolution of the non-aligned countries prohibiting interference in the internal affairs of countries by foreign Powers. The Afghan people had exercised their right to self-determination by bringing about the victory of the Revolution and by choosing, without interference or coercion, a form of government and a social, economic and political system reflecting their interests.

613. With regard to article 2 of the Covenant, the representative stated that Afghan citizens could invoke the provisions of the Covenant in support of applications to the competent bodies; that the Covenant is in support of applications to the competent bodies; that the Covenant had been translated into the official languages of Afghanistan and had been published and placed at the disposal of the population and that the report of the Afghan Government to the Committee had also been brought to the attention of the public.

614. In connection with article 3 of the Covenant, he said that although his Government had not yet acceded to the Convention on the Elimination of all Forms of Discrimination against Women it had taken steps in that direction. He also informed the Committee that Afghan women had been granted equal pay under article 62 of the Labour Act and that pregnant women and nursing mothers had acquired special rights under articles 80 and 81 of the same legislation. Dowries, arranged and early marriages and discrimination in employment had all been abolished. Over 10 per cent of union members were women. More than 250,000 women were employed in schools, hospitals, public administration and industry. The Loya-Jirgah included 60 women deputies and hundreds of literacy courses had been set up for women.

615. With reference to article 6 of the Covenant, the representative gave as an example of an “unforgivable crime” punishable by the death penalty the explosion arranged near the Kabul international airport by a group of CIA-backed terrorists on 31 August 1984 which had killed 13 persons and injured 207. He stated that in no case had the death penalty been imposed contrary to the provisions of national law or of the Covenant or other human rights instruments, and that many persons condemned to death had been pardoned. A limited number of terrorists and mercenaries, who had threatened the lives of innocent people and the security of society, had been duly brought to justice, found guilty on the basis of irrefutable evidence and sentenced by the competent court in public session. With reference to the application of the Geneva Conventions, in particular article 3 and of Additional Protocol II, the representative stated that there was no civil war in Afghanistan and that the Revolutionary Government controlled the entire country. Terrorists and bandits armed by foreign Powers who launched raids from outside the country were alone responsible for all acts of aggression perpetrated against the Afghan people.

616. Referring to article 7 of the Covenant, the representative rejected as totally fallacious alleged torture cases, and pointed to the prohibition of torture under article 30, paragraph 7, of the Fundamental Principles and to article 275 of the Afghan Penal Code, according to which anyone responsible for inflicting ill-treatment in order to extract statements or confessions was liable to a

prison term ranging from 5 to 10 years.

617. Referring to article 9 of the Covenant the representative indicated that article 221 of the Criminal Procedure Act reproduced the contents of article 9, paragraph 2, of the Covenant and that articles 414 to 417 of the Afghan Penal Code prescribed severe penalties for those who for any reason contravened regulations and principles concerning arrest and detention. In conformity with the Criminal Procedure Act anyone arrested or detained on a criminal charge had to be brought promptly before a judge.

618. Regarding article 10 of the Covenant, the representative stated that impartial journalists and delegations from various international organizations who had visited Afghanistan during the period 1980-1985 had expressed their satisfaction of the treatment of prisoners. Furthermore, accused persons were segregated from convicted persons and juvenile from adults. Article 150 of the Criminal Procedure Act provided for the prompt release of the accused persons found not guilty by the court. Also under that article, special instructions had been issued to members of the police force to observe and apply all the United Nations Standard Minimum Rules for the Treatment of Prisoners

619. Replying to questions raised under article 14 of the Covenant, the representative pointed out that the Supreme Court, the highest organ in Afghanistan, oversaw the courts and ensured that they applied the law uniformly at all levels. Its judges were empowered to try cases in complete independence. They were bound only by the law. The special revolutionary court was a temporary institution and was due only to the undeclared war being waged against his country. The verdicts of the special revolutionary court, including those concerning capital punishment, were not final but had to be approved by the Presidium of the Revolutionary Council. The Presidium, could appoint a special legal body to consider any verdict by that court. The members of the special legal body were chosen from among the judges of the special revolutionary court or those of the Supreme Court, with the exception of the judges who had pronounced the original verdict. The special body had the function of reviewing the verdict and either upholding it, modifying it, or setting it aside, or referring the case to another legal organ. The representative also stated that officials or any other persons who attempted to exert pressure on judges were subject to dismissal and trial for abuse of authority. Hearings in all courts were public. Closed trials took place only in cases and under circumstances defined by law. Hearings were held in the presence of the lawyer chosen by the accused, except in cases where the accused decided to defend himself personally, and in certain cases, in the presence of local and foreign journalists.

620. The right of defence, laid down in article 30, paragraph 4, of the Fundamental Principles and article 12 of the Courts Organization Act and the Criminal Procedure Act, included the right to know the causes of the charge and to provide explanations, produce evidence and submit petitions. An accused person had the right to appeal to a higher court against a refusal to grant his requests or against any action by the examining magistrate, the prosecutor or the court. Under article 221 of the Criminal Procedure Act he had the right to interrogate witnesses for the prosecution. In certain cases the law provided for free legal assistance to accused persons who could not afford to engage a lawyer. When the preliminary investigation was completed, the accuse had the right to see his file, participate personally in the court proceedings and, as appropriate, appeal against the court's verdict.

621. In connection with article 17 of the Covenant, the representative indicated that article 22 of

the Fundamental Principles and articles 1903 and 1904 of the Afghan Civil Code guaranteed the protection of private property. Article 29, paragraph 8, of the Fundamental Principles guaranteed security of domicile and confidentiality of correspondence and other means of communication except in cases provided for by law. The Afghan Penal Code provided an effective remedy for those whose rights in that matter were violated by individuals acting in an official capacity. House searches and the interception of private correspondence were forbidden except when expressly authorized by a court in connection with a specific inquiry.

622. Regarding article 22 of the Covenant, the representative explained that all organizations whose activities were in with the Fundamental Principles were regarded as democratic and were permitted. However, citizens could not join neo-Fascist, neo-Nazi or terrorist organizations.

623. With reference to article 25 of the Covenant, the representative stated that the law provided for direct and equal participation of all citizens in public affairs. The right to vote and to be elected to public office was guaranteed without discrimination. Popular representatives in local assemblies were democratically elected candidates of the National Patriotic Front, which represented all the country's major social organizations.

624. The representative categorically rejected the report on the situation of human rights in Afghanistan prepared by the Special Rapporteur of the Commission on Human Rights as contrary to the established principles of mandatory international instruments to which his country was a party. He also deplored the adoption by the Commission on Human Rights of resolution 1984/55 on the human rights situation in Afghanistan which, in the view of his Government, constituted unwarranted interference in the internal affairs of the country.

625. Finally, the representative stated that he would transmit any further questions raised by the Committee to his Government so that it could provide additional information.

626. Members of the Committee, while expressing gratitude to the representative of Afghanistan for his explanations, regretted that the report and the representative's statement referred only to the Constitution of Afghanistan and to legal texts and they drew attention to questions that had remained unanswered.

627. In conclusion, the Chairman of the Committee welcomed the representative's offer to request additional information from his Government for submission to the Committee, so that it could learn more about the actual situation in the country as well as about the practical application of the measures that had been introduced and the difficulties that were being faced.

