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COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE 47th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 8 March 1984, at 7 p.m.

Chairman: Mr. KOOLJMAN (Netherlands)

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The meeting was called to order at 7.20 p.m.

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 (agenda item 12) (continued) (E/CN.4/1984/10, 18, 25 and Corr.1, 26-30, 32, 49, 50, 54, 57, 63, 67 and 68; E/CN.4/1984/NGO/1, 3, 6, 7, 9, 16, 17, 25, 27, 29 and Add.1, 30 and 38; A/38/538; E/CN.4/1984/L.66 and L.74), INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued) (E/CN.4/1984/31; E/CN.4/1984/NGO/10 and 42)

1. Ms. GRAF (International League for the Rights and Liberation of Peoples) said that her organization had concerned itself with the application of humanitarian law in the armed conflict in El Salvador. The second Additional Protocol to the Geneva Conventions of 1949 was particularly relevant to the situation in that country, which had signed and ratified it. The FMLN-FDR complied with that Protocol in that it was an armed organization controlling part of the territory of El Salvador and carrying out continuous military operations. It had publicly expressed its intention of respecting the Protocol and had done so in practice, particularly with reference to prisoners of war. Information received, however, showed that despite the undertakings given by El Salvador, the government forces respected none of the provisions of the international instruments ratified by their Government: prisoners captured in fighting were executed, the civilian population was bombed without discrimination, health personnel who assisted FMLN-FDR fighters were considered as enemies, and so on.

2. Respect for the Geneva Conventions and their Protocols should be a matter of concern to the Commission, and her organization requested it to remind the signatory States that persons captured, once disarmed, should be considered as prisoners of war, that indiscriminate bombing of the civilian population must cease, that Salvadorian refugees and displaced persons should benefit from the protection of the civilian population in time of war, and that the sick, wounded, doctors and health personnel should receive the full protection and guarantees of the rules of war.

3. Mr. WAHPEPAH (International Indian Treaty Council) said that prior to contact with alien "civilized" populations, 50 million indigenous inhabitants had shared the North American continent. As nations they had some of the oldest continuing governments in the world. They condemned the neo-colonialism that produced constitutions and legislation that terminated their human rights.

4. After suffering military defeat at the hands of the Lakota (Sioux) and Arapaho nations, the United States Government had in 1868 recognized under the Fort Laramie Treaty that a vast tract of land in the north-western hemisphere was Indian country and not part of the United States. The United States nevertheless continued to violate the 371 treaties with Indians because of its greed for land and natural resources. The FBI had permitted its neo-colonial right wing elements to conduct a reign of terror in an Indian reservation in the occupied territory known as South Dakota, while at the same time 27 transnational corporations claimed vast amounts of uranium, coal, oil, gas and water resources within the Fort Laramie Treaty area.

5. His organization wished to bring to the Commission's attention the case of Leonard Peltier, who was serving two life sentences for the alleged murder of two FBI agents. The United States Government, in its vendetta against Indian resistance, had coerced witnesses, falsified affidavits and resorted to the murder of unco-operative witnesses in order to repress the Indians' inherent rights to sovereignty. Canada had conspired with the United States to extradite Peltier on the basis of false affidavits. That was not surprising in the context of Canada's attempt to terminate Indian human rights with legal and political machinery, since it refused to accept the political reality of the Indian treaties.
6. The Coalition of First Nations and the Chiefs of the Treaty 6 Alliance did not sanction the Penner report which gave recognition to Indians by legislation and would result in the recolonization of First Nations. Those nations needed the support of the International community to secure treaty and aboriginal rights for future generations.
7. Another example of neo-colonial strategy was the 1983 legislative activity in Brazil which had been particularly intense against Indians and robbed them of all legal capacity. Laws and regulations were being proposed to rationalize the war against Indians in Brazil. That scenario of the exploitation and colonization of indigenous peoples continued to be played out in the western hemisphere. In Central America, the Indian peoples had the added burden of increased militarization of the region by the United States. The right of Indians to live on their land was a basic human right. The United States and Israeli Governments were supplying weapons and military equipment to the oppressive Governments that persisted in waging Indian wars.
8. The report on human rights violations in Guatemala (E/CN.4/1984/30) avoided the real issue affecting the Indian people. He failed to recognize the neo-colonial model village used to terminate such rights. In Guatemala 3 per cent of the people controlled 80 per cent of the land, without feeling any responsibility for its sacred nature. The Guatemalan Government had adopted an Indian policy consisting of forced abductions and government-sponsored death squads. Intervention by the United States in El Salvador and Honduras perpetuated human rights violations, but in Nicaragua the reawakening of the indigenous spirit was taking root in the revolution of the people. His organization had not on its most recent visit verified any of the crimes claimed in the report by the Inter-American Commission on Human Rights. Despite the conditions of the war zone, released Miskito prisoners expressed an understanding of the struggle in Nicaragua. His organization continued to challenge the Sandinista Government on traditional relations and development policy vis-à-vis the Indian people in Nicaragua and had found it consistently responsive. The manipulation by the United States of the Miskito situation, however, was a neo-colonial tactic familiar to original peoples of the western hemisphere. His organization had accepted responsibility for normalizing relations with the Nicaraguan Government in order to promote the human rights of Indian peoples.
9. Ms. LAU (International Indian Treaty Council), said that the Miskito nation to which she belonged was a constant victim of mass abductions by armed counter-revolutionaries who entered Nicaragua from Honduras and were financed by the Government of the United States. Miskitos in Honduras were prevented from returning by the Honduran army and the MISURA forces, which were allied with the guards of the late President Somoza. Miskito refugees were threatened with death when they tried to return and any direct contact with representatives of UNHCR

was hampered, while murders and the destruction of sources of work were commonplace. She proposed to submit to the Commission a list of murdered Miskitos and persons who could testify to being forcibly retained in Honduras. She requested the observer for Honduras in the Commission to ask his Government to allow Miskitos in camps in Honduras to visit their country; the Government of Costa Rica had already permitted visits of that type. She also asked him for information on her relatives who were missing.

10. Mr. LISKOFISKY (International League for Human Rights) said that his organization had frequently emphasized the critical role of human rights "defenders", who had endeavoured to alert world opinion to situations revealing consistent patterns of gross violations of human rights. Such individuals and groups had the right to call the attention of appropriate national authorities to human rights violations, to document grievances, to suggest remedies, and to have free access to international bodies with competence to receive human rights communications. He wished to comment on the difficulties frequently encountered by such persons in some countries.

11. In South Africa, it was hardly necessary to mention the means used to silence the human rights defenders who dared to protest publicly against the injustices and atrocities committed by the regime. The situation in Paraguay revealed a consistent pattern of arbitrary arrests, detentions and torture, which could be characterized as the institutionalization of illegality. Human rights defenders lived under constant threat and were continually harassed. In South Korea there were stringent restrictions on the press, freedom of speech and assembly, and political activity. Despite the release of some political prisoners, the promise of democracy remained unfulfilled. There was a serious security threat from the north but that could not excuse excesses aimed at ensuring political control, such as the detention since September of over 1,000 students, many of whom had been seriously abused.

12. In Poland, many martial law restrictions had been retained to curtail all unauthorized publications and political activity and to tighten government control. Repressive measures had been instituted to inhibit the independent initiatives of the people. His organization was especially disturbed by the continuing detention without trial of the 11 individuals associated with Solidarity and KOR (Workers' Defence Committee) for political reasons. Its response to the Polish Government's statement that the authorities were open to the possibility of a humanitarian settlement was to demand the release of all prisoners of conscience in Poland. In the Soviet Union, Andrei Sakharov, who had defended human rights and whose most important aim was the release of prisoners of conscience throughout the world, had been subjected to internal exile as part of a widespread campaign against dissidents. He and his wife were ill and required care. It was to be hoped that they would be granted their freedom before irreparable damage was done.

13. His organization hoped that the Governments concerned would cease obstructing the legitimate endeavours of human rights defenders to promote the enjoyment of human rights. The Commission might wish to emphasize that the persecution or punishment of anyone exercising the right to promote human rights was at variance with the obligations of States.

14. Mr. KNIGHT (Baha'i International Community) said that his organization was once again compelled to bring to the attention of the Commission the continuing persecution of the Baha'i religious minority in Iran, since they could not speak for themselves. Since the start of the Islamic revolution, the 300,000 followers of the Baha'i faith in Iran had been the victims of an official campaign of religious persecution which had deprived them of their most fundamental human rights. Since the Commission had debated the issue at its thirty-ninth session, the persecution had continued unabated, and hundreds of men, women and children had been imprisoned, tortured or executed for refusing to recant their faith. The Government of the Islamic Republic of Iran had alleged that the Baha'i faith was a subversive political organization, although no shred of evidence had ever been produced in support of that allegation.
15. Revolution almost invariably brought in its wake a period of severe repression, characterized by large-scale violations of human rights. That was the state of affairs that existed in Iran today. Fundamentally, however, the persecution of the Baha'is in that country had nothing to do with the Islamic revolution, which had merely facilitated persecution; its inspiration was religious prejudice, which had existed ever since the Baha'i faith had been founded in Iran in 1844. For over 100 years fanatical Shi'ite clergy had agitated for the faith's suppression. A systematic plan had been devised to annihilate the Baha'i community and had been put into effect. The campaign against the Baha'is was being waged against an entire community solely on the basis of religious affiliation and amounted to religious genocide. Thanks to the vigilance of the international community, however, the Government of Iran was not able to pursue that campaign clandestinely. The intervention of the international community had been instrumental in restraining the Iranian authorities, but there was grave concern for the fate of the Baha'i community in Iran. They were totally defenceless since they could not use violence to defend themselves against attack or arrest. They wielded no political power because their faith obliged them to abstain from politics. They would not oppose their oppressor because their faith required loyalty and obedience to the Government. They had put their trust in God and hoped for release from persecution through the goodwill, compassion and sense of justice of the international community.
16. The document recently distributed by the delegation of Iran ("Baha'ism: its origins and its role") was yet another attempt by that country to defame the Baha'i faith. His delegation had prepared a commentary on it for anyone who was interested.
17. Mr. HILALY (Pakistan) said that no matter how committed a Government remained to the international instruments on human rights, its performance depended on the creation of domestic conditions conducive to the promotion and protection of such rights. The equitable sharing of world resources remained a prerequisite for the enjoyment of all human rights. Malnutrition, insecurity of food supplies, inflation and unemployment constituted major violations of human rights and underscored the need for constructive efforts to eliminate wholesale deprivation.
18. The growing refugee problem once again emphasized the need for concerted efforts on the part of the international community to eliminate the factors which caused the people of a country to leave their homeland. The majority of refugees in the world had had to leave their homes owing to external aggression, military occupation and foreign domination. For those reasons his country was currently providing shelter to 3 million refugees from Afghanistan. No situation involving the denial of fundamental human rights was more reprehensible than one in which more than a fifth of the entire population of a country had had to leave their homes as a result of the presence of foreign military forces.

19. The situation in the Islamic Republic of Iran called for careful examination. His delegation was convinced that the Government of that country was taking appropriate steps to normalize the situation and it must not be forgotten that events there were a reaction against decades of repression and should be understood in the context of the Iranian revolution. The Government of Sri Lanka was aware of the need to reduce ethnic tension and to foster communal harmony in that country and had taken steps to establish a dialogue with all sections of the population; it deserved encouragement and support from the international community. It had taken other positive steps such as holding an all-party conference and observing the need for the utmost caution. His delegation was of the opinion that further consideration of the situation in Sri Lanka was not necessary. The Pakistan delegation agreed with the statement by the observer for Turkey on the situation prevailing in Cyprus and with his view that the able efforts of the Secretary-General to bring the two communities to the negotiating table deserved sincere support.

20. His delegation categorically rejected the charges concerning the arrest of thousands of political prisoners contained in the document submitted by the World Peace Council (E/CN.4/1984/NGO/9). The political prisoners listed in that document were all free. The small number still under detention had been convicted by the courts and were not targets of political victimization. The allegations regarding the torture of political prisoners were equally without foundation. Under the laws in force in Pakistan, any death in custody required a judicial inquiry and no death of that nature could be concealed. The charges relating to the assassination of political opponents were also false. In Pakistan no action could be taken by the Executive which contravened the legal system of the country. All decisions of the courts were arrived at after due process of the law. Contrary to the allegations made, whipping was used only in the case of certain very serious offences.

21. The accusations made by the representative of Amnesty International were yet another attempt to malign Pakistan. Capital punishment existed in Pakistan but was imposed through a due process of law only in the case of very serious offences. There were no arbitrary or secret trials and no secret executions. It was not true that there was no review of decisions or sentences by military courts. Such courts had been established to deal with terrorist activities and were governed by judicial norms; their decisions were subject to both appeal and review.

22. Mrs. MENDIVIL (International Federation of Human Rights) said that violence in Guatemala was apparent in the systematic violation of human rights by the security forces and the army. That situation had been analysed on many occasions and had given rise to resolutions because of the barbarity of the acts committed and the genocide of the indigenous population. Other social sectors had also suffered, including union workers, students, professional people, especially teachers, and villagers' associations. Many reports had been made to international bodies of the massacre of villagers and the relocation of the indigenous population in "modern" villages controlled by the army. There had been an increase in cruel and inhuman treatment and thousands of persons had disappeared.

23. Her own son had been abducted by armed men in an army jeep in August 1983. His disappearance had been reported to the press, the Government had been approached, a writ of habeas corpus had been filed but no result had been achieved. She had even approached the President of Guatemala, but to no avail, although all the human rights institutions to which she had turned had been very receptive. The Vice-President of her organization had visited Guatemala and, while he had obtained

important information on missing persons and other violations of human rights, he had not been able to do more than ascertain that her son was alive in a secret military prison. The Bar Association had asked the Government to publish the names of missing persons held in that prison but it was not known what names had been published. She was sure that all those disappearances were the work of the police and the army; that would explain why an approach to government institutions produced no positive results. No credibility could be given to statements made by them on human rights or on the investigation of disappearances. The case of her son was not an isolated one, and she asked the Commission to take urgent action in support of the thousands of people who had disappeared in Guatemala.

24. Mr. MACCOTTA (Italy) said that, with very few exceptions, the situation of human rights had not changed as compared with 1982 and 1983. No continent was free of violations of human rights. It was difficult to speak for Europe since there were two different conceptions of human rights, one referring basically to individuals and their freedoms and the other to economic and social rights deriving from the State. The case of Cyprus, particularly because of the numerous disappearances of persons, was one for which he hoped a fair and acceptable solution would be found as speedily as possible.

25. The practice of summary or arbitrary executions was the alarming subject of Mr. Wako's report (E/CN.4/1984/29), which had shown that it was still widespread. He appealed to those Governments which had refused Mr. Wako permission to visit the country concerned to modify their decision. He also wished to refer to the physical punishment applied in some countries, which give rise to serious repercussions in countries where it was forbidden and tended to jeopardize international relations.

26. There were very many reports of human rights violations in Iran, which had ratified a number of international human rights instruments but continued to flout elementary rights. The recent disorders in Kenya and Nigeria had revealed the powerlessness of the Commission to deal with those situations and added to the reasons which had prompted his delegation to support the creation of the post of High Commissioner for Human Rights.

27. Two situations required particular attention; one was that of Central America as a whole, and Nicaragua, Guatemala and El Salvador in particular. A solution was still a long way off, despite the praiseworthy efforts of the Contadora Group. Politically speaking, the crisis had become part of the East-West conflict as well as the North-South conflict. The Commission should make a greater effort to denounce violations in that part of the world and encourage respect for human rights there. The other situation was that of Chile, with which his country had the same bonds as with the rest of Latin America; he could only hope that Chile would evolve in the same way as Argentina.

28. In his opinion, no appeal or intervention by the Commission could be regarded as intervention in the internal affairs of the State. Such appeals were not political acts. He hoped that all those present shared that opinion and that any resolution by the Commission requesting information or collaboration would be interpreted in that spirit as a form of co-operation in the common interest.

29. Mr. BODDENS-HOSANG (Netherlands) said that the practices of torture, disappearances and arbitrary executions had been tackled by the Commission for a number of years but remained widespread. Those evils often occurred together. The Commission had already spoken about the first two categories under agenda item 10 concerning involuntary disappearances and torture. He wished to emphasize that the phenomenon of disappearances had one feature also found in the report on summary executions, namely the reluctance on the part of a number of Governments to co-operate with either a working group or a Special Rapporteur.
30. The Special Rapporteur on summary or arbitrary executions had continued his study of the violation of the right to life (E/CN.4/1984/29) and added a new dimension in the form of an attempt to analyse the available internal legislation of various countries as compared with the international legal instruments relative to the subject. The Netherlands Government was preparing a statement describing Netherlands legislation concerning the use of force by police officers. The conclusion of the Special Rapporteur was that the procedures laid down in the legislation of the countries which had replied to his request for information substantially conformed to the relevant articles of the International Covenant on Civil and Political Rights. However, some national laws would appear to be in conflict with the spirit of the Covenant; for example, a number of countries had established special or military courts to try political offences and other countries had enlarged the category of offences punishable by the death penalty.
31. Mr. Wako's second report differed in one important respect from the first in that there was no longer a sub-chapter dealing with "allegations in regard to specific countries", but a new chapter containing an "analysis of the situations in which arbitrary and summary executions usually take place". The purpose of that analysis, without naming the specific countries, was to identify elements which could guide further action in that area. His delegation wished to express its appreciation to the Special Rapporteur for his thorough analysis.
32. His delegation regretted that the Special Rapporteur had not been able to enter Suriname on a mission to investigate the events of December 1982, and urgently called upon that Government, with which the Netherlands had had long-standing links, to co-operate with the Special Rapporteur. With reference to Indonesia, the Netherlands Government had serious reasons to believe that the Indonesian Government was making strenuous efforts to put an end to the "mysterious killings" in that country.
33. His delegation shared the Special Rapporteur's opinion that the urgent action procedure, taking the form of urgent messages to governments following appeals from sources making allegations of imminent summary executions, was an invaluable part of the international community's response in dealing with that problem and should be maintained.
34. His delegation had read with dismay that in 1983 the Special Rapporteur had received information about summary or arbitrary executions involving thousands of persons. In that context, his Government had deemed it fit to provide the Special Rapporteur with information about the circumstances of the death of Marianela Garcia-Villas, the late president of the non-governmental Human Rights Commission in El Salvador. Another disturbing feature that the Special Rapporteur had brought out was the increase in summary or arbitrary executions which were not politically motivated but the result of campaigns to curb a rising crime rate.

35. His delegation supported the recommendation in the report that every effort should be made to place law-enforcement, military and paramilitary officials under the effective control of Governments so as to ensure that excesses such as arbitrary executions could not take place without governments' knowledge. Another recommendation that his delegation would like to endorse was for an all-out international mobilization of efforts to bring summary or arbitrary executions to a halt, for instance, through the strengthening of the role of the press and other media.

36. His delegation would endorse any proposal to extend the Special Rapporteur's mandate in order that he might continue his study of summary or arbitrary executions with a view to eliminating that abhorrent practice.

37. Mr. DICHEV (Bulgaria) said that the past year, rather than bringing any diminution of massive and flagrant violations of human rights throughout the world, had witnessed events which had further increased tension in international relations, endangered international peace and security, and made the Commission's task even harder. New, dangerous trends were being accentuated, not least as a result of the serious threat to the basic right to life of the European peoples and of mankind as a whole represented by the installation of new United States first-strike nuclear weapons in Western Europe. Conflicts were continuing in different parts of the world, bringing death to innocent people, depriving thousands of shelter and food, and creating misery and despair. Gross and flagrant violations of human rights were occurring on a massive scale, and the vital needs and interests of whole peoples were being sacrificed whenever and wherever imperialism acted in defence of its own "vital interests".

38. The international community had thus witnessed the largest imperial State crushing the people of Grenada, one of the smallest States Members of the United Nations, in what had been referred to as the "restoration of democracy". Even countries which had been traditionally considered as favourably disposed towards the aggressor had expressed indignation at that flagrant violation of the basic tenets of international relations and international law. The inadmissible large-scale military intervention of the United States in that sovereign and independent State had cleared the way for massive and flagrant violations of the human rights of its population.

39. The international community was also witnessing how military force, intended to assist a Middle-Eastern country in "restoring peace", was in fact subjecting it to massive naval and aerial bombardment and causing death and destruction. The International Herald Tribune of 22 February 1984 had published details of the many shells and bombs which had hit Lebanese soil and had stated that one of the most recent bombardments, which had taken place during the current session of the Commission, had been the heaviest United States naval bombardment since the war in Viet Nam.

40. He drew attention to such facts in order to stress once more his country's firm conviction that genuine efforts to preserve peace, consolidate international security and develop co-operation between peoples were of the utmost importance. Only in a healthy and peaceful international atmosphere could real progress in that field be achieved. For that reason the Commission should concentrate its efforts on its major task - that of dealing with massive and flagrant violations of human rights. As was already provided for in numerous United Nations resolutions, particular emphasis should be laid upon violations resulting from apartheid, racism, racial discrimination, colonialism, foreign occupation, denial of the right to self-determination and independence of colonial countries, and denial of the right of each nation to exercise full sovereignty over its national wealth and natural resources. It was precisely the determination of the majority of the Commission to take action on such cases that, year after year, made some delegations hesitate to support the relevant resolutions.

41. One example of such a case was the alarming human-rights situation which existed as a result of Israeli aggression against neighbouring Arab States and the ensuing illegal occupation of vast Arab territories, together with the Israeli denial to the Arab people of Palestine of the right to self-determination, including the creation of an independent State. That situation of massive and flagrant violations of human rights was due largely to the over-all economic, political and military support provided by the United States to Israel.

42. Another striking case was the close co-operation between the major imperialist States and the racist regime in South Africa, which was guilty of crimes against humanity in the form of genocide and apartheid, massive and flagrant violations of human rights, and the illegal occupation of Namibia. Its years of occupation had enabled South Africa to persist in its inhuman policy, and had made it a highly destabilizing factor in Africa and a serious threat to international peace and security. His delegation strongly condemned the aggressive policy of South Africa against neighbouring African States; that policy should be terminated immediately. As in the case of Israeli aggression in the Middle East, responsibility for the deaths, destruction and misery resulting from the inhuman policy of South Africa should be shared by all those supporting it.

43. Another case where imperialism was making every effort to consolidate reaction and stifle social progress was in El Salvador. In that country 40,000 people had perished in four years as a result of the war being waged by a reactionary oligarchy against the Salvadorian people with United States money, weapons and support. Paragraph 71 of document E/CN.4/1984/25 described the inhuman methods and torture used to that end. Together with the United States-trained military and security forces, a wide range of paramilitary groups and so-called "death squads" were participating actively, and with the acquiescence of ruling circles, in widespread terrorist operations against the civilian population. As paragraph 50 of the report stated, those groups were connected with or protected by members of the armed forces or security agencies. As a result of their activities, several large-scale massacres of civilians had taken place in 1983, including those referred to in paragraphs 50-56 of the above-mentioned report. The mass media, too, gave a clear picture of the serious impact of imperialist policies on human rights.

44. Another country of concern to the Commission was Guatemala. Referring to document E/CN.4/1984/30 on the situation in that country, he said that much of the uncertainty which seemed to exist in the report could be dispelled by a study of the reports of the Guatemalan Human Rights Commission, the Guatemalan Committee for Justice and Peace, and the Guatemalan Committee of Relatives of Detainees and Missing Persons. Those reports were available to the Commission and should be taken into account by members in order that they might have a more complete insight into the human-rights situation in Guatemala.

45. The increasing military activity of the United States in Central America and its undeclared war against Nicaragua represented a major threat to international peace and security and an obstacle to the promotion and respect of human rights and fundamental freedoms in countries such as El Salvador and Guatemala. Such activities must be stopped, as must the forcible export of what was claimed to be "freedom and democracy" but was in fact accompanied by oppression, misery and destruction, whether in the Middle East, southern Africa, Grenada, Central America or elsewhere.

46. Mr. HEIDWEILLER (Observer for Suriname) said that he wished to explain the reasons for the postponement of the visit to Suriname by Mr. Wako, Special Rapporteur and to outline the political situation in his country in so far as it had a bearing on human rights.

47. Some had interpreted the postponement of the Special Rapporteur's visit as a sign of unwillingness on the part of the Government to act upon its invitation and it had been criticized in several international organizations. Such a view was totally misguided. There had been no intention on the part of the Suriname Government to shun or conceal the consequences of its acts. The Government's invitation to Mr. Wako to visit the country and evaluate the unfortunate events which had taken place in December 1982 still held and he was confident that a mutually convenient date for the visit could be agreed upon in the near future.

48. In 1983 a national commission had been set up to deal with representatives of international organizations active in the field of human rights. Three senior members of that commission had been appointed to represent Suriname at the General Assembly of the OAS in November 1983 in connection with the report of the Inter-American Commission on Human Rights on his country. As they and other members of the Commission had been fully occupied with preparations for that conference, it would not have been possible properly to receive the Special Rapporteur during the week beginning 31 October 1983 as planned. The Government had therefore proposed that the visit should take place at a later date but still in time for Mr. Wako to present his report to the Commission at its current session. However, in early December, there had been a serious social and political crisis in Suriname as a result of widespread strikes which had been triggered off in protest against fiscal measures and had rapidly taken on wider political implications. The strikes could have led, had the situation not been wisely and honestly handled, to extensive civil unrest and severe damage to the national economy.

49. Right from the beginning of the revolution, it had been recognized by the leaders of Suriname, headed by Lieutenant-Colonel Deysi Bonterse, that it was impossible to build a genuine, new nation without the co-operation of workers and national private enterprise, particularly since the nation had been structured along ethnic lines until independence in 1975. True co-operation among the military, the labour force and private enterprise was essential and, in fact, all those involved in the crisis had behaved with great restraint, which was after all perhaps not surprising since the country's soldiers had the same origins as the working classes. As a result of negotiations, a new Council of Ministers had been appointed, including representatives of labour unions and private enterprise. At the same time, the policy centre which had previously superseded the Council of Ministers had been abolished. The new interim cabinet had two major tasks before it: to deal with financial and economic problems, and to formulate proposals for a permanent democratic structure based on human rights. It was well understood that even the most skilfully created political structure was bound to

be inhuman and would eventually be rejected by the people if it was not compatible with fundamental human rights and values. The interim Government had been appointed for a period of six months and was required to submit its proposals before the end of that period. The people of Suriname were eagerly awaiting the outcome of its work.

50. Ms. MOLITKE-LETH (Observer for Denmark) said that, in her delegation's view, the question of the violation of human rights and fundamental freedoms in any part of the world was the most important item on the Commission's agenda. It was the duty of the Commission to take action whenever the integrity of the individual was violated by acts of torture, inhuman or degrading treatment, summary or arbitrary executions, disappearances or persecution of political opponents on ideological, political or religious grounds. Violations of human rights were not only a matter for the country where they occurred, but were of concern to the international community as a whole and a matter of high priority. By accepting the principles of the Charter, Member States had also accepted that questions on human rights were a matter of legitimate international concern and action. Her Government rejected the argument that action by the international community to seek restoration of human rights in a country where they were being violated constituted interference in the internal affairs of that country. The United Nations had an obligation to make every endeavour to remedy human rights violations and it urged all Governments concerned to co-operate constructively with the human rights machinery of the United Nations in order to promote and protect human rights.

51. Sadly, human rights continued to be violated in almost every part of the world. Continued action by the United Nations was therefore necessary to promote respect for, and protection of, human rights and, in that connection, her Government had consistently supported the proposal to establish a post of United Nations High Commissioner for Human Rights. Such a post, if provided with a meaningful mandate, would enable the United Nations to deal more effectively with urgent cases of gross violations of human rights. Her delegation supported the mandate approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as contained in document E/CN.4/1984/L.23.

52. According to the basic and generally accepted international human rights instruments, every human being had an inherent right to life, no individual should be arbitrarily deprived of his life, and the practice of summary or arbitrary executions was a flagrant violation of the most fundamental right, the right to life. Violations of such rights called for the active attention of the United Nations and her Government therefore attached great importance to the work of Mr. Wako, Special Rapporteur, on summary or arbitrary executions. It deeply admired the outstanding way in which he had accomplished his task and supported his appeal to Governments against which allegations of summary or arbitrary executions had been made. It urged him to continue to take action as soon as reliable information was received on imminent or threatened summary or arbitrary executions. It also appealed to all Governments concerned to co-operate with him in preventing and eventually eliminating those abhorrent practices. Her Government fully endorsed the recommendations of the Special Rapporteur that such executions should be kept under constant review and was consequently in favour of the Special Rapporteur's mandate being extended and strengthened.

53. Referring to the common statement made on behalf of the European Community in the Third Committee at the thirty-eighth session of the General Assembly, in which the human rights situation in a number of countries had been mentioned, she expressed the continuing concern of her Government about the situation in those countries. The views of her delegation on the human rights record of those countries were already well known to the Commission and it was not necessary to go into detail once more. Her Government continued to condemn human rights violations wherever they occurred and the active commitment of her country in cases of violations in individual countries reflected a genuine desire to contribute to the efforts of the United Nations to promote respect for human rights. Her delegation supported efforts to strengthen the capability and activities of the Commission and the Centre for Human Rights. The established reporting procedures under which Special Rapporteurs were appointed to review the human-rights situation in countries where gross and flagrant violations were taking place should be further developed and her country was in favour of the continuation and, where appropriate, strengthening of the mandates of Special Rapporteurs. Her delegation fully supported the general tenor of the relevant resolutions before the Commission.

54. Mrs. SLAMOVA (Observer for Czechoslovakia) said that gross and massive violations of human rights in Latin America were not only taking place in El Salvador, Guatemala and Chile, but also included the recent direct aggression by the United States against Grenada, the undeclared war waged by the United States against Nicaragua and the continual threats being made against Cuba. In North America, both in the United States and in Canada, the indigenous population was exposed to severe discrimination, and in all the imperialist countries millions of people, both white and coloured, were deprived of the basic rights to work, education and social justice. In that connection, she referred to the unemployment figures for 1983 published in Italy, the Federal Republic of Germany and Canada, and to a report submitted to the United States Congress by Senator Edward Kennedy, according to which 35 million Americans were living below the official poverty line. In the countries of the European Economic Community, the number of unemployed had risen by 400,000 persons in January 1984, reaching the record level of 12.8 million, which corresponded to 11.5 per cent of the active population.

55. It seemed that the highly-developed Western industrial countries were concerned with human rights only in other countries. That was clearly illustrated by the draft resolution on the situation of human rights in Poland submitted by the Federal Republic of Germany, Italy and the Netherlands (E/CN.4/1984/L.66). The sponsors of the draft resolution were attempting to divert attention from the acute problems besetting their own countries and, at the same time, to use the human rights issue as a pretext for crude interference in the internal affairs of a sovereign State Member of the United Nations. For the third year running, Poland was the victim of that policy. When Poland no longer fitted the bill, another country whose social system was not to the West's liking would undoubtedly be chosen. The statement by the observer for Poland, supported by facts contained in the report submitted to the Commission in document E/CN.4/1984/26, made it clear that life in his country was proceeding normally under steadily improving conditions. There was no reason for the Commission, whose competence extended to cases of gross and massive violation of human rights, to consider the situation in Poland and its internal affairs. It was high time that the so-called "Polish question" was definitively struck off the Commission's agenda.

56. Mr. YUMJAV (Observer for Mongolia) said that, notwithstanding the numerous resolutions and decisions of the General Assembly and the Commission condemning gross and massive violations of human rights, such violations proceeded unabated in a number of countries, in particular in Chile, El Salvador and Guatemala. The reports before the Commission in documents E/CN.4/1984/25 and 30, as well as statements by members of the Commission, showed that the human-rights situation in those countries gave grounds for serious concern. Thousands of innocent people had lost their lives and thousands more were languishing in prison without trial as a result of cruel repression by those countries' anti-popular regimes. Hundreds of thousands of citizens of El Salvador and Guatemala had been obliged to leave their country or had been driven from their land. As many previous speakers had pointed out, those human-rights violations could never have occurred without external financial, military and other assistance. Everyone knew the origin of the advisers and instructors aiding and abetting the dictatorial regime in El Salvador, just as they knew who was supplying arms to the Salvadorian junta's punitive units and to other criminal regimes in Central America.

57. Another appalling example of gross and massive human-rights violations was the situation in South Africa, whose racist regime was intensifying its shameful policy and practice of apartheid and continuing the illegal occupation of Namibia. In that connection, he referred to the decisions adopted by the Commission in connection with agenda item 6, decisions which left no doubt as to the share of the United States and other NATO countries in responsibility for the South African racists' criminal actions.

58. Human-rights violations in the Near East, and particularly in the Arab territories occupied by Israel, were a source of especial indignation and concern. The scale of those violations was growing in step with Israel's increasing aggression against Arab States, and particularly against Lebanon, with the direct support of the United States and their principal NATO allies. The bloody crimes of Israeli soldiers in Lebanon had revealed yet again the true nature of zionism, which the United Nations has condemned as a form of racism and racial discrimination.

59. Turning to the report on the situation in Poland (E/CN.4/1984/26) and the draft resolution on the human-rights situation in that country (E/CN.4/1984/L.66), he said that yet another attempt was being made to involve the Commission in examining the trumped-up question of human rights in Poland in order to interfere in that country's domestic affairs. Mongolia's position of principle on the matter, as clearly stated at the Commission's two previous sessions, was that a question forming part of the internal affairs of a sovereign State should not be discussed in the Commission, and that Poland alone had the sovereign and inalienable right to solve its domestic problems. For that reason, his delegation, together with many others, rejected both the report and the draft resolution. The recent statement by the observer for Poland had confirmed that there had never been any grounds whatsoever for raising the so-called "Polish question" within the Commission.

60. Mr. NCHAMA (International Movement for Fraternal Union among Races and Peoples) said his organization hoped that the Commission would continue to make every effort to induce the Paraguayan Government to end the state of siege which had been in force in that country for 30 years. Paraguay was not at war and there was no reason for the authorities to maintain its people in such a situation.

61. In recent years, the people of Uruguay had shown the capacity to demonstrate in favour of the restoration of democracy in their country. The greater part of their history had been spent under constitutional government and it was the earnest wish of that people to return to a form of democratic government.

62. The situation in Equatorial Guinea and the violation of human rights there had been the only case in which the 1503 (XLVIII) procedure had been used and it would be very disappointing for the defenders of human rights if it did not bring satisfactory results. In accordance with Commission resolution 33 (XXXVI) and at the request of the Government of Equatorial Guinea, the Secretary-General had appointed Professor Volio Jiménez as an expert to assist the Government in restoring human rights and fundamental freedoms. Professor Volio Jiménez had presented a three-phase plan of action which had been accepted; he had also, in his report, underlined the need for the Commission to carry out periodic evaluation of its implementation. He therefore requested the Commission to take the necessary measures in order to ensure full implementation of the plan of action because it was solely by that means that human rights and fundamental freedoms could be restored. The situation continued to be of concern to the international community because the country was still governed by "a government of men and not a government of laws". Torture, arbitrary detention, administrative disorder, corruption and arbitrary execution had not ceased. Julian Esonos Ada, Ambassador of Equatorial Guinea in France, had returned to his country the previous year only to be detained and imprisoned without any formal charge being brought against him. Delfín Jacinto Mba had been sentenced to 30 years' imprisonment for having stated that the current regime, following the coup d'état, was the same as the previous one.

63. Mr. Wako, Special Rapporteur, had referred in document E/CN.4/1984/29, to executions of leaders of unsuccessful coups d'état. In that respect it would also be interesting to study the cases of Governments which invented unsuccessful coups d'état in order to get rid of any opposition. That happened frequently in Equatorial Guinea, where the Government invented an unsuccessful coup d'état each year in order to eliminate possible political opponents. Also of particular relevance to Equatorial Guinea were those parts of the Special Rapporteur's report covering the absence of democracy, states of siege or emergency, the existence of special tribunals and control of the judiciary by the executive. Paragraphs 124-132 of the report might have been written solely with Equatorial Guinea in mind. The Equatorial Guinean journalist, Alfonso Nsue Mokuy, had been threatened by the military authorities for attempting to write in support of human rights. On 1 July 1983, 26 alleged political opponents had been tried by a court martial on a charge of plotting against the State; 23 had been sentenced to 10 to 30 years' imprisonment and the other 3 had been given a death sentence. Two of them - Gregorio Micha and Carmelo Owono - had been executed on 5 July 1983 and the third - Venancio Miko - had been used by the Supreme Military Council for blackmail purposes in its relations with Spain. Many observers believed that Venancio Miko had already been executed in spite of the "guarantees" given by the President to the Spanish Government.

64. On 2 September 1983, two members of the National Guard had murdered Carmen Samaranch. Another form of eliminating political opponents was to kill them in car accidents. The neighbourhoods where suspected opponents lived were carefully watched and the time they left and returned to their homes noted; a car would suddenly appear as an alleged opponent was crossing a road and run him over. The drivers were always soldiers or members of the Fascist Government, who were usually transferred to another province immediately after the accident without any further action being taken. He urged that an expert should be sent to Equatorial Guinea to make an evaluation of the human rights situation.

65. Concerning El Salvador, it was important to renew the mandate of Professor Pastor Ridruejo as a means of continuing to help the Salvadorian population on its way towards democracy. According to the national organization Christian Legal Aid, there had been 3,930 political prisoners and missing persons prior to the proclamation of the Amnesty Act, upon which some 600 political prisoners had been released. Since the repeal of the amnesty on 15 August 1983, there had been approximately 491 new political prisoners.

66. If free elections were to be held in Guatemala, it was essential that there shall be civil peace and legislation recognizing the equality of all citizens. It was not possible to hold free elections in a climate of political assassination. In February 1984, for example, the Secretary-General of the Christian Democratic Party and another political leader, Jorge Galvez Loaia, had been assassinated at El Quiché.

67. The question of human rights violations could not be tackled without also tackling the problem of political refugees, and any study on States which systematically violated human rights must be accompanied by a study on States producing large numbers of refugees. The African continent had the largest number of refugees thanks to the apartheid regime in South Africa and Namibia and dictatorial Governments in certain countries of that continent.

68. Mr. GREKOV (Observer for the Byelorussian Soviet Socialist Republic) said that earlier in the session his delegation had stated its views on the question of human rights violations in South Africa and in the Arab territories, including Palestine, occupied by Israel. Under agenda item 12, he wished particularly to refer to the human rights situations in El Salvador and Guatemala.

69. The gross and massive violations of human rights in El Salvador were the direct result of imperialist interference in that country's internal affairs. The ruling junta, supported by generous economic and military aid from the United States, was waging an internal war against the Salvadorian people and its patriotic forces. More than 50,000 persons had been annihilated during the past four years by El Salvador's evil regime, whose army was being armed and trained by the United States. As reported in The New York Times of 5 December 1983, 3,269 civilians had been killed in the first eight months of 1983 by so-called "security forces" and "death squads", and many of those killed had been tortured and maimed beforehand. At the same time, legal obstacles to United States interference in El Salvador's affairs were being ruthlessly swept away by the President. So long as the situation with regard to respect for human life in El Salvador continued to be very serious, as stated in paragraph 170 of document E/CN.4/1984/25, and so long as proposals for a political solution of El Salvador's problems were ignored and the Salvadorian people's struggle brutally repressed, efforts to achieve the cessation of gross violations of human rights in that country should not weaken within the United Nations.

70. While the report on the situation of human rights in Guatemala (E/CN.4/1984/30) failed to give a sufficiently full picture, the atrocities committed by punitive units and the policy of genocide pursued in respect of the indigenous population were indisputable. The crimes of the oligarchic military regime in Guatemala, regarded as one of the strongholds of the United States in Central America, and its gross and massive violations of human rights deserved harsh condemnation.

71. It was not possible to overlook the situation in South Korea where a dictatorial regime supported by American bayonets was exercising genuine terrorism against all opposition forces and was grossly violating elementary human rights in every sector.

72. As had often been noted, a direct connection could always be traced between massive and gross violations of human rights and United States imperialism. That country was the patron of anti-popular regimes obediently applying policies which corresponded to its strategic and other allegedly vital interests. The imperialist aims pursued by Washington had nothing in common with the genuine interests of the peoples of Central America, the Near East, southern Africa or other parts of the world or with the principles of humanism, justice, democracy and social progress. In pursuit of its aims the United States stooped to the most reprehensible methods, be they attempts to stifle the Nicaraguan revolution, armed aggression against Grenada, the blackmailing of Nicaragua or direct threats addressed to Cuba. Its unlawful activities in various parts of the world increased international tension and poisoned the world's political atmosphere, arousing the just condemnation of the whole international community.

73. The United States was interested in human rights only to the extent that they could further its political ambitions. The cynicism and hypocrisy of such an approach became particularly obvious if it was borne in mind that millions of United States citizens, especially the non-white members of the population, were deprived of the most elementary human rights, that racism was rife there and that equality of rights as between men and women was not assured. In many Western countries, migrant workers from Asia, Africa and Latin America were subjected to the harshest forms of discrimination, suffering at the hands not only of the authorities, but also of various racist and neo-Fascist groups and organizations. The unconditional banning of such organizations was a matter of increasing urgency in view of information which had recently come to light concerning the concealment of Second World War criminals responsible for the deaths of hundreds of thousands of people, inter alia on Byelorussian territory. It was the essential duty of the United Nations to strive for the removal of the threat of a recurrence of fascism and nazism, a threat which, unfortunately, still existed.

74. As for the statements made in the Commission about so-called violations of human rights in socialist countries, their authors had got hold of the wrong end of the stick. Capitalism, not socialism, was the system based on centuries of slave and child labour, oppression of women, contempt for workers, elitism, racism and its derivatives, colonialism and predatory wars. For the overwhelming majority of people in the capitalist countries, the rights and freedoms for all proclaimed by bourgeois society were only a dream. The rights and freedoms guaranteed to the broad masses of the workers by contemporary imperialist society were the right to unemployment, the right to do without medical assistance, the right of national minorities to discrimination, and the right of all citizens to live in constant fear of organized crime, which was glorified by the mass media.

The meeting rose at 10.10 p.m.