



**SUMMARY RECORD OF THE 61st MEETING**

Chairman: Mr. MADAR (Somalia)

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The meeting was called to order at 3.30 p.m.

AGENDA ITEM 99: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) [A/C.3/39/L.40 (amendments: A/C.3/39/L.49, L.50, L.63, L.64, L.66, L.67 and L.68)]

1. Mr. GLAIEL (Syrian Arab Republic), explaining his vote after the vote on draft resolution A/C.3/39/L.40, said that his delegation had joined in the consensus but that it would have preferred to defer taking a decision until the next session of the General Assembly in order to give the competent authorities more time to study the text and give it their full support. Accordingly, he expressed reservations concerning any provision which might contravene the national legislation of the Syrian Arab Republic.
2. Mr. GOKTURK (Turkey) said that his delegation, which agreed that a universal instrument to combat torture was needed, had joined in the consensus on draft resolution A/C.3/39/L.40. However, it considered that the new draft convention should take into account the machinery provided in the European Convention on Human Rights. His delegation therefore welcomed the amendment contained in document A/C.3/39/L.66 to insert a new article offering States the opportunity to utilize machinery which more closely approximated the procedures provided in the European Convention.
3. His delegation reserved its position on certain points which, although minor, reflected deficiencies attributable to the fact that certain fundamental norms of international law had not been adequately taken into consideration. His delegation hoped that some thought could be given to those points with a view to responding to the comments made by various countries.
4. Mr. YAMAZAKI (Japan) said that his delegation had joined in the consensus because it endorsed the noble ideals pursued by draft resolution A/C.3/39/L.40. However, the draft convention contained certain provisions whose implications would undoubtedly require more thorough study.
5. Mr. ESSAIEM (Tunisia) said that his delegation had joined in the consensus on the draft resolution because it believed that the principle of adopting a draft convention against torture represented a step forward in efforts by the international community to strengthen human rights in the world. However, his delegation considered that Member States which had not yet done so should have the opportunity to study all the provisions of the draft, as well as the amendments submitted. His delegation therefore reserved the right to express its views on the draft convention at a later stage.
6. Mr. RAHIM (Bangladesh) said that his delegation had joined others in adopting draft resolution A/C.3/39/L.40, as amended, without a vote because it wished to see an early end to all forms of torture and because it was in agreement with the main thrust of the draft convention contained therein. However, that in no way implied that his country agreed entirely with all the provisions of the draft convention as adopted.

(Mr. Rahim, Bangladesh)

7. Some parts of the text might in fact be in conflict with the national laws of his country and with the Islamic Sharia and they should have been discussed in greater depth to make them unconditionally acceptable to all Member States. Accordingly, his Government reserved the right to adopt an appropriate position on those parts of the text.

8. Mr. CHEBELEU (Romania) said that his delegation had supported the adoption of draft resolution A/C.3/39/L.40 without a vote because it was convinced that the draft convention contained in the document could be fully effective only if it was adopted by consensus. He commended the sponsors and other delegations upon their efforts to improve the text of the draft.

9. However, as the draft had not been submitted to delegations long enough in advance, the competent Romanian authorities had been unable to devote all due attention to article 19, paragraphs 3 and 4, and article 20, on which the Commission had been unable to reach agreement and which had been reformulated several times just prior to the adoption of the draft. It would have been preferable to have continued to seek agreement on all parts of the draft convention with the aim of improving the text and making it acceptable to all States. His delegation therefore reserved its position on the draft convention until the competent authorities in Romania had had the opportunity to examine it in depth.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/39/3 (Parts I and II), A/39/81, 128, 168 and Add.1 and 2, 174 and Add.1, 180 and Corr.1, 185, 193, 407, 414, 443-447, 477, 496, 568, 570, 581 and Corr.1, 590, 631, 635, 636, 694; A/C.3/39/1, 4 and 9; A/C.3/39/WG.1/WP.1; A/C.3/39/L.32, L.34, L.41/Rev.1, L.42/Rev.1, L.43/Rev.1, L.45, L.47, L.54, L.71-L.82)

10. Mr. NGO (Democratic Kampuchea) said that his delegation particularly appreciated the continuing efforts by the Open-ended Working Group to elaborate an international convention on the protection of the rights of all migrant workers and their families and wished the group further success in its work.

11. He noted that the Universal Declaration of Human Rights, General Assembly resolution 421 D (V) and article 1 of the International Covenants on Human Rights had clearly reaffirmed the principle of respect for human rights, among which the right to self-determination was crucially important. Those instruments constituted a universal code of conduct which applied to all members of the human family at home, in their countries, and in international relations. The protection of human rights, which was indispensable to peace, security and international stability, required effective United Nations machinery; the international community should therefore concentrate its efforts on that area.

12. In that connection, his delegation paid a tribute to the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities for having adopted resolutions and decisions denouncing and condemning the racist apartheid régime and calling for respect for the right of peoples to self-determination.

(Mr. Ngo, Democratic Kampuchea)

13. Despite the progress made in establishing international human rights instruments and notwithstanding the accomplishments of the Commission on Human Rights (in establishing international norms and studying specific cases of violations), serious and massive violations of those rights continued to occur in various parts of the world. The United Nations had a duty to secure compliance with the obligations assumed by virtue of those instruments and to react promptly to any violation.

14. His delegation welcomed the appointment of a Special Rapporteur on human rights and mass exoduses and the recommendations and proposals he had formulated (A/38/538). It was imperative to take all necessary steps to find a lasting solution to the causes of the problem - which were primarily political.

15. One of the most important issues dealt with in the report of the Economic and Social Council (A/39/3) was the situation in southern Africa, where the odious apartheid régime continued to prevent the Namibian people from exercising their right to self-determination. The inalienable rights of the Palestinian people, including the right to self-determination, continued to be flouted and most of those people now lived in exile or under occupation. There could be no just and lasting peace in southern Africa and in the Middle East so long as those two peoples could not freely determine their own future.

16. By its many debates and resolutions on the subject, the international community had expressed its grave concern regarding the situation created by foreign military invasion and occupation of Kampuchea and Afghanistan and had demanded the total and unconditional withdrawal of all foreign forces from those two countries and the exercise of the right to self-determination by the Kampuchean and Afghan peoples. In Afghanistan, intervention by some 150,000 Soviet soldiers had led to flagrant violations of human rights and forced more than 20 per cent of the population to flee the country. Violations of human rights by Viet Nam in Kampuchea had been discussed for nearly six years by various United Nations bodies, and each year they adopted, by an overwhelming majority, resolutions and decisions calling for an end to that situation. However, in defiance of those resolutions and, in particular, of Economic and Social Council resolution 1984/148, the Vietnamese forces had intensified their brutal attacks on Kampuchea and had also repeatedly committed acts of aggression against Thailand.

17. What the Kampuchean people were now facing was not an ordinary war of aggression but a war of racial extermination intended to absorb the country into an "Indochina Federation" dominated by Viet Nam. That country was engaged in a forcible "Vietnamization" of Kampuchea by driving the peasants from their lands and replacing them with hundreds of thousands of Vietnamese settlers as part of a policy of planned resettlement of the Vietnamese population aimed at altering Kampuchea's legal status and social, cultural and economic environment.

18. That policy had aroused the anger of the whole Kampuchean people and the formation of the Coalition Government of Democratic Kampuchea in June 1982 had strengthened and intensified the people's struggle against the invaders. The

(Mr. Ngo, Democratic Kampuchea)

Coalition Government was determined to do its utmost to preserve and strengthen national unity in the interest of national survival. After the withdrawal of the invaders it intended to establish a democratic and liberal parliamentary régime based on principles of peaceful coexistence, equality, mutual respect and reciprocal interest.

19. At a time when almost all peoples and nations had regained their freedom and independence and when colonialism was almost a thing of the past, a new form of domination, oppression and enslavement was beginning to emerge. The new scourge, known as hegemonism or expansionism, insolently and cynically pretended to champion the observance of human rights while itself committing the worst violations of the human rights proclaimed in international instruments. Such violations, which had resulted in massacres, torture, imprisonment, religious intolerance, famine and genocide, were the main cause of mass flows of refugees, in particular from Kampuchea and Afghanistan. Yet the perpetrators of those crimes against humanity and against peace had the insolence to sponsor astounding draft resolutions which, in reality, condemned them.

20. In conclusion, he reiterated that if human rights were to be respected in Kampuchea and in Viet Nam itself international pressure must continue to be exerted on the invaders in every way - political, diplomatic, economic and financial. The Kampuchean people, for its part, was determined to continue its struggle in the firm conviction that law and justice would triumph in the end.

21. Mr. MAXEY (United Kingdom), recalling that his delegation's views on most human rights issues had been put forward by Ireland speaking on behalf of the member States of the European Economic Community, said that he would confine himself to the question of totalitarian ideologies and practices, including Nazi, Fascist and neo-Fascist ideologies and practices.

22. The international community's decision to create the United Nations almost 40 years ago had been a reaction against the holocaust of the Second World War brought about by totalitarian régimes and an assertion of its determination never to allow such a dreadful event to recur.

23. Yet the ideologies represented by those régimes had not disappeared. Small Nazi, Fascist or neo-Fascist groups had formed in a number of Western countries whose Governments were doing all they could, by political, social and educational means, to discourage the spread of such repugnant ideologies and philosophies. Those countries had laws designed to prevent individuals and groups from deliberately inciting racial hatred or threatening to cause breaches of the peace by their actions or speeches. However, they did not consider it right or possible to prevent such groups from thinking as they did or from professing their political faith, in the first place, because that would be contrary to the Universal Declaration of Human Rights, the International Covenants on Human Rights and the principles of freedom of speech and association which constituted the very basis of their society, and, secondly, because banning those views would merely give them an importance and an attraction which they did not deserve and thus prove



(Mr. Maxey, United Kingdom)

counterproductive. The United Kingdom, for its part, preferred to have confidence in its people, and experience showed that it was right, since the groups in question had only a very small following.

24. There were Governments, however, which criticized the Western countries for not banning such groups and even went so far as to accuse Western Governments of a degree of sympathy with them. Those Governments congratulated themselves on the absence of any fascist ideas from their own societies, which was no doubt true, but the price they paid for it was the suppression of individual liberties. In those countries, all independent political activity was banned so that fascism could be said to have been suppressed by totalitarianism. It was the fact that different types of totalitarian régimes today imposed their will on millions of individuals, rather than the resistance of small scattered neo-Nazi groups, which deserved the international community's attention. The régimes in question might profess different philosophies, employ different means of pursuing them, and sometimes be on the worst possible terms with each other. But their most important common feature was the refusal to acknowledge in practice that their citizens had individual rights or even a separate existence as individuals. In their eyes, citizens merely formed part of a general corporate identity. They purported, often genuinely, to represent their citizens and to act in their best interest, but they did not regard it as necessary to seek their citizens' views, justifying their position by reference to fulfilment of a national mission, pursuit of a particular political ideology, or the security of the State.

25. In fact, such régimes were afraid - afraid of criticism and even of dissent. The free flow of information represented an intolerable threat to them, which explained their strict censorship and their insistence that cultural activities must reflect the régime's ideological line, notwithstanding the fact that the right to information regardless of frontiers was recognized in article 19 of both the Universal Declaration and the International Covenant on Civil and Political Rights. It was a right fundamental to human dignity and a necessary condition for the enjoyment of many other rights.

26. Under such régimes, education - which meant a drawing out of what was latent within a person - was nothing but the imposition of an ideology from outside, a process not of liberation but of repression. But the denial of the right to information had even wider implications, since no one in any society should be trusted with absolute power. The absence of an informed public opinion and a free press made it easy for totalitarian régimes to follow policies and practices which many of their own citizens would find abhorrent.

27. It should be emphasized, however, that the régimes in question were not content with abusing the rights of their own citizens, but also engaged in aggression against others. In a democratic country, a law had to have the support of the public, which was well-informed and therefore able to judge the merits of the case. The same did not apply to totalitarian régimes, whose policies were not subjected to public criticism or debate.

(Mr. Maxey, United Kingdom)

28. After quoting a passage from Lenin, he remarked how tragic it was that the régime which had emerged from Lenin's revolution should be open to the same charges as those which Lenin had directed at the tsarist régime.

29. The British people, which had suffered grievously during the Second World War and did not need lessons from anyone in the evils of totalitarian régimes, believed that, important as it was to remember the lessons of history, it should move with the times and look at the world as it was today. His delegation therefore welcomed the fact that the Commission on Human Rights at its last session had adopted a resolution (1984/42) referring to all totalitarian ideologies and practices, and hoped that the Committee would do the same.

30. Mr. GOMEZ (Colombia) said that 35 years after the adoption of the Universal Declaration of Human Rights, one of mankind's victories over barbarism, there was a need not only to recall the humanist values enshrined in the Declaration but also to remain watchful in defending the dignity and rights of the human person. Although the world today was not in a state of declared war, many countries were caught up in a situation of violence which interfered with the working of democracy, prevented the enforcement of the human rights norms and social guarantees provided in their laws, and diverted substantial resources that could more profitably be used for the solution of social problems. The legitimacy of a State was determined precisely by its ability to meet the needs of the population; if it could not meet those needs, it was merely an instrument of restraint and became nothing more than a dictatorship. To prevent social friction from becoming envenomed and unleashing violence, it was essential to maintain a dialogue, to reform hidebound institutions and to extend participation in political life to all sectors of society within the framework of a State ruled by law and of a pluralist system which respected minorities and opposition.

31. In dealing with the question of human rights, the United Nations should certainly bear in mind that human rights applied not only to civilian populations, prisoners and the wounded in times of declared war, but also to minorities and members of the opposition in periods of civil strife. However, in the midst of the confusion inherent in such strife, facts were extremely difficult to establish. The United Nations should therefore beware of dogmatism and should act as an impartial judge rather than a party to the conflict.

32. The matters which the Third Committee was called upon to consider, whether it was the elimination of all forms of religious intolerance, the draft convention on the rights of the child, the question of torture or the link between human rights and scientific and technological developments, were near to the heart of all peoples: they yearned not only for respect of human rights but also for the establishment of a new international economic order which would lead to a more equitable distribution of the achievements of science and technology.

33. His delegation was particularly interested in the question of human rights violations in Latin America. In order to examine the problem with objectivity, it was necessary to take into account the legal order prevailing in each country and

(Mr. Gomez, Colombia)

how it was being enforced by the authorities, the causes of the violence which was taking place, and foreign interference aimed at the overthrow of the country's institutions. The specific case of El Salvador demonstrated that the only way to break out of the grip of violence was through the restoration of political processes and the establishment of a dialogue between the opposing forces. The dialogue which had begun in El Salvador should lead to a cease-fire, followed by a truce during which political reforms leading towards democratization could be considered, thus defusing the anxieties which were at the root of the violence and preparing the way for normalization in the region as a whole.

34. Mrs. KAPAROVA (Union of Soviet Socialist Republics) said that the report of the Special Rapporteur on the situation of human rights in Chile (A/39/631) showed irrefutably that the situation had deteriorated still further. The fascist dictatorship which had swept down upon Chile more than 10 years previously had resulted in tens of thousands of victims. The press was muzzled; terror reigned in the working-class suburbs. Arrests, detentions without trial, police round-ups and disappearances of political prisoners were daily occurrences. In 1984, more than 100 patriots had been killed, more than 5,000 persons imprisoned, almost 500 savagely tortured and more than 100 exiled. That was how President-General Pinochet maintained "order" in the country. By favouring foreign monopolies and the national oligarchy, the régime had led the economy into ruin and driven thousands of small and medium-sized businesses into bankruptcy. There were a million unemployed and Chile's foreign debt reached astronomic proportions. The Chilean people were struggling resolutely for the re-establishment of the democratic order and the defence of human rights and fundamental freedoms. The Third Committee should condemn without reservation the policy of gross and massive violations of human rights which continued to prevail in Chile. The Economic and Social Council, the Commission on Human Rights, the Special Rapporteur - whose mandate should be extended - and the United Nations Secretariat should devote the most concentrated attention to the question.

35. It was apparent from the report of the Special Representative on the situation of human rights in El Salvador (A/39/636) that, in general, the status of economic, social and cultural rights had continued to deteriorate over the year. The report made much of the "presidential elections" which had taken place in the country. Unfortunately, the Special Representative had not analysed the atmosphere of police terror in which the so-called elections had been held. It was not by chance that the Frente Democrático Revolucionario (FDR) had stated that it did not recognize their legitimacy, that they could not be termed "national" because a significant part of the Salvadorian people had not participated. The report devoted a number of paragraphs to the meeting between the Salvadorian Government and the Frente Farabundo Martí de Liberación Nacional - Frente Democrático Revolucionario (FMLN-FDR) but there was no indication anywhere of the fact that Salvadorian patriots in favour of a political solution to the country's problems had long supported FMLN-FDR; neither was there any mention of the major attack launched by Government troops on Salvadorian patriots scarcely three days after the meeting at which the dialogue between them was to be initiated. The Salvadorian people were continuing the struggle for the restoration of their rights. It was the duty of



(Mrs. Kafarova, USSR)

the General Assembly to condemn the mass and flagrant violations of human rights which continued to be committed in El Salvador and to demand that they be stopped immediately. The Salvadorian people could thus exercise self-determination without the presence of foreign military advisers or outside interference.

36. The human rights situation in Guatemala continued to cause great anxiety in the international community. The report of the Special Rapporteur on the question (A/39/635) described the fate of hundreds of people who had been arbitrarily arrested or detained, or subjected to unacceptable practices, such as the surreptitious sterilization of indigenous women. More than 110,000 Guatemalans had been murdered, at least 30,000 had disappeared, and over the past four years alone 100,000 people had fled repression and taken refuge in Mexico. The General Assembly should condemn the mass and flagrant violations of human rights in Guatemala and take steps to end them immediately.

37. Mass and flagrant violations resulting from the policy of apartheid of the Republic of South Africa and from the policy of zionism and annexation practised by Israel formed a large part of the work of the Economic and Social Council and the Commission on Human Rights. The Third Committee had condemned those criminal régimes.

38. The mass and flagrant violations of human rights in occupied Grenada could not be overlooked. Hundreds of killed and wounded, overcrowded prisons, hunger, epidemics, increased crime, drug abuse and prostitution were the consequences of foreign intervention. The island's economy was going through a profound crisis. Unemployment had more than doubled over the past year, affecting a third of the population. Lording it over the country, the occupiers were placing their protégés in key posts and removing "suspects". The "elections" which they had recently organized in that sorely tried island were nothing more than a wretched political farce.

39. South Korea was also beset by a wave of mass and flagrant violations of human rights and its dictatorial régime was endeavouring to consolidate itself with the aid of foreign bayonets.

40. Prompted by their hegemonistic impulses and the interests of their monopolies, the Western Powers unconditionally supported the most odious dictatorial régimes, thus becoming accomplices to their crimes. The General Assembly should condemn such mass and flagrant violations of human rights and take steps to end them forthwith.

41. Mr. HAMER (Netherlands) said that, under the Charter, the international community had the task of promoting not only respect for but also the observance of human rights. Thus, it was not possible to dismiss all discussion of human rights violations in certain countries as interference in the internal affairs of those States. Further, for the sake of justice and the credibility of the United Nations, it was essential to apply similar standards to all countries. Hence it was regrettable that countries which supported action taken with regard to certain other countries systematically opposed similar action on the situation of their own country or of their political allies. It was also regrettable that certain Governments, particularly those of Iran and Poland, refused to co-operate with the Commission on Human Rights in the implementation of its resolutions.

(Mr. Hamer, Netherlands)

42. The Netherlands Government was concerned by the deterioration in the situation in Chile where, in 1984, the number of arrests had increased, the main victims being trade-union leaders and people engaged in promoting human rights or associated with the Catholic church. His Government subscribed to the Special Rapporteur's conclusion that the central issue in Chile continued to be the maintenance of the present system of government in the face of widespread popular aspirations for the restoration of the democratic order and respect for human rights.

43. The installation of a constituent assembly in Guatemala offered some hope of an improvement in the situation. However, there continued to be numerous examples of human rights violations, and the discontinuance of the Commission for Peace, shortly after its establishment, mainly owing to the disappearance of a large number of its members, demonstrated that the Government should take firm measures to end kidnappings and disappearances, which affected all social sectors, and that it should allow a truly independent and impartial body to investigate human rights violations and inform the public. As it seemed probable that the security forces were responsible for the disappearance of persons detained on charges which fell within the competence of the former special tribunals, his delegation called upon the Government of Guatemala to submit information or the results of the investigation of disappearances to the Working Group on Enforced or Involuntary Disappearances.

44. The renewed dialogue between the Government of El Salvador and the opposition offered the hope of a political settlement and genuine national reconciliation in the country. The serious efforts made to reform the judicial system and the measures taken to dismantle the death squads and prosecute their members and to reorganize the security forces were encouraging, as was the reduction in the number of political assassinations and disappearances. Yet, such occurrences continued, some of them being attributable to guerrillas. His delegation fully subscribed to the Special Representative's recommendation that both sides should take the necessary steps to end attacks on the lives of non-combatants and to continue their dialogue.

45. The "Special Rapporteurs" were the Commission's most important tool for determining how Governments discharged their human rights obligations. It was therefore gratifying that the Economic and Social Council had adopted the Commission's recommendation for the appointment of a special rapporteur to examine the human rights situation in Afghanistan, a country in which the rights of the population had been violated for several years by a Government without popular support, imposed by a foreign Power. It was also encouraging that the Commission had decided to appoint a special representative mandated to establish direct contacts with the Government of the Islamic Republic of Iran and to make a study of the human rights situation in that country. The two decisions testified to the Organization's determination to avoid a selective approach in human rights and should strengthen the implementation of generally accepted international standards.

46. His delegation was particularly gratified that the Commission had concluded its work on the draft convention against torture and that draft resolution

(Mr. Hamer, Netherlands)

A/C.3/39/L.40 had been adopted. The Netherlands also welcomed the adoption of the resolution appealing to all States to respect freedom of opinion and release prisoners of conscience. Unfortunately the latter resolution was not superfluous because in many countries the expression of opinions which were not those of the ruling authorities was a political crime, while in others those who expressed such views were harassed, arrested or assassinated by the authorities, in blatant violation of the laws of the country, which in fact were no more than a smokescreen behind which the State acted only to perpetuate itself. Prisoners of conscience throughout the world were victims of régimes of many different ideologies. In 1984 there had, however, been particular reason to be concerned about the fate of Mr. Andrei Sakharov, whose dedication to the cause of human rights had made him a symbol and representative of all the victims of repression whose names were less widely known.

47. The work of the Commission on Human Rights at its latest session had produced interesting results, both in terms of the studies undertaken by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the steps taken to give fresh impetus to the very promising advisory services programme, which aimed to provide technical and juridical assistance to Governments in order to ensure respect for international norms. Further, his delegation hoped that the draft declaration against the unacknowledged detention of persons would cover not only detention by Governments but also detention by so-called private armies, death squads and similar groups. As the question was closely linked to conditions created by the declaration of a state of siege or emergency, it was appropriate that it should be dealt with in the context of the more general question of states of emergency, which the Sub-Commission was studying at the request of the Commission on Human Rights.

48. Mr. BARNETT (Jamaica) observed that United Nations activities in support of human rights had been fundamental to the international acceptance and observance of human rights and that the adoption of the various international human rights conventions and covenants had strengthened those rights further. Work was still continuing on the elaboration of other instruments related, inter alia, to children, torture and the protection of non-citizens and migrant workers. While all those efforts suggested that there was no lack of will to act on the part of the international community, it was clear that wanton violations of human rights were taking place in States which had made declarations in support of those ideals.

49. Jamaica, which had followed the work of the Commission on Human Rights very closely, believed that the situation in southern Africa continued to merit particular attention since the violations committed by the illegal racist régime had increased. It also took note of the resolutions adopted by the Commission at its fortieth session on the appointment of a special rapporteur on the situation of human rights in Afghanistan and a special representative on the situation of human rights in the Islamic Republic of Iran.

50. The reports on the situation of human rights in Chile, Guatemala and El Salvador (A/39/631, A/39/635 and A/39/366 respectively) were depressingly similar

(Mr. Barnett, Jamaica)

to those of previous years. His delegation noted with dismay that the situation in Chile and Guatemala had deteriorated or shown little progress in 1984. In El Salvador, his delegation recognized the initiative taken by the new Government to engage in a dialogue with the opposition forces and noted that there were indications of a decline in political assassinations, detentions and disappearances. Innocent civilians none the less continued to be killed by the death squads and by guerrilla forces.

51. It was unfortunate that, given the number of instruments already elaborated, there was hesitation and reluctance to go into other areas that had not yet attracted the selective scrutiny of the United Nations. It must be admitted that the attention devoted to particular countries had much less to do with concern for the violation of human rights than with strategic considerations.

52. His delegation believed that principal responsibility for the promotion and protection of human rights fell within the national jurisdiction of sovereign States. However, the prevalence of mass violations of those rights could not go unnoticed by the international community which moreover, still had a long way to go to respond adequately to the often muffled cries for help. The United Nations should have an effective mechanism for dealing expeditiously with reports of such violations. His delegation therefore awaited anxiously a resumption of deliberations on the creation of a post of United Nations High Commissioner for Human Rights.

53. Mr. SOKALSKI (Poland) traced the history of the consideration in international forums of measures to combat Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror, and observed that one could not escape the lessons of the past. At the time of the emergence of totalitarian movements such as fascism and nazism in Europe, there had been some international quarters which either overlooked or minimized their dangers. Now, in their replies to the Secretary-General on that question, some Governments were saying that such movements were a thing of the past and that there was no nation in the world that was not opposed to nazism and fascism. The resurgence of those ideologies could in fact be observed in numerous ideological movements and trends, including right-wing extremism, anti-communism, anti-democracy, and political and racial intolerance. Neo-fascism, for instance, was not simply a continuation of the fascism of the inter-War years. In the Federal Republic of Germany, it had manifested itself as revanchism and militarism against Poland.

54. His delegation believed that the General Assembly should proclaim 9 May 1985, which marked the fortieth anniversary of the victory over nazism and fascism at the close of the Second World War, an international day of struggle against nazism, fascism, neo-fascism and all other totalitarian ideologies and practices based on intolerance, racial discrimination, hatred and terror. Poland had joined in sponsoring draft resolution A/C.3/39/L.76, put forward in that connection by the German Democratic Republic.



55. Mrs. IDER (Mongolia) said that her delegation shared the view that the international community should continue to give priority attention to the elimination of the inhuman system of apartheid. As could be seen from the progress report of the Ad Hoc Working Group of Experts on human rights in southern Africa (E/CN.4/1984/8), mass and flagrant violations of human rights had increased alarmingly in the region. Along with the overwhelming majority of Member States, Mongolia believed that comprehensive and mandatory sanctions should be imposed against the Pretoria régime, supported all United Nations efforts to eliminate that odious system and complied fully with all the Organization's decisions on the matter.

56. It also supported fully the resolutions of the Commission on Human Rights on the violation of human rights in the occupied Arab territories (1984/1-3).

57. In Chile, the terror wrought by the Pinochet régime had continued for 11 years, despite numerous United Nations resolutions which the military junta continued to defy. The Special Rapporteur on the situation of human rights in Chile had even indicated in his report (A/39/61) that the situation had continued to deteriorate, that the state of siege had been reintroduced on 6 November 1984 and that opposition newspapers and political activity had been banned. Massive arrests had been made following a military sweep of the shantytown La Victoria. Her delegation therefore supported the conclusions and recommendations of the Special Rapporteur and believed that his mandate should be extended for another year.

58. The elections in El Salvador had not resulted in a restoration of democracy or in an improvement in the human rights situation. Disappearances and mass killings, for which the death squads claimed responsibility, continued. Government forces systematically bombed civilian objectives in both rural and urban areas. Her delegation welcomed the resumption of the dialogue between the Government and the liberation movement as a positive response to United Nations appeals. The aim of such a dialogue should be to achieve a comprehensive negotiated settlement resulting in the creation of just economic and political conditions and a lasting peace. Flagrant violations of human rights also continued in Guatemala, making it incumbent on the United Nations to continue its consideration of the human rights situation in both those countries.

59. Her delegation could not but express profound concern over the serious violations of human rights and fundamental freedoms in South Korea. It supported fully the constructive efforts made by the People's Democratic Republic of Korea to bring about the peaceful and democratic unification of Korea without outside interference.

60. The fortieth anniversary of the victory over nazism and fascism, which was to be celebrated on 9 May 1985, should serve as an occasion to intensify the struggle of peoples against Nazi, Fascist and neo-Fascist ideologies which had been condemned repeatedly by the United Nations but whose proponents none the less continued their activities and provocation. Her delegation supported the proposal to declare 9 May 1985 an international day of struggle against nazism, fascism and neo-fascism.



Draft resolution A/C.3/39/L.54

61. Mrs. NHLABATSI (Swaziland), introducing draft resolution A/C.3/39/L.54 entitled "Assistance to student refugees in southern Africa" on behalf of the sponsors, said that the draft resolution followed the form and content of earlier resolutions on the same subject. As the High Commissioner for Refugees had noted in his report (A/39/447), the fact that the projects for student refugees and countries of asylum had all been completed successfully and that student refugees' needs continued to be met through the generosity of the international community did not mean that the problem had been solved. In fact, the discriminatory policies and repressive measures being applied in South Africa and Namibia had led and continued to lead to a further exodus of student refugees from those countries, in particular following the imposition of the so-called "new constitution" in South Africa. The assistance required by both student refugees and countries of asylum must therefore be reassessed. The sponsors of draft resolution L.54 were sure that the international community would continue to contribute generously to the assistance programmes for student refugees, especially the unfunded projects which had been submitted to the second International Conference on Assistance to Refugees in Africa but for which no financing had been found. As in previous years, the sponsors trusted that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/39/L.72

62. Mr. HOPPE (Denmark) introduced draft resolution A/C.3/39/L.72, entitled "Summary or arbitrary executions", on behalf of the sponsors, who had been joined by Nicaragua and Portugal. The draft resolution dealt with a problem which remained timely, since numerous summary or arbitrary executions continued to take place in various parts of the world. The United Nations must therefore take appropriate action to combat and eventually eliminate that practice. The Special Rapporteur had an important role to play in that connection, not as a prosecutor, but through humanitarian action aimed at protecting the right to life mentioned in article 6 of the International Covenant on Civil and Political Rights. The sponsors of draft resolution A/C.3/39/L.72 looked forward to the report which the Special Rapporteur would submit to the Commission on Human Rights at its forty-first session, and hoped that their text, like General Assembly resolution 38/96 and Economic and Social Council resolution 1984/35, which had inspired it, would be adopted without a vote.

Draft resolution A/C.3/39/L.73

63. Mr. TELLE (France) introduced draft resolution A/C.3/39/L.73, entitled "Question of enforced or involuntary disappearances", on behalf of the sponsors, who had been joined by the United Kingdom. He noted that the deep concern which that question had aroused in the international community had led the Commission on Human Rights to establish in 1980 a Working Group whose mandate had since been extended every year. That step had been approved by the General Assembly, which believed that discreet humanitarian action involving the co-operation of Governments was advisable in that area. Without prejudging the decisions of the Working Group and of the Commission on Human Rights, the sponsors of draft

(Mr. Telle, France)

resolution A/C.3/39/L.73 believed it was desirable for the General Assembly to express its appreciation to the Working Group and to those Governments that had co-operated with it, to approve the decision of the Commission on Human Rights to extend the Working Group's mandate, and to appeal to Governments to provide the Working Group and the Commission on Human Rights with their full co-operation. The sponsors hoped that the text would be adopted without a vote.

Draft resolution A/C.3/39/L.74

64. Mr. PERUGINI (Italy) introduced draft resolution A/C.3/39/L.74, entitled "Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders", on behalf of the sponsors, who had been joined by Samoa and Sierra Leone. The sponsors of the draft resolution had sought to stress in particular the necessity for the international community to make concerted and systematic efforts in the area of crime prevention and criminal justice and the important contribution which the Seventh Congress should make to the solution of problems arising in that respect, particularly the problem of illicit drug trafficking. Governments, United Nations bodies, the specialized agencies, other international organizations and interested non-governmental organizations should therefore participate in the Congress and the preparations for it. The sponsors hoped that the draft resolution, which had no financial implications, would be adopted without a vote.

Draft resolution A/C.3/39/L.75

65. Ms. BOGARDE (Sweden) introduced draft resolution A/C.3/39/L.75, entitled "United Nations Voluntary Fund for Victims of Torture", on behalf of its sponsors. She recalled that the Fund had been established in 1981 by the General Assembly and was administered by the Secretary-General, with the advice of a Board of Trustees. The needs of torture victims and their family members for assistance - medical, psychological, social, economic and legal - were diverse; as a result, the Fund's Board of Trustees had received applications for assistance for various projects relating to the treatment and rehabilitation of those persons. To date, the Board of Trustees had been able to recommend grants for a number of those projects, but requests for financial assistance far exceeded the resources at the Fund's disposal. Consequently, further contributions must be made to the Fund and its humanitarian work must be more widely publicized. The sponsors of draft resolution A/C.3/39/L.75 hoped that their text, like the corresponding resolution of the preceding session, would be adopted without a vote.

Draft resolution A/C.3/39/L.76

66. Mr. SCHLEGEL (German Democratic Republic) introduced draft resolution A/C.3/39/L.76, entitled "Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror", on behalf of the sponsors, who had been joined by Angola and Mongolia. The sponsors of the draft resolution had once again wished to draw the international community's attention to the need to halt the revival of Fascist ideologies and practices, whatever new disguise they might

(Mr. Schlegel, German Democratic Republic)

assume, regardless of whether they were the actions of neo-Fascist groups or of repressive and racist totalitarian régimes. As neo-Fascist groups were intensifying their activities in several States and co-operating more and more closely with each other at the international level, the international community had a duty to react on the eve of the fortieth anniversary of the victory over nazism and fascism and the founding of the United Nations, and, in accordance with the pledge made in the Charter, "to save succeeding generations from the scourge of war". Consequently, the draft resolution under consideration, which had been the subject of thorough discussions, proposed a number of concrete measures for intensifying the struggle against fascism and neo-fascism. It provided a follow-up to the draft resolution unanimously adopted by the General Assembly at its preceding session and reflected the results of the work of the Commission on Human Rights on that subject. The sponsors believed that the draft resolution should be adopted by consensus.

Draft resolution A/C.3/39/L.77

67. Mr. GROTH (Sweden) introduced draft resolution A/C.3/39/L.77, entitled "Situation of human rights and fundamental freedoms in Guatemala", on behalf of its sponsors. The sponsors of the draft resolution believed that the General Assembly must reiterate the concern expressed by the Commission on Human Rights at its fortieth session at the continued massive violations of human rights in Guatemala. They believed that it was imperative for the General Assembly to renew its call upon the Government of Guatemala to take effective measures to ensure that human rights and fundamental freedoms were fully respected and to refrain from the forced displacement of people belonging to rural and indigenous populations. They also considered it advisable to call once again upon Governments to refrain from supplying arms and other military assistance to Guatemala. Since the Commission on Human Rights had decided to extend the mandate of the Special Rapporteur, the General Assembly would request the Commission on Human Rights in the draft resolution to study carefully the reports of the Special Rapporteur and would decide to continue its examination of the situation of human rights and fundamental freedoms in Guatemala at its fortieth session.

Draft resolution A/C.3/39/L.78

68. Mr. TROUVEROY (Belgium) introduced draft resolution A/C.3/39/L.78, entitled "Regional arrangements for the protection of human rights", on behalf of its sponsors. He recalled that the General Assembly had been seeking for a long time to encourage regional co-operation for the promotion and protection of human rights and fundamental freedoms and also to encourage exchanges of experience and information between the United Nations system and regional organizations, because that helped to bring international law closer to the individual, taking into account his specific characteristics, and also enabled the United Nations to learn of the regions' aspirations and to assist countries and regional organizations in their commitment to universal respect for human dignity. The draft resolution was intended to sustain the interest which the General Assembly had shown, particularly in its resolutions 32/127 and 37/172, in the harmonious development of human rights

(Mr. Trouveroy, Belgium)

in the various regions by encouraging exchanges of information and experience, without, however, seeking to impose a specific course of action for the establishment of such regional co-operation. With regard to advisory services in the area of human rights, it had seemed appropriate to request the Commission on Human Rights to consider some ideas more thoroughly, in order to ascertain whether they were useful, had any financial implications and were timely. The sponsors of draft resolution A/C.3/39/L.78, who had taken due account of the observations made by delegations from different regions, hoped that the draft resolution would be adopted without a vote, as had been prior resolutions on the same subject.

Draft resolution A/C.3/39/L.80

69. Mr. CARRIER (Canada) introduced draft resolution A/C.3/39/L.80, entitled "Human rights and mass exoduses", on behalf of the sponsors, who had been joined by Colombia. The international community had begun its consideration of that question in the Commission on Human Rights at a time when the question of the so-called "boat people" had constituted a serious problem. Since that time, the Commission on Human Rights and the Third Committee had adopted resolutions on that question, basing themselves largely on the report submitted by the Secretary-General to the General Assembly at its thirty-eighth session (A/38/538). The sponsors of the draft resolution sought above all to promote the search for measures to prevent all mass exoduses of refugees, and were, in a way, proposing a reflection period during which it was of the utmost importance that the Commission on Human Rights should consider what specific measures it might recommend to the international community for adoption. The resolutions submitted on the question of "Human rights and mass exoduses" in previous sessions had always been adopted by consensus; the sponsors of draft resolution A/C.3/39/L.80 therefore hoped that that would be the case with their draft resolution, particularly since it was procedural in nature.

Draft resolution A/C.3/39/L.82

70. Mr. WIESNER (Austria), introducing draft resolution A/C.3/39/L.82 entitled "Human rights in the administration of justice" on behalf of its sponsors, said that the Federal Republic of Germany and Samoa wished to add their names to the list of sponsors. The General Assembly had a long tradition of promoting the observance of human rights in the administration of justice and had recommended that Member States should implement in all penal institutions the Standard Minimum Rules for the Treatment of Prisoners, which should also be taken into account in the framing of relevant national legislation. The Committee on Crime Prevention and Control, entrusted with a mandate by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, had elaborated provisions aimed at the effective implementation of those Standard Minimum Rules which had been endorsed by the Economic and Social Council at its first regular session of 1984. At the same session, the Council had approved safeguards guaranteeing the protection of the rights of those facing the death penalty. The sponsors of the draft resolution believed that the General Assembly should endorse those Council decisions, with a view to strengthening United Nations standards in that field and also to assisting the work of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders. It was to be hoped that the Committee would be able to adopt the draft resolution without a vote.



Draft resolution A/C.3/39/L.81

71. Mr. WIJewardane (Sri Lanka), introducing draft resolution A/C.3/39/L.81 entitled "Regional arrangements for the promotion and protection of human rights in the Asian region" on behalf of its sponsors, said that the Secretary-General, in response to General Assembly resolution 36/154, had organized a seminar, in June/July 1982 at Colombo, on national, local and regional arrangements for the promotion and protection of human rights in the Asian region, which had been attended by a score of Member States, specialized agencies and certain regional intergovernmental organizations. In its resolution 37/171, the General Assembly had requested the Secretary-General to transmit the report of the Seminar to States members of the Economic and Social Commission for Asia and the Pacific (ESCAP) and to invite their comments thereon. As requested, the Secretary-General had also reported through the Economic and Social Council to the General Assembly at its current session (A/39/174 and Add.1). Since not all countries of the region had sent their comments on the recommendations and conclusions of the Colombo Seminar, the draft resolution, which was procedural in nature, sought to give more time to the members of ESCAP to send in their comments. The participation of all Member States within the region was essential in drawing up regional arrangements for the promotion and protection of human rights. At the Colombo Seminar, there had been a consensus on the need for regional co-operation for the promotion and protection of human rights provided that the particular socio-cultural patterns of each State within the region were taken into consideration. But opinions had not been uniform on the form, timing and manner in which the regional arrangements should be established. Some wished to see a regional or subregional commission or a subregional centre for human rights established. Others had felt that the time was not yet appropriate for setting-up such institutional mechanisms. All participants had agreed, however, that consultative arrangements could be established in such areas as teaching, training, research, documentation and the dissemination of information as well as the exchange of experience, and some participants had even considered the establishment of an Asian centre for human-rights teaching, research and documentation. Naturally, those proposals required time to mature and his country would be prepared to host a further seminar or a round of discussions thereon at Colombo. In view of the required consultations, the draft resolution, like all others on the subject in the Commission on Human Rights, the Economic and Social Council and the General Assembly, should be adopted by consensus.

72. Mr. BORCHARD (Federal Republic of Germany), speaking in exercise of the right of reply, said that he shared the concern expressed by the representative of Poland at the need to struggle resolutely against all forms of nazism, fascism and neo-fascism. The Germans had, after all, been the first victims of Hitlerism and were not about to forget it. But he could not agree with the representative of Poland concerning a resurgence in the Federal Republic of Germany of right-wing extremism in the form of revanchism and militarism against, inter alia, Poland. The representative of Poland had deliberately ignored the process of reconciliation which had long been initiated between Poland and his country, the close ties being established between the two countries and the Federal Republic of Germany's profound attachment to the establishment of a peaceful order in Europe. The treaties concluded in the 1970s between the Federal Republic of Germany and its Eastern neighbours, in particular Poland, had paved the way for the signature of



(Mr. Borchard, Federal  
Republic of Germany)

the Helsinki Final Act, and Germany adhered strictly to the letter of each of those treaties. It did not harbour any territorial claims on any countries, as it considered the borders of every country strictly inviolable. It was deeply regrettable that, in his statement, the representative of Poland had not acknowledged the friendship currently uniting Poland and the Federal Republic of Germany.

73. Mr. SOKALSKI (Poland), speaking in exercise of the right of reply, said that, when he had spoken of the revanchism and militarism that were emerging in the Federal Republic of Germany, he was not referring to the official government policy but to trends noted in the country. The statistics of the Council of Europe, which were not suspected of any excessively pro-Polish sentiments, attested to the presence in the Federal Republic of Germany of a number of neo-Fascist extremist elements engaged in rehabilitating nazism. Only through the elimination of dangerous neo-fascism of that kind would it be possible to establish true co-operation between the Federal Republic of Germany and the other States.

74. Mr. BORCHARD (Federal Republic of Germany), speaking in exercise of the right of reply, said he found it shocking that the representative of Poland had implied that he was defending certain neo-Nazi tendencies appearing in the Federal Republic of Germany. The Federal Republic of Germany had nothing to hide in that regard. It was the first to publish all figures liable to reveal the dangers associated with extremism, whether on the right or the left. In his country, whenever an extremist group, whether right- or left-wing, was deemed dangerous, it was immediately and officially prohibited. The argument concerning the existence of German neo-nazism was political propaganda which in no way corresponded to the situation in the country.

The meeting rose at 7.05 p.m.