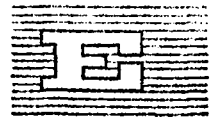


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1983/SR.40/Add.1
22 March 1983

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC) */ OF THE 40th MEETING

held at the Palais des Nations, Geneva,
on Monday, 28 February 1983, at 5.45 p.m.

Chairman: Mr. OTUNNU (Uganda)

CONTENTS

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 (continued)

*/ The summary record of the first part (closed) of the meeting was issued as document E/CN.4/1983/SR.40.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.6108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 5.45 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.4/1983/16-20, 22 and Add.1, 33, 43, 47, 51, 52; E/CN.4/1983/L.18, L.37, L.38, L.48; E/CN.4/1983/NGO/2, 4, 8-15, 21, 25, 27-31)

1. Mr. HERNDL (Assistant Secretary-General, Centre for Human Rights) recalled that, at its previous session, the Commission had adopted resolutions concerning the situations in Bolivia, El Salvador, Guatemala, Iran and Poland and that, pursuant to those resolutions, it had before it at its present session the following documents concerning those situations: the report of the Commission's Special Envoy on the situation in Bolivia (E/CN.4/1983/22 and Add.1); the report of the Special Representative on the situation in El Salvador (E/CN.4/1983/20); a note by the secretariat listing material concerning Guatemala (E/CN.4/1983/47); a report on the situation in Iran (E/CN.4/1983/19) and a report on the direct contacts established between the Secretary-General and the Government of Iran (E/CN.4/1983/52); and a report on the situation in Poland (E/CN.4/1983/18). In addition, there were two reports by the Secretary-General, one on the subitem relating to the human rights situation in Cyprus (E/CN.4/1983/23) and the other on the advisory services provided to the Government of Equatorial Guinea (E/CN.4/1983/17), as well as a note by the Secretary-General concerning the question of advisory services requested by the Government of Uganda (E/CN.4/1983/31 and Add.1).

2. The Commission had also adopted resolutions on two general questions, namely, human rights and massive exoduses, and arbitrary or summary executions. On the subject of massive exoduses, Prince Sadruddin Aga Khan, the Commission's Special Rapporteur, had introduced his study at the thirty-seventh session of the General Assembly, which had requested that the views expressed on the study and the recommendations by interested parties should be made available to the Commission at its thirty-ninth session; it had invited the Commission and the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees to give careful consideration to those aspects of the study of the Special Rapporteur falling within their respective mandates, in the light of the views expressed by all interested parties. Accordingly, the Commission had before it a note by the Secretary-General containing those views and recommendations (E/CN.4/1983/33).

3. In the matters of arbitrary or summary executions, Mr. Amos Wako had been appointed Special Rapporteur and the Commission now had before it his report (E/CN.4/1983/16), on the basis of which it was invited to make recommendations on the action to be taken to combat and eventually eliminate the practice of summary or arbitrary executions.

4. Lastly, he drew the Commission's attention to chapter VII of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session (E/CN.4/1983/4) and, in particular, to draft resolution IV which the Sub-Commission proposed for the Commission's adoption, entitled "The effects of gross violations of human rights on international peace and security" (chapter I A of the report).

The situation in Bolivia (E/CN.4/1983/22 and Add.1)

5. Mr. GROS ESPIELL (Special Envoy) introduced his second study on the human rights situation in Bolivia (E/CN.4/1983/22), first paying tribute to the present

Bolivian Government for its assistance and co-operation. He had been privileged to witness the political process which had put an end to a series of anti-democratic and illegal governments in that country and permitted the restoration of constitutional order, the rule of law and a pluralist democracy that respected fundamental human rights.

6. His second study complemented the first (E/CN.4/1500), in which he had reviewed the situation subsequent to July 1980 and had confirmed the existence of very grave, massive and repeated violations of human rights, particularly under the García Meza Government. The second study related to the period corresponding to the Governments of Generals Torrelio and Vildoso and the one following the return of the constitutional and democratic Government of Pr. Siles Zuazo; the contrast between the two periods was striking. His talks with members of government, political, trade-union, university, army and press circles made him optimistic. The economic and social problems were undoubtedly formidable, but the Government had the will to surmount them and to embark on the path of progress and justice (para. 88 of the study).

7. On the question of missing persons (para. 29) he drew attention to the establishment, in October 1982, of the National Commission for the Investigation of the Cases of Disappeared Citizens, which had the task of shedding light on the problem. Since he had drafted his study, the discovery of a grave containing the corpses of 14 missing persons had been reported and he stressed the need to co-ordinate the activities of the Working Group on Enforced or Involuntary Disappearances and those of the National Commission.

8. During the period under review, Bolivia had acceded to the International Covenants on Human Rights and to the Optional Protocol. It had also ratified the Convention and the Protocol relating to the Status of Refugees. His conclusion was that the situation with regard to civil rights in Bolivia was correct and entirely positive (para. 30) and, in the case of political rights, the violation of political rights inherent in the coup d'état of 17 July 1980 had ended with the re-establishment of legitimate constitutional government (para. 31). In the matter of economic, social and cultural rights, there had been a significant improvement in the legal situation and it was to be hoped that the measures adopted in November 1982 would make for economic and social change, which, to be effective, would require a long period of political stability (para. 37). In general, he believed there now existed in Bolivia a legal situation in which human rights were fully respected and guaranteed.

9. As to the Bolivian Government's observations (E/CN.4/1983/22/Add.1), he fully agreed on the need to distinguish clearly between successive Governments in 1982 for a correct analysis of the human rights situation, a need that had indeed been taken into account in the study. He also concurred with the view that the changes in Bolivia had been the outcome of the constant and unwavering struggle of the Bolivian people to achieve the full restoration of their legitimate and inalienable rights.

10. Lastly, he recalled the conclusion reached in his first study, in which he had expressed the conviction, that following 17 July 1980, grave, massive and persistent violations of human rights had been committed in Bolivia. However, in November 1982, he had found an auspicious and positive situation of full respect for human rights and a total identification of the authorities with the idea that it was necessary to ensure, uphold and increase the promotion and defence of those rights and that their protection should be free from any kind of discrimination (paras. 102-103). He

stressed the satisfactory results obtained through international co-operation (para. 112) and said that consideration of the case of Bolivia, as provided for in Commission resolution 34 (XXXVII), should be regarded as concluded. That did not mean, however, that United Nations advisory services, assistance and support should not be continued in order to contribute to progress towards respect for and guarantees of human rights in that country.

The situation in El Salvador (E/CN.4/1983/20)

11. Mr. PASTOR RIDRUEJO (Special Representative) said his final report on El Salvador (E/CN.4/1983/20), which had been prepared on the same lines as earlier reports, comprised six main sections, for each of which he had obtained considerable information on events in 1982 and the early days of 1983. He had endeavoured to give a balanced account of the information from various sources, together with any explanations or denials received. The Government of El Salvador had co-operated fully and openly in helping him to achieve that balance. It had provided documentation for both his provisional and his final reports and had granted him facilities and freedom of action during his visit to the country; candid talks had been held with senior authorities in the Republic and other officials. Such co-operation demonstrated the Government's concern to improve the human rights situation, and he hoped it would shortly produce substantive results, particularly where enjoyment of the right to life was concerned. Other parties concerned with the situation in El Salvador had also given useful and broad co-operation.

12. He was not in a position to formulate unhesitating judgements on the many specific facts reported in the information he had received. The violations of human rights committed in El Salvador were so grave and so massive that it had been impossible to investigate each individual case. In the conclusions to the document, however, he had set forth his personal convictions regarding the over-all situation in 1982 and the early days of 1983.

13. As to chapter III, on the exercise of economic, social and cultural rights, from the information received his conclusion was that there had been little change in the situation described previously. He had taken account, however, of the difficulties caused by the acute economic crisis in El Salvador and the fact that improvements could be made only through a thoroughgoing and gradual system of reform, including agrarian reform.

14. Chapter IV, regarding observance of civil and political rights, was closely related to chapter III, since the grave and massive violations of those rights resulted from a climate of generalized violence and armed confrontation rooted in the longstanding unsatisfactory situation with respect to the economic, social and cultural rights of the Salvadorian people.

15. The chapter first dealt with murders that had been committed for ideological reason and pointed out that figures must be handled with caution, but 5,000 murders were reported to have occurred in the first 11 months of 1982, a decrease of slightly over 50 per cent on the roughly 12,000 cases reported for 1981. The situation nevertheless remained extremely serious, and the intolerable contempt for the right to life was one of the most disturbing aspects of the human rights situation in El Salvador. He had taken that aspect into account in his recommendations.

16. After drafting his report, he had received alarming reports from Christian Legal Aid, and from the agricultural co-operative to which the victims belonged, of the murder on 20 November 1982 of seven men by members of the Salvadorian armed forces in the Department of Santa Ana. The information included a photocopy of a letter from the United States Ambassador in El Salvador stating that witnesses had reported the gist of the alleged facts to Embassy officials. The letter had added that the Military High Command had promised to make a complete investigation.
17. Christian Legal Aid had further reported the arrest by members of the police on 15 January 1983 of a young man whom the International Committee of the Red Cross had later traced to the police prison, and whose body, bearing signs of physical torture, had been found on 29 January 1983. The Permanent Mission of El Salvador to the international organizations at Geneva had just transmitted information concerning an attack by FMLN forces on the town of Berlín between 30 January and 3 February 1983, one which had caused at least 12 deaths - including women, children and old people - among the civilian population, in addition to cases of arson and plunder. The civilian population, moreover, was said to have been forced to participate in FMLN meetings.
18. Chapter IV also provided information on abductions and disappearances. While the Human Rights Commission of El Salvador had reported 244 disappearances in the first six months of 1982, Christian Legal Aid had reported 402 cases of abductions between November 1981 and July 1982; of the latter, 39 persons were said to have been murdered. Christian Legal Aid had reported 58 further cases of abductions and disappearances in the third quarter of 1982, all of them apparently the work of the security forces or Government agents. He had also learned from the Government of 25 abductions by guerrilla organizations up to 21 September 1982.
19. According to the Government, the political prisoners in centres falling within the purview of the Ministry of Justice had numbered 629 on 18 September 1982, but other political prisoners were undoubtedly being held in centres run by the armed forces and the security forces. The report also provided information on attacks on prisons by the security forces, said to have been followed by cases of ill-treatment and torture, and went on to describe the evidence he had heard in the Mariona detention centre and other centres, confirming the truth of those attacks and of the length of time that prisoners were held - in contravention of Decree No. 507 of the Revolutionary Government Junta - before being sent for trial.
20. With respect to terrorist acts, a considerable amount of information was provided from various sources, including the Government and the press, concerning systematic attacks on the economy of the country by the armed opposition. From earlier information, he had concluded that grave, massive and persistent violations of civil and political rights had continued in 1982, in many cases ending tragically in attacks on human life. Although there had been a decrease in the number of murders in 1982, the situation concerning respect for human life remained extremely serious. There was reason to believe that, while attacks on the lives, liberty, integrity and security of persons were largely, though not exclusively, the work of members of the State machinery and extreme rightist groups, attacks against public and private property were largely carried out by guerrilla groups. Although ostensibly aimed at military objectives, those attacks seriously compromised the future enjoyment of economic, social and cultural rights by Salvadorian citizens.

21. Section 5 of chapter IV described the general attitude of the Salvadorian judiciary to violations of human rights. From the information received, which had largely come from Government sources, he had concluded that the situation continued to be unsatisfactory. There was no reasonable ratio between the large number of violations reported and the number of criminal proceedings instituted. The proceedings were exceedingly slow and no information on any sentences had so far been received. The report noted that the organization of criminal justice in El Salvador was designed for a situation of peace and normality and not for the serious civil conflict from which the country was suffering. Witnesses, together with judges, were being subjected to a general climate of coercion, which certainly did not help to expedite the functioning of criminal justice. Since drafting his report, he had received information from the Government on the murder by terrorists of 35 judiciary officials in recent years. Although some impetus had been given to judicial activity in 1982 by the authorities in their concern to improve the human rights situation, not enough had been done in that respect and the situation was still unsatisfactory. He expressed the fervent hope that the concern of the authorities would shortly be reflected in the effective functioning of justice.

22. Chapter V provided information on Salvadorian citizens who, as a result of violence, had had to take refuge in other countries or were displaced in their own country. According to UNHCR, the number of refugees on 1 January 1982 had been between 175,000 and 295,000, although the Government had recently informed him that some of the Salvadorians in Mexico and Guatemala were normal emigrants who had left the country regardless of the armed confrontation and violence. According to information from the Government, the number of displaced persons on 31 August 1982 had stood at 226,744.

23. Chapter VI provided information on violations of human rights in the armed conflicts between the regular army and the guerrilla forces. He had received much less information for his current report, but serious violations of human rights appeared to be continuing on both sides, although some cases had been reported in which both parties had spared the lives of captured combatants and even released them. In his interim report to the General Assembly (A/37/611), he had stated that he was not in a position to judge the scope of such actions, but in the final report he had taken account of subsequent action for the release and handing over by the FLMN to the International Committee of the Red Cross of further regular army prisoners. Accordingly, he had concluded that there were "signs that the cases of humanitarian treatment of persons captured by the guerrilla forces were nevertheless more numerous" (para. 120).

24. The most disturbing aspect of the situation, as mentioned in his conclusions, was the intolerable contempt for the right to life. The Commission must make the strongest possible recommendation that both parties should adopt immediate measures to end the attacks on human life. Such a recommendation was of the utmost urgency and priority. The Government of El Salvador should give constructive consideration to the possibility of a dialogue with all the political forces in the country, including those of the left-wing opposition, with a view to putting an end to the armed confrontation. The Government should also be recommended to take the measures outlined in paragraph 125 of the report.

Question of Human Rights and Massive Exoduses (E/CN.4/1503; E/CN.4/1983/33)

25. Prince Sadruddin AGA KHAN (Special Rapporteur) said the fact that a speaker was repeatedly required to comment on the same issue either indicated a general apathy coupled with failure to take the requisite action or a continued and active interest in the matter under review. He hoped the latter applied in the present instance.

26. When he had first submitted his study on human rights and massive exoduses (E/CN.4/1503), he had expressed the hope that it would stimulate awareness of the problems among Governments and the public at large and generally provide an incentive for further thought and analysis, and had felt that, if it did so, the effort would not have been in vain. It was encouraging to note the indication from both governmental and non-governmental circles that the objectives had largely been attained.

27. There had been a number of decisive developments since the Commission had last discussed the topic. Firstly, a significant number of Governments and international bodies had transmitted their views (E/CN.4/1983/33), and other communications would undoubtedly be forthcoming. There was already a convergence of views in key areas to which he had referred in his recent statement to the Third Committee of the General Assembly. Secondly, the need for further study had been acknowledged in the General Assembly's discussion. Operative paragraph 4 of General Assembly resolution 37/186, which had been adopted without a vote, invited the Commission and the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, to give careful consideration to those aspects of the study of the Special Rapporteur falling within their respective mandates, in the light of the views expressed by all interested parties.

28. In addition, the Secretary-General had made preliminary observations for the benefit of member Governments in a document made available to them during the Third Committee's discussion. They were to be found in annex II of document E/CN.4/1983/33. He greatly valued the Secretary-General's active interest in the study and personal commitment to human rights, as recently reaffirmed in the Commission.

29. The Commission's discussions were likely to focus on the nexus between mass exodus and human rights and its work would be usefully complemented by the efforts of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, which was to hold its first session in mid-April. The Group's findings would undoubtedly help to attenuate the tragic problem of refugees, which was one of the saddest features of modern society. Unfortunately, the international community was only beginning to realize the full scope of the phenomenon of mass exodus, whose roots lay in a number of economic, political, social and related factors. During the past decade, unprecedented population movements had cut across most of the earlier perceptions. Whether those affected by such displacements were called refugees, displaced persons, economic migrants or expellees, the basic fact remained that large-scale human suffering was usually involved. It was sometimes forgotten that a change of terminology did not necessarily lessen the plight of the individuals concerned.

30. The recent population movement in a part of Africa already facing serious problems was a stark reminder that deprivation was no less poignant because its causes were understandable. It had become more essential than ever for society to rise to the humanitarian challenges that were essentially of its own making.

Could solidarity prevail over social and economic considerations, could human rights escape political constraints and did human beings have to be treated differently according to creed, colour or belief? He was fully aware of the political and ideological complexity of the international scene, and realized that the seriousness of the global economic situation could not be underestimated, but precisely because of the immense difficulties being experienced by society it was essential to lose no time in considering whether adequate international mechanisms existed to respond to humanitarian challenges and whether international norms and practices could not be usefully revised and updated.

31. His study was a modest attempt to deal with one specific matter, namely mass exodus, which had become a permanent feature of the world scene. A cure would involve growing financial strain, while prevention required extraordinary political will and collective determination. His recommendations indicated that if neither cure nor prevention were altogether possible, the world community should at least unite to contain the ever-growing problem. Where massive human suffering was involved, action, however modest, was more important than the most eloquent words.

Question of summary or arbitrary executions (E/CN.4/1983/16)

32. Mr. WAKO (Special Rapporteur) said that Economic and Social Council resolution 1982/35, under which he had been appointed Special Rapporteur, revealed the Council's alarm at the increasing number of politically-motivated summary or arbitrary executions in various parts of the world. The main purpose of his report (E/CN.4/1983/16), in keeping with operative paragraph 5 of the resolution, was to show the occurrence and extent of the practice of such executions, and to set forth his conclusions and recommendations. Operative paragraph 2 of the resolution also required him to examine general questions related to summary or arbitrary executions, not as an academic exercise but as a more practically oriented study with an empirical and pragmatic approach.

33. The report outlined the available information on the occurrence and extent of such executions since about 1965. Parts A and B of chapter VII dealt with the general patterns and targets. In chapter VII, part C, he had given a general outline of the information on summary or arbitrary executions alleged to have taken place in specific countries after the end of 1980.

34. The entire exercise sought to be as fair and objective as possible. The Centre for Human Rights had been instructed that any information received against any country must immediately be brought to that country's attention for its comments. He had further decided that the full text of the replies should be annexed to his report if the Governments concerned had no objection. The aim had not been to condemn Governments but to obtain information showing the occurrence and extent of summary or arbitrary executions. As stated in paragraph 72 of the report, mention of specific countries did not mean that he was in any way passing judgement or making definitive findings on the veracity of the alleged incidents.

35. The end of 1980 had been chosen as the cut-off date for determining which countries were to be mentioned in the report. It had been chosen mainly because it had been on 15 December 1980 that the General Assembly had adopted its first resolution (35/172) on the specific subject of arbitrary or summary executions. Moreover, it was by referring to more recent events that the current nature, occurrence and extent of summary or arbitrary executions could be determined. Most of the allegations regarding events prior to 1980 were of

historical significance and helped to give an understanding of the current phenomenon. They had therefore been included as examples in the general patterns and targets. In that connection, he drew the Commission's attention to paragraphs 2-5 and 71-72 of the report. The list of countries in which such executions were alleged to have taken place was by no means exhaustive. The examples cited related solely to the cases mentioned in the information received in accordance with operative paragraph 4 of Economic and Social Council resolution 1982/35, under which he had not been able, for instance, to include reports appearing in the mass media. As would be apparent from the report, the allegations against countries varied in degree; the situation and its causes were not necessarily the same in all the countries mentioned. Again, there were other countries in which political regimes alleged to have carried out summary or arbitrary executions were no longer in power.

36. Following his appointment, he had visited the Centre for Human Rights for consultations during the first half of September 1982, and the first note verbale requesting information had been dispatched on 17 September 1982. He had returned to the Centre three and a half months later to draft his report. That had left only a very short time to deal with other related matters in the report. Paragraph 230 suggested areas in which more work required to be done, and the process could take some time. In addition to those from the Governments mentioned in paragraph 10 (1) of the report, replies had since been received from the Governments of Greece, Mauritius, the Philippines, Tunisia and Barbados.

37. Thanking all concerned for their assistance, he expressed particular appreciation to Governments against which allegations had been made and which had made a special effort to reply: the Governments of Argentina, Colombia, Democratic Kampuchea, Ethiopia, Guatemala, Honduras, India, Iran, Iraq, the Republic of Korea, Mali, the Syrian Arab Republic and Turkey. The replies from the Governments of Argentina, Democratic Kampuchea and Iraq were being compiled as an addendum, since they had been received after finalization of the report, which acknowledged that some Governments might not have had time to submit their replies.

38. If the widespread problem of the summary or arbitrary executions was to be eliminated, the root causes had to be understood and dealt with, and procedural safeguards and institutions must be established to prevent such occurrences. That was the responsibility of Governments, with the assistance of the international community whenever possible. Any mechanism proposed would obviously require the co-operation of Governments. The purpose of the report was to make Governments and groups aware of their responsibility for safeguarding the right to life and to encourage the continued adoption by the international community of effective ways and means to ensure elimination of the phenomenon. It would be seen, as stated in paragraph 225 of the report, that urgent preventive measures were required.

The situation in Poland (E/CN.4/1983/18)

39. Mr. GOBBI (Under-Secretary-General) said that, in carrying out the mandate entrusted to him by the Secretary-General in accordance with Commission resolution 1982/26, he had had to act within the limitations of time and geography. The fact that it had been impossible to visit Poland had forced him to restrict his work and to leave unanswered the questions raised by the allegations in chapter IV of his report (E/CN.4/1983/18) regarding specific cases affecting human rights.

40. For the same reason, the information in chapter II had largely come from the mass media, though as much as possible had been obtained from official Polish sources. In view of the impossibility of analysing the factual aspects, his evaluation had, as reflected in the conclusions, been restricted to the normative aspects. In other words, he had dealt with the legal and international problems arising from the compatibility or incompatibility of recent Polish legislation with the international commitments assumed by the Government of Poland. The conclusions were concise and self-explanatory.

41. Mr. SOKALSKI (Poland) said that, instead of considering genuine cases of flagrant and massive violations of human rights, particularly those endangering international peace and security, the Commission was being forced to take up a topic designed to divert its attention from subjects and situations that were inconvenient for the instigators of actions hostile to Poland. It was regrettable that, in order to serve the selfish and sordid ends of those responsible for such actions, a distinguished international civil servant had had to become involved in committing yet another act of outright interference in the internal affairs of a sovereign State which was one of the original members of the United Nations and a faithful follower of its purposes and principles.

42. In 1982, many falsehoods about his country had been uttered in the Commission by a few delegations. Once that unfortunate point had been reached, his delegation considered itself entitled to defend the Polish cause and put the record straight. On 13 December 1981, under article 33, paragraph 2, of the Constitution of the Polish People's Republic, the Council of State had proclaimed martial law in Polish territory. The relevant decrees had been approved by the Polish Parliament in an Act of 25 January 1982. In accordance with article 4 of the International Covenant on Civil and Political Rights, the Government of Poland had informed the other State Parties, through the Secretary-General, of the temporary derogations from or limitations on application of some of the Covenant's provisions, to the extent strictly required by the situation, along with the reasons therefor. Furthermore, a communication had been transmitted on the day that the relevant derogations had been terminated.

43. On 10 March 1982, the Commission had adopted resolution 1982/26, which had failed to receive the support of more than half the Commission's membership. In view of the nature of the resolution and the factors that had led to its adoption, the Government of Poland had rejected it as unlawful, null and void, politically harmful and morally two-faced. Poland had also publicly declared that it would not participate in any way in the implementation of the resolution, which represented a miscarriage of international justice on the part of some members of the Commission. The blueprint had been brought from Washington and passed on to a few over-zealous NATO co-sponsors in order to give it "European credibility". Its purpose was to punish Poland for its determination to survive a grave but temporary domestic crisis, to use Poles in a game in which they did not really count, and to aggravate international tension.

44. The period of nearly 40 years of post-war reconstruction following the ruin brought about by genocidal German nazism had not been wasted. A new Poland, within historically just frontiers, had emerged to build up a system of social justice. A great deal had been accomplished. Like all human beings, Poles had made some mistakes, and mistakes and some mismanagement at various levels of government prior to August 1980 had led to a genuine workers' protest, which could not have been effective under any other social and political system, since it had not been directed against socialism but against deviations from socialism's lofty principles.

45. It was an undeniable matter of public record that, for various reasons, the genuine workers' movement had been rapidly taken over and used by forces alien to Poland's national interest, forces that had openly advocated the overthrow and destruction of the country's legal order. Every patient appeal from the Government had been taken as evidence of weakness, and all persuasion had been rejected. As the crisis had worsened, all action to overcome it had been deliberately thwarted. The more the Government had tried to meet demands half way, the more fiercely it had been attacked. An anti-constitutional opposition, supported from abroad, had grown in strength. At the same time, the political struggle had shifted to the economic plane, which had been chosen, with external support, as one of the main areas of confrontation with the authorities in order to bring about the collapse of State structures. For months the country had been torn by strikes, tension and artificially inspired hatred. Every day had brought new manifestations of aggressiveness by extremist forces, which had striven openly to undermine Poland's statehood. Anarchy, chaos and demoralization had assumed disastrous proportions, and living conditions had become extremely burdensome. The nation had come close to the limits of mental endurance and, on the brink of a fratricidal war, the country had been disintegrating and a national catastrophe had loomed ever larger. The tragic circle of events had had to be broken and the nation's instinct for self-preservation had had to be allowed to speak up. Poland, whose future was at stake and for which too many generations had fought, could not afford another repetition of history. Inaction would have been a crime against the nation and against peace in Europe.

46. One of Poland's greatest men, General Kosciuszko, who had also been a hero of the American Revolution, had once observed that a time came when it was necessary to sacrifice a lot in order to save everything. That was precisely why the dawn of 13 December 1981 had found Poland in a state of emergency. The choice had been not between good and evil but between a greater and a lesser evil.

47. Martial law was obviously a painful and by no means normal state of affairs, but not nearly so abnormal as the situation that had prevailed previously. It had represented neither a military coup nor an attempt to install a military dictatorship. The Polish people had sufficient strength, wisdom and national zeal to institute and live under an efficient democratic system of socialist government. Martial law was not an end in itself, not an attack, but an instinctive defence aimed at reversing an exceptionally serious public emergency that had threatened the life of the nation, as his Government had repeatedly explained throughout 1982. However, its rational arguments had been unable to reach world public opinion, for the much-publicized freedom of certain Western media did not go so far as to enable them to do so. Those abroad who were willing to understand the arguments had indeed understood them, but others had failed to show sufficient goodwill or respect for the norms of international relations to leave Polish affairs to Poles, who knew best what was right for Poland.

48. In view of the long-standing historical tradition of friendly relations between Poland and the United States, it was most unfortunate that the United States Administration should have decided to take an active lead in unprecedented attacks on Poland. Washington's way of guaranteeing Poland's right to development had been the way of out-and-out rancour, so-called economic sanctions, trade restrictions, suspension of the most-favoured-nation clause, interference in Poland's internal affairs, threats, and merciless propaganda. Its way of guaranteeing Poland's right

to self-determination had been to attempt to use Poland as a pawn in global politics, and its way of ensuring Poland's human right to peace had been to harass Poland internationally and exert fierce pressure on other Governments to join in the castigation merely because Poland had wished to remain Poland and had rejected the idea of being used to spark off a military confrontation.

49. Students of international relations would always look in vain for a rational explanation as to how a great Power, a permanent member of the Security Council with special responsibilities under the Charter for the maintenance of international peace and security, should have chosen a deliberately obstructive course vis-à-vis a much smaller nation. Things had reached a point where, in the words of the international jurist, Mr. George Schwarzenberger of the United Kingdom, pressure politics changed into a threat or use of force. Similarly, Judge Padilla Nervo of Mexico had voiced the opinion that a big Power could use force and pressure against a small nation in many ways, even by insisting through diplomatic channels on having its view recognized and accepted. That was an illustration of Washington's version of the Charter principles on the non-use of force and the sovereign equality of all States, as applied in the case of Poland.

50. The subject of Poland would never have come before the Commission but for the unfounded and inadmissible pressure exerted by the United States, whose concern for human rights in Poland went no further than its interest in changing a social and political system it did not like. Poland, moreover, appeared to be a convenient propaganda smoke-screen for many ills: double-digit unemployment, the gas pipeline, the disciplining of Western Europe, escalation of the arms race, and cold-blooded massacre in Beirut and El Salvador. A Government which for decades had been vetoing the application of sanctions against the world's largest concentration camp - South Africa - had not hesitated for a moment to apply sanctions against Poland. It was said that the Commission should take "a more balanced approach to human rights violations around the world", but what could be balanced against the atrocities committed in the occupied Arab territories, in Lebanon, in South Africa and in Chile? Poland would not succumb to any attempt to use it for that purpose. Again, the Commission should "begin to remove politics and bloc alliances from its deliberations", which was certainly true, but some delegations had introduced such considerations precisely by raising the question of Poland's internal affairs. The motives for doing so had been clear to his delegation from the outset. Such action was meant to be part of a highly politicized process in the context of East-West relations - a process which his delegation resolutely rejected. Poles had never submitted to a foreign ultimatum. There were apparently some people who failed to understand Poland's history and were not prepared to accept its sense of pride, freedom and dignity.

51. His delegation shared the views expressed by the Secretary-General in an interview with The New York Times, when he had observed that the Charter prohibited intervention in the internal affairs of Member States and that the United Nations should be very careful not to set precedents in dealing with that question, which could be used against other countries. Developments in Poland had clearly fallen within the sphere of domestic jurisdiction and, in accordance with Article 2, paragraph 7, of the Charter, the United Nations was precluded from discussing them, a further reason why Poland had rejected resolution 1982/26 as a serious violation of the Charter principles. In his opening statement on 31 January 1983, the Director of the Centre for Human Rights had rightly stressed that action on human rights must be carried out with fairness and due process, and with insistence on principles at all times. Every criterion of that important formula had been totally disregarded with the adoption and attempted implementation of Commission resolution 1982/26.

52. The proclamation of martial law in Poland had complied with all the requirements of domestic and international law, had been throughout a sovereign Polish decision, and had in no way endangered any other State. No constitutional body, including the Polish Parliament and duly constituted Government, had ceased to function as a consequence. From the early days of their imposition, the rigours, restrictions and inconveniences of martial law had gradually been lifted, and on 22 December 1982, Poland had been able to notify the States parties to the International Covenant on Civil and Political Rights that most of the limitations on or derogations from its provisions had been terminated with effect from 31 December 1982. Martial law had been suspended throughout Polish territory and there were good reasons to hope that it would shortly be possible to lift the few remaining restrictions. The important decisions of December 1982 were confirmation of the solemn pledge that the derogations would be in force no longer than the supreme national interest required.

53. Martial law or states of emergency providing for derogations from some constitutional guarantees in times of emergency had been applied under most legal systems. The study of the implications for human rights of situations known as state of siege or emergency (E/CN.4/Sub.2/1982/15) stated that, given respect for the guarantees provided for in the relevant instruments, the principle of emergency legislation was compatible with democratic principles. The International Covenant on Civil and Political Rights provided well-established and effective legal procedures of international surveillance with regard to universal respect for fundamental freedoms, particularly when a state of emergency existed. No United Nations resolution could replace, suspend or augment a duly ratified and binding international covenant. Unlike the main proponents of action unfriendly to Poland, his country was a law-abiding party to the Covenant. The measures adopted in his country had not been inconsistent with other obligations under international law and had not involved discrimination on the ground of race, colour, sex, language, religion or social origin.

54. The Polish constitutional authorities were alone entitled to pass judgement on the necessity for and justifiability of the action taken. Within the framework of binding international rules, in conformity with Poland's consistent policy of active involvement in international life, and as a gesture of good will, on 13 December 1981 the Permanent Representative of Poland to the United Nations had informed the Secretary-General by telephone of the decision to resort to martial law and of the reasons therefor, and on the following day had given the Secretary-General a detailed account of developments. That practice had been maintained throughout January 1982. On 29 January 1982, the Secretary-General had received the written notification required under article 4 of the International Covenant. At periodic meetings held thereafter, the Permanent Representative of Poland had given the Secretary-General up-to-date information on the situation, including information on the energetic measures taken by the Government to ease existing restrictions and normalize the life of the country. During the Second Special Session of the General Assembly devoted to Disarmament, in June 1982, the Polish Minister for Foreign Affairs had informed the Secretary-General of the current situation. A month later, at the invitation of the Ministry of Foreign Affairs, the Secretary-General had sent his personal representative to Warsaw for talks on matters of common interest, and the representative had been able to see the real situation for himself.

55. In September 1982, the Minister for Foreign Affairs of Poland had had discussions with the Secretary-General and had given a faithful account of events in Poland, contact had been maintained at all times through Poland's membership in the Security Council, and on 22 December 1982, under article 4 of the International Covenant on Civil and Political Rights, the Secretary-General had been notified of the suspension of martial law. The detailed memorandum which the Secretary-General had received had spelled out clearly that, along with the intensive efforts for an early lifting of the remaining restrictions, continued efforts were being made to create conditions favourable to national accord, economic reconstruction and revitalization, and ensure that the policy of reforms and social renewal was irreversible. Poland would take every opportunity for greater co-operation with the Secretary-General on all matters of mutual interest, and in his capacity as the depositary of the International Covenant on Civil and Political Rights. It would do nothing under duress or under the unacceptable terms of illegal resolutions.

56. Pursuant to General Assembly and Economic and Social Council resolutions, United Nations organs, and notably the Commission on Human Rights, were entitled to consider human rights questions concerning Member States only if the following criteria were met: firstly, that a particular situation represented a gross, massive and flagrant violation of human rights and fundamental freedoms; secondly, that the situation represented a consistent pattern of such violations; thirdly, that the situation endangered international peace and security; and lastly, that consideration of the situation was without prejudice to the functions and powers of organs already in existence or which might be established within the framework of measures of implementation included in international covenants and conventions on the protection of human rights and fundamental freedoms.

57. None of those requirements applied in the case of Poland and they had been flouted by the sponsors of Commission resolution 1982/26. There had been neither fairness nor due process; still less had there been any insistence on principles. The situation had been clear to 24 members of the Commission who had not supported the resolution. In 1982, the representative of Zimbabwe, for instance, had observed that it would seem to be a serious contradiction to attack a Government whose position was not at variance with international law. The representative of Ghana had considered it insulting to be asked to support measures relating to the situation in Poland when the sponsors of the draft resolution had expressed reluctance to take similar action with regard to South Africa, and had gone on to say that his Government did not wish to be a party to the bias underlying the draft resolution or to interfere in Poland's internal affairs. The representative of Zambia, observing the irony of the fact that, although there were many situations where far worse conditions could be found, and where they had persisted for centuries without much reaction by some of the Governments concerned in the present case, had said that those Governments were raising an unbelievable uproar about Poland and calling for the most drastic measures. He had also affirmed that the Zambian delegation did not intend to serve as a rubber stamp for political purposes. The year that had elapsed showed how right those representatives had been. Poland would not allow itself to be used for ends hostile to its own best-conceived interests.

58. In 1982, despite pressure by some western Governments to persuade their citizens not to travel to Poland, his country had been visited by many foreign guests, who had been given the customary hospitable welcome. A number of international organizations, including non-governmental organizations, had had permanent representations in Poland and some of them had endeavoured to alleviate its difficulties and the effects of the 1982 floods. They included the League of

Red Cross Societies and the International Committee of the Red Cross, functioning in full legality and performing a great humanitarian mission. The Government of Poland had received numerous letters of appreciation and recognition for all the co-operation and facilities extended to the representatives of those and other organizations.

59. The pointless allegations in some quarters that the Government of Poland would not allow the Under-Secretary-General to visit the country and had refused to issue him a visa were most deplorable. In the first place, Mr. Gobbi had never asked for such a visa. Secondly, his appointment had been based on an obviously harmful resolution. In 1982, the Government of Poland had declared that it would not participate in any way in the implementation of a resolution that was contrary to the principle of non-interference, opposed to established United Nations criteria for consideration of human rights questions and prejudicial to procedures already established under binding international instruments to which Poland was a party. His country maintained that position, as would any sovereign and self-respecting member State of the Commission in similar circumstances.

60. For all those reasons, the document before the Commission (E/CN.4/1983/18) could not be looked upon as a report but merely as a libel; some portions were, in fact, an insult both to Poland and to the Commission, and his delegation rejected the document as non-existent. It was described as having been presented by Mr. Hugo Gobbi. Fortunately, it was not alleged to have been prepared by him, since Mr. Gobbi was a United Nations Under-Secretary-General responsible for important matters of peace in Cyprus, which was where he belonged, where he was needed, and where he had performed duties for which he had earned the appreciation of the international community.

61. The document had been compiled on the basis of material largely emanating from United States sources or from organizations that were generously supported by the United States in its pathetic anti-Polish crusade. It was an effrontery to ask anyone to believe that official United States agencies, the International Herald Tribune and Amnesty International, for example, could represent objective and credible sources of information on developments in any socialist country. His delegation rejected such material as biased and distorted. It would dismiss any statements designed to point an accusing finger at Poland. Such unfounded allegations were as contemptible as the action used to force some delegations to support the United States in its anti-Polish campaign. The only course the Commission could follow to help Poland was to cease interfering in its domestic affairs. Poland's answer to those who still hoped to use Poles in a game that had nothing to do with human rights was that it would refuse to become a battleground for unfounded **political** precedents in the Commission. That was a matter of fundamental principle and of political and moral decency.

62. Poland was determined to advance patiently and unswervingly along a path of respect for human rights, of well-conceived national interest, national dialogue and accord, guided by realism and good will. It would consistently follow its programme of socialist renewal of political, social and economic life and would work to strengthen the guarantees of socialist democracy with absolute single-mindedness, and with Polish hands, minds and hearts.

63. Mr. KOOLJMANS (Netherlands) said that, on International Human Rights Day, 1982, in the course of a ceremony to commemorate the victims of violations of human rights throughout the world, he had been presented with a petition from the citizens of the small town of Woerden, in his country, appealing to all peoples to devote themselves to the preservation of human rights and, more particularly, requesting the members of the Human Rights Committee to do everything in their power to create a world in which human rights would be respected. The Commission was considered to be the trustee of human rights, but it had been unable to live up to expectations, as the reports before it amply proved. That failure should imbue the Commission with a new determination to do its utmost to secure observance of the human rights of the individual.

64. The United Nations had a reasonably good record of standard-setting. The Universal Declaration of Human Rights, the International Covenants on Human Rights, together with many other human rights instruments, bore witness to the fact that the United Nations had taken seriously the determination it had expressed in 1945 to reaffirm its faith in human rights and fundamental freedoms, in the dignity and worth of the human person and in the equal rights of men and women, something which made people realize that it was their inalienable right to claim respect for their inherent dignity.

65. On the other hand, the United Nations record in the matter of implementation was much less impressive. The provisions on implementation applied only to countries which had ratified the instruments in question, and the competence of the respective bodies was limited. For that reason, people looked to the Commission to perform its task under the agenda item under discussion, which enabled it to deal explicitly with specific situations of human rights violations, whether by considering certain phenomena such as mass exoduses and summary or arbitrary executions or by dealing with human rights situations in specific countries. His delegation was in favour of a two-tier approach, issue-oriented where possible and desirable, and country-oriented where necessary.

66. In 1982, the Commission had again decided to follow both approaches and thus had before it reports dealing with general issues and with specific situations in certain countries. He welcomed the contributions made by the various non-governmental organizations, which had provided the continuous flow of information essential for the proper performance of the Commission's functions. It was understandable that many people considered the non-governmental organizations to be better qualified guarantors of human rights than were intergovernmental bodies such as the Commission, and in several cases they were right to do so. It was the Commission's responsibility to prove that it did, in fact, listen to appeals and that the combined efforts of intergovernmental and non-governmental organizations might bring about the much-needed changes in human rights situations throughout the world.

67. The report on summary or arbitrary executions (E/CN.4/1983/16) should be given priority, since it dealt with the right to life, which the Special Rapporteur had rightly described as "the fountain from which all human rights spring". The Special Rapporteur had made it clear that the phenomenon of summary or arbitrary executions was a violation not only of the right to life but also of a large number of other fundamental rights, such as the right to a fair trial, the right to seek pardon or commutation of a sentence and the right to be presumed innocent until

proved guilty by law. He had also rightly made it clear, as borne out by article 4, paragraph 2, of the International Covenant on Civil and Political Rights, that the right to life of non-combatants was protected by the most solemn guarantees in times of war, and should, a fortiori, be respected in conditions less threatening than war, even if such conditions called for the proclamation of a state of emergency.

68. Members of the Commission were undoubtedly familiar with the patterns of violation described by the Special Rapporteur, since information on them had appeared in newspapers and in earlier reports on specific situations. It was nevertheless horrifying to read that, in many instances, the phenomenon went hand in hand with torture and with treatment so degrading that the victims often saw suicide as the only way of escape. It was plain that nobody was immune from the dreadful human suffering described and that anyone might be arbitrarily denied his right to life. The international community should launch a campaign to create a world opinion against summary or arbitrary executions, as suggested in paragraph 229 of the report, and immediate steps should be taken to end such executions.

69. In general, he supported the Special Rapporteur's conclusions and recommendations, even though they were still of a preliminary nature. As stated in paragraph 230, further work of standard-setting needed to be done in the long term in various areas. The Special Rapporteur should be given more time to reflect on the various possibilities for establishing machinery that would respond speedily to cases of threatened or imminent summary executions. Lastly, a number of Governments had not yet replied to requests for information or comments, and the Special Rapporteur had not so far been in a position to assess the communications and Government replies received. His delegation, therefore, strongly favoured the extension of the Special Rapporteur's mandate for a further year and hoped that such a course would enable the Commission to decide at its 1984 session what measures should be taken to halt such irreversible violations of human rights.

70. With profound dismay, he was constrained to draw the Commission's attention to certain recent events in a country with which the Netherlands had had long-standing and close links. In 1975, Suriname had become an independent member of the family of nations, having been for more than 20 years a fully autonomous constituent part of the Kingdom of the Netherlands. Relations between the two countries had remained close, particularly in the field of economic co-operation. In February 1982, a military coup had taken place, the democratically elected Parliament had been dissolved, the Constitution suspended and a new Government installed. Despite the fact that certain events had caused sincere concern to the Netherlands Government and people, some of whom were of Surinamese descent, normal relations and economic co-operation had been maintained, since his Government had considered that the Surinamese people themselves were entitled to determine their political future and social and economic system. Only after the tragic and terrible events at the beginning of December 1982 had the Netherlands Government concluded that it was unable to remain silent in the face of the brutal and flagrant violations of the most basic human rights that were taking place, and that it must draw the attention of the international community to the human rights situation in Suriname. To enable the members of the Commission to grasp the full seriousness of what had occurred on 9 December 1982, his delegation had circulated a memorandum, together with a report of the Dutch Lawyers' Committee for Human Rights containing statements by eyewitnesses.

71. Following some weeks of increasing political and social unrest, a number of prominent people had been arrested in the early hours of 8 December, among them the Dean of the Bar Association and three other lawyers, two university professors, the leader of the largest trade union, four journalists and some businessmen and army officers. At the same time, the offices of some of the media and of the largest trade union had been burned down and the Fire Department had taken no steps to extinguish the fires. On 9 December, it had become known that 15 of the arrested persons were dead. The military authorities had announced that they had been shot while trying to escape, but there was incontrovertible evidence that they had been shot in cold blood after being tortured. The corpses had been seen by hundreds of people, many of whose statements had been recorded and found reliable by experienced members of the Netherlands judiciary. Those events came fully under the definition of arbitrary execution given by the Special Rapporteur in paragraph 66 of his report.

72. The Netherlands Government had decided to alert the international community and to suspend the treaty on economic co-operation with Suriname. It could not be maintained that the Netherlands wished to re-establish its grip on Suriname, as alleged by the Surinamese authorities. His Government had on several occasions expressed its willingness to resume its obligations under the treaty on economic co-operation as soon as reliable guarantees were provided of respect for human rights in Suriname. No reliance could be placed on the statement of the Surinamese authorities that the killings had been an isolated event which, though regrettable, had been inevitable in the course of the revolutionary process. It had not been the first occasion on which people had been arbitrarily killed on government orders under the present regime in Suriname. In no circumstances could such a flagrant violation of the most fundamental human right be condoned. It was illogical for the Surinamese authorities to maintain, on the one hand, that the report did not reflect the actual events and that the victims had been shot as a result of their attempt to escape and, on the other, to say that the authorities would see to it that such occurrences were prevented in the future.

73. Deprivation of life was irrevocable; the victims could not be brought back to life. His delegation urged the Surinamese authorities to re-establish the rule of law in their country, to restore a democratic system and fully to respect human rights and fundamental freedoms. It further urged them to co-operate with the Commission and its Special Rapporteur, and appealed to the Commission to keep abreast of further developments in Suriname. His delegation noted with satisfaction that the Surinamese authorities had decided to admit some human rights missions to their country and hoped it was a sign that the authorities understood the sincerity and legitimacy of the concern in other countries about the human rights situation in Suriname. He fervently hoped that the people of that country would shortly be able to live in freedom from the fear and insecurity that prevailed there.

74. Mr. ZORIN (Union of Soviet Socialist Republics) said that a group of Western countries was once again using human rights as a pretext to draw the Commission into considering the internal affairs of Poland, entirely ignoring the fact that the country was passing through a difficult period that it had to tackle through the necessary measures, with which its genuine friends could not fail to sympathize. There should be no doubt concerning the underlying intentions of the anti-Polish campaign. He fully endorsed the statements of the representative of Poland, whose convincing evidence refuted the basic points of the Under-Secretary-General's report (E/CN.4/1983/18), once again showing that the attempt to orchestrate the discussion

of events in that country was illegal and unfounded in all respects. It was based on falsehood, and also on an unwillingness to take into consideration the basic provisions of the Charter and other major international instruments. The report convinced his delegation of the groundlessness and illegality of drawing the Commission into NATO intrigues concerning events in Poland; as a matter of principle, his delegation had opposed its preparation and publication. It had been produced, however, and he therefore wished to comment on some basic points.

75. Firstly, the report went beyond the Secretary-General's terms of reference under paragraph 6 of resolution 1982/26, imposed on the Commission by a clear minority, for only 19 out of 43 members had voted in favour of it. Even that pro-Western minority had not decided to empower the Secretary-General to do what was claimed in the report - to "follow" the situation in Poland, "visit" the country and establish "direct contact with the Polish authorities", in other words, to be a self-appointed inspector. The Under-Secretary-General's attempt to appraise the Polish situation and, from the standpoint of the provisions of the International Covenant on Civil and Political Rights, the legislation that had been enacted, was also contrary to the basic rules of international law: that was the exclusive function of a special body of States Parties to the Covenant, namely the Human Rights Committee. Likewise, questions relating to the observance of ILO Conventions fell within the purview of that specialized agency, and not the Commission on Human Rights.

76. The report's lack of objectivity was clear from the sources on which it was based. It was impossible to say that a document dealing with the situation in a socialist country was objective when it drew overwhelmingly on Western bourgeois sources. The document was full of oddities, to say the least; for instance, the Polish Minister of Justice's interview with the newspaper Trybuna Ludu was reported not first-hand but through an unnamed news agency report and Amnesty International. The partiality shown for organizations and information media hostile to Poland was so great that reference was even made to such fantasies as "unsanitary conditions contributing to the spreading of epidemic influenza" (para. 37) in a detention centre. It was utterly unacceptable to use material from organizations which did not conceal their aim of overthrowing the Polish Government by force, and from those who subsidized them - even from the United States Department of Labor.

77. The representative of Poland had had every justification for repudiating the report's lack of objectivity, and had given the true facts concerning the situation in Poland, convincingly demonstrating the positive changes which had taken place during the past year. Thanks to the energetic measures adopted, despite the attempts by imperialist forces and internal reactionaries to destabilize the country, the Polish people had succeeded in halting the adverse economic trends and strengthening the institutions of State power, something that had enabled the Government only two months ago to decide to suspend martial law, and thus remove most of the constraints introduced in December 1981, entirely in conformity with domestic legislation and international instruments. In other words, there had been no justification whatsoever for raising the so-called Polish question in the Commission even in 1982, and still less at the present session.

78. It was more than ever clear that the authors of the anti-Polish campaign were not concerned with the rights and interests of Poland or its people, as the latter were the first to realize. The representative of the National Christian Association of Poland in the Sejm had observed that the United States Government was doing everything in its power to prevent the Polish people from solving its very difficult problems on its own. Another member of the Sejm, the representative of the Polish Catholic Social Union, who did not belong to any Polish political party, had stressed that the policy of the United States and its allies was having an adverse effect on the lives of the Polish people, hindering internal reform and weakening the country's economic independence. The inescapable conclusion was that the United States and its partners were concerned not with human rights but with the possibility of changing the social and economic order in Poland and incorporating the country in the NATO bloc. It was now plain, however, that they had failed. As the Chairman of the Council of Ministers of Poland, Wojciech Jaruzelski, had recently stressed, the fate of Poland would be settled at home and not by the Government of the United States.

79. The Commission would fail in its elementary duty as an objective international body if it acquiesced in the intrigues of those who sought to subordinate it to NATO interests by forcing it to consider human rights in Poland. The efforts of the past year had shown that Polish problems could successfully be settled by the Poles themselves. As his country's Foreign Minister, Mr. Gromyko, had recently stated, the Poles alone had the right to settle their internal problems, without interference from West, East, North or South: the sooner that was understood by the West, the better. Those words were also a clear reply to the suggestion that his own country was playing a particular role in Poland's sovereign affairs.

80. The manoeuvres of the United States and some of its allies were also designed to divert the attention of the Commission, as well as public opinion in Western countries, from the aggressive expansionist foreign policy of the United States, with its "crusade" against those who disagreed with its arbitrary diktats, and also from the West's manifold social and economic problems and its gross and systematic violation of human rights. The aim was also to draw attention away from the imperialist pillage of countries and peoples resulting in the further impoverishment of the developing countries, where tens of millions of people died of hunger every year while a steady flow of vast wealth was pumped out of those countries by the international monopolies. It was well known that current United States foreign policy was characterized by imperial ambitions and naked hegemonism, and interference in the affairs of sovereign States had therefore become the rule. There were more than enough examples he could cite, from secret destabilization operations to direct military intervention and acts of genocide.

81. Unfortunately, it was now the United States Government's open intention to seek to impose the American model on the rest of the world, while engaging in an unrestrained arms race, propagating nuclear warfare, blocking the constructive proposals of the socialist countries and spreading hostility among peoples. Its international hegemonism was also served by the hearings of the United States Congress and the publication of a series of official, semi-official and officially inspired "private" reports on human rights in 162 countries of the world, excluding, of course, the United States, - reports in which everything depended on the friendliness of the relations between the

United States and the countries concerned. Who had given the United States the role of guardian of democracy, freedom and human rights? The question must be asked, especially when hypocritical attacks on other countries were being made by the authorities of a country in which democracy, freedom and human rights were daily trampled underfoot. Was it not a model of democracy, for example, that in the United States the President could be "elected by the people" with only a quarter of the votes of eligible voters, or that the United States was one of the few countries of the world where women still did not have equal rights? How could the United States Government's official demagogy concerning human rights be linked with its terrorist methods of dealing with undesirable elements? For instance, the police, without the due process of law advocated so much by the United States representative at one of the Commission's meetings, had recently shot members of the Black Panthers Movement in cold blood, and according to official figures, 3,095 persons, more than half of them black, had been killed by the police in 57 cities in recent years. The evidence of the lack of rights in the United States and the difficult position of millions of workers was enormous and did not tally with the country's claim to be a bastion of freedom and democracy. There were 20 million unemployed, 30 million blacks suffering from discrimination, 2 million homeless, 1.5 million migrant workers living and working in slavery-like conditions, and 8 to 10 million non-citizens without many basic rights. The policy of genocide had reduced the 12 million aboriginal Indian population to only 800,000 persons, who were deprived of their rights and were starving.

82. The United States Administration was very actively concerned about trade union rights in Poland, but in the United States more than half the working population did not have the possibility of joining a trade union, and those who did form unions were by no means always able to exercise their rights, as the attempted strike by the air traffic controllers in 1981 had shown: the leaders were not only sentenced to imprisonment and payment of a fine, but treated as very dangerous State criminals. In 1982, for example, soldiers in armoured cars carrying machine guns had been brought in to put down a strike at the Iowa Beef plant. As the leader of one of the largest United States trade unions had said, the United States Government expressed solidarity with the Polish workers but none the less deprived the workers of the United States of their rights to collective labour agreements. In addition, after 1968 the United States Army had set up special anti-riot squads; in the first 60 years of the twentieth century the United States Army had carried out more than 500 operations against fellow citizens. In 1965-67 alone United States armed forces had been used to put down more than 100 demonstrations, with a toll of 130 dead and over 3,600 injured. In addition, there were a number of concentration camps, such as Allenwood in Pennsylvania, one which was ready at any moment to take in several thousand detainees. He offered to inform members of the Commission of the location of similar camps, prepared in advance for people who ventured to speak out against the official system in the United States.

83. Regrettably, the rules of procedure prevented him from giving more detailed evidence concerning the sincerity of the United States concern for human rights in Poland. Information could also have been given on the situation of human rights in other countries which were attacking Poland and other socialist as well as developing countries. Reference could have been made to Ulster and the 10 activists fighting for their basic political rights who had died on hunger strike in Long Kesh Prison; the large-scale exploitation of children in the United Kingdom and the racial restrictions on entry into the country for persons from the former colonies; the regular violence against the

homeless and the gypsies in the Netherlands; the deprivation of the rights of indigenous peoples in Australia and Canada; the discrimination against women in a number of Western countries such as Canada, the fate of the right of workers to join trade unions; the persecution of dissent in the Federal Republic of Germany, and so on. All that said a great deal about the unwillingness or inability of the ruling circles in those capitalist countries to solve the major social and economic problems at home, and also about their efforts to exploit human rights in the international arena. The Commission should put an end to such contentious and hypocritical endeavours and seriously turn to the consideration of measures to combat gross and systematic violations of human rights where they really did occur.

The meeting rose at 9 p.m.