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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 34th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 29 February 1984, at 3 p.m.

Chairman: Mr. KOOLJMAN (Netherlands)

CONTENTS

The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (continued)

Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

- (a) Torture and other cruel, inhuman or degrading treatment or punishment (continued)

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The meeting was called to order at 3.40 p.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued)
(E/CN.4/1984/L.9, L.13, L.15, L.21/Rev.1, L.22, L.27, L.28 and L.31)

1. The CHAIRMAN said that all the draft resolutions before the Commission would first be introduced. The floor would then be open for comments on any of them, after which representatives could explain their vote before the vote. Voting would be followed by any further explanations of vote.
2. Mr. CHARRY SAMPER (Colombia), speaking on a point of order, proposed that in accordance with rule 49 of the Commission's rules of procedure, consideration of the draft resolutions contained in documents E/CN.4/1984/L.21/Rev.1 and E/CN.4/1984/L.27 should be adjourned until the following day in order to give delegations more time to hold consultations and to seek instructions from their Governments if necessary.
3. Mr. PANT (India) and Mr. MONTAÑO (Mexico) supported the proposal.
4. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt the Colombian representative's proposal that discussion of draft resolutions E/CN.4/1984/L.21/Rev.1 and E/CN.4/1984/L.27 should be adjourned until the following day.
5. It was so decided.
6. The CHAIRMAN reminded the Commission that draft resolution E/CN.4/1984/L.9 had been introduced by the representative of Pakistan during the Commission's discussion of agenda item 9.
7. Ms. DJORDJEVIC (Yugoslavia), introducing draft resolution E/CN.4/1984/L.13 on the question of self-determination of the Palestinian people, drew particular attention to the fifth and sixth preambular paragraphs and to operative paragraphs 1, 5, 6, 8 and 12. The position formulated in operative paragraph 9 concerning the so-called "autonomy" envisaged under the "Camp David accords" was particularly relevant. The plan of "autonomy" was once again strongly rejected so long as its interpretation and ultimate objective did not comprise the realization of the inalienable right of the Palestinian people to self-determination. That right was completely neglected and denied by Israel.
8. It was of vital importance to note that, in the "Camp David accords", Egypt had by no means committed itself to rejection of the Palestinians' right to self-determination, but had rather endeavoured to facilitate the attainment of that right. It was in the light of that premise that one should evaluate the position stated in operative paragraph 9 of the draft resolution, to the effect that the "Camp David accords" had no validity in determining the future of the Palestinian people or of the Palestinian territories occupied by Israel since 1967.
9. The sponsors hoped that the draft resolution would receive the broadest possible support.
10. Mr. MANALO (Philippines), introducing draft resolution E/CN.4/1984/L.15 on the situation in Kampuchea, said that the text was similar to the one on the same subject adopted by the Commission at its thirty-ninth session. In view of Viet Nam's refusal to heed the injunctions of the Commission and the General Assembly, the draft resolution reiterated the substance of four earlier Commission resolutions, three Economic and Social Council resolutions, and five General Assembly resolutions.

11. There were three new elements - one of them encouraging and two highly disturbing. The encouraging element was in the preambular part, which took note of the increasing effectiveness of the Democratic Kampuchean coalition and endeavoured to reflect the marked political cohesion of the coalition and its low-key but increasingly significant diplomatic successes under the leadership of Prince Norodom Sihanouk. The draft resolution also reflected counter-action by the coalition in the field. Those efforts had enabled the coalition to attract support from abroad and allegiance within the borders of Kampuchea.
12. The disturbing elements were in operative paragraph 2, which drew attention to the repeated military attacks against civilians near the Thai-Kampuchean border, particularly those between the end of March and the end of April 1983, and to the forced demographic changes and displacement of the Kampuchean population, which had been widely reported by diplomatic and mass media sources.
13. The additions to the text reflected further developments since the Commission's discussion of the Kampuchean situation at its thirty-ninth session.
14. Mr. SEKULE (United Republic of Tanzania), introducing draft resolution E/CN.4/1984/L.28, said that the text once again gave the Commission an opportunity to express the international community's deep concern about the suffering of peoples under colonial or alien domination or foreign occupation and about the widespread and serious violations of human rights and fundamental freedoms in southern Africa. That situation was well known to the international community and needed no further emphasis. The draft resolution was essentially similar to the one on the same subject adopted by the Commission at its thirty-ninth session.
15. Reference was made in the preambular paragraphs to relevant instruments adopted and decisions taken by the United Nations and its agencies. The draft resolution outlined the situation in southern Africa and the urgent steps that the international community had been called upon to take in order to exert pressure on the South African Government to change the situation in the region and facilitate the promotion, protection and enjoyment of human rights and fundamental freedoms. The Commission could best serve the purposes for which it had been established and demonstrate its serious concern for human rights if it spoke with one voice in favour of the draft resolution. Extraneous considerations had often prevented it from reaching the desired consensus on a number of important issues at the expense of human rights. He appealed to members to cultivate and develop the will and singleness of purpose to react to human situations with the greatest possible seriousness, concern and integrity, and to adopt the draft resolution without a vote. Such action would be of great moral value to the suffering people of the region and would have a major impact on the South African Government.
16. Mr. PANTI (India) said that draft resolution E/CN.4/1984/L.13 had been discussed by the non-aligned group, in which there had been broad agreement on its general features. The members of the group commended it for adoption by the Commission.
17. Mr. RAMLAWI (Observer, Palestine Liberation Organization) said that operative paragraph 9 of draft resolution E/CN.4/1984/L.13 reiterated a corresponding provision of earlier resolutions. Autonomy within the framework of the "Camp David accords" meant the denial by the United States and Israeli Governments of the right of the Palestinian people to self-determination as provided for in international

instruments. That denial isolated the United States and Israel from other States. It had been the main reason for the interruption of the talks on autonomy between Egypt and the United States, and had led to profound differences between those two countries concerning the destiny of the Palestinian people. Egypt had stated, through its President and through its representative in the Commission, that it firmly supported the right of the Palestinian people to self-determination, free from foreign interference. That could be the only basis for a solution of the Middle East problem. Operative paragraph 9 of the draft resolution should be viewed in that light.

18. Mr. DO TAT CHAT (Observer for Viet Nam) said that, in accordance with its position of principle, his delegation had co-sponsored draft resolution E/CN.4/1984/L.13 concerning Palestine. Although it would have liked a firmer tone to be adopted against apartheid and its protectors, it supported draft resolution E/CN.4/1984/L.28 concerning South Africa and Namibia. It likewise supported the draft resolutions on the question of Western Sahara (E/CN.4/1984/L.22) and on the situation in Grenada (E/CN.4/1984/L.21/Rev.1).

19. In the same spirit, his delegation found draft resolution E/CN.4/1984/L.9 on the situation in Afghanistan unhelpful and supported the call by the delegation of the Democratic Republic of Afghanistan for its rejection.

20. With respect to draft resolution E/CN.4/1984/L.15 on the so-called "situation in Kampuchea", his delegation reaffirmed its view that discussion of that question and, what was worse, the possible adoption of a draft resolution on it were illegal, since they represented gross interference in the affairs of an independent sovereign State. The text was largely a repetition of the fallacious themes of earlier years, which his delegation had refuted in detail. At the current session, his delegation would confine itself to making some general comments for consideration by the Commission.

21. The Commission was once again invited to consider a draft resolution which opposed the right to life of an entire people who had escaped from genocide, and which threatened the right of that people to self-determination and rebirth as a nation, the interests of the peoples of Indo-China, and peace and stability in South-East Asia. The draft resolution also sought to impose a false and one-sided position - the position of the side which was largely made up of inveterate enemies of the right to self-determination of the Indo-Chinese peoples in recent decades. Such a text - which indulged in vulgar calumny, deliberately ignored the facts of the situation, and opposed the aspirations of peoples and the trends of the times - could have no validity. Like its predecessors it would, if adopted, lead the Commission into an impasse.

22. As a Member of the United Nations, Viet Nam hoped that the Commission would play its role effectively and meet the expectations of peoples. It could do so not by adopting the draft resolution before it, but on the contrary by helping all countries concerned to put an end to confrontation and settle their differences peacefully, on the basis of equality and mutual respect. If the fallacious draft resolution was adopted, the People's Republic of Kampuchea, through its Minister for Foreign Affairs, would have rejected it in advance, and all other sincere supporters of the right to self-determination would once again be obliged to consider the resolution null and void.

23. In taking stock of the year 1983, the Secretary-General of the United Nations had observed that it had been a year of disappointment for those who had believed that the United Nations was the best instrument in the quest for peace, stability and justice. It was to be hoped that 1984 would be less disappointing for the peoples of Indo-China. Every member of the Commission must weigh his responsibilities as a matter of conscience. The policy of confrontation pursued by China, the United States and reactionary circles in ASEAN - a policy which again appeared to have inspired the draft resolution under consideration - had been put to the test for five years and had failed to reach any of its objectives. In the eyes of any person having a conscience or common sense, the time had come to put an end to the process and return to the only realistic and just path, to which the two most recent summits of the non-aligned countries had pointed: the search for a global solution to the problems of South-East Asia, including those of Kampuchea. That approach had been welcomed and accepted by the countries of Indo-China and by ASEAN. He hoped the Commission would reject the draft resolution on Kampuchea.

24. Mr. KHERAD (Observer for Afghanistan) said that the submission of draft resolution E/CN.4/1984/L.9 constituted a flagrant violation of the Charter of the United Nations and gross interference in the internal affairs of a sovereign Member of the United Nations. His delegation opposed the draft resolution, which was contrary to the purposes and principles of the Charter, painted a completely distorted picture of the situation in Afghanistan, and obstructed the legitimate rights and interests of the Afghan people and peace and stability in the area.

25. The sponsors of the draft resolution, who were seeking to camouflage the insidious war waged against the Afghan people from Pakistan, and to further their hegemonic interests in the region, were endeavouring to use the Commission as a means of interfering in Afghanistan's internal affairs, to subject the heroic Afghan people to fresh trials and difficulties, and to deflect them from the path which they had freely chosen in accordance with their right to self-determination.

26. In violation of the Charter of the United Nations, the sponsors had arrogated to themselves the right of counselling the Afghan people on the kind of social, economic and political systems they should adopt. His delegation firmly rejected that absurd and inadmissible action.

27. In seizing political power from the oppressors, exploiters and medieval-type despots who had acted in collusion with imperialism and reaction, the heroic people of Afghanistan had irrevocably and decisively made its historic choice. It had decided on its own form of government and had opted for a political and social system free from any interference or coercion. In taking control of its destiny, it had chosen the path of fundamental economic and social transformation of the country in the interests of the working masses. No one could challenge the sovereign right of the Afghan people. No force in the world could oblige them to abandon their freely-chosen path.

28. The draft resolution also referred to the so-called Afghan refugees, a subject on which conflicting and hypocritical statements had been heard. The number of so-called refugees had been exaggerated grossly, deliberately and irresponsibly, so as to give spectacular dimensions to the so-called problem and to collect more funds on behalf of the refugees. Information from United Nations

sources confirmed what his country had consistently said about double registration, over-registration, fraud, and registration as refugees of nomads and indigenous peoples belonging to the same tribal and ethnic groups as those living on the other side of the frontier. As to the genuine refugees, the Revolutionary Council of the Democratic Republic of Afghanistan, following the general amnesty decreed for all Afghans living temporarily abroad, had issued a decree concerning them on 18 June 1981. In addition to the appeal made by the President of the Revolutionary Council to Afghans abroad, the Patriotic National Front had also published a statement, which had been circulated as a United Nations document under the symbol A/38/599.

29. Mr. HILALY (Pakistan), speaking on a point of order, said he had had the impression that the discussion on agenda item 9 had been concluded. The observer for Afghanistan appeared to be trying to reopen the discussion.

30. The CHAIRMAN said that if the representative of Afghanistan had made all the comments he wished to make on the draft resolution, he should conclude his statement.

31. Mr. KHERAD (Observer for Afghanistan) said that his statement related solely to the draft resolution. Special legislative measures had been adopted in Afghanistan to guarantee to Afghans returning to their homeland security, freedom and all other conditions necessary for participation in the economic and political life of the country. It was regrettable that Pakistan was doing its utmost to hinder that process. Nevertheless, thousands of Afghans had already returned home.

32. His delegation had stressed on many occasions that the purpose of the temporary presence of limited contingents of Soviet soldiers was to assist the Afghan people and army in repelling external armed aggression. They would be withdrawn only when the undeclared war being waged against Afghanistan had ended and international guarantees had been negotiated. However, the delivery of increasing quantities of more sophisticated weapons by imperialist, hegemonic and reactionary circles to counter-revolutionary groups based in Pakistan, and the external armed aggression against Afghanistan were delaying the withdrawal of those contingents.

33. His delegation condemned and firmly rejected the draft resolution. Attempts to impose on the Commission a draft resolution which was totally devoid of political realism and which had an anti-Afghan bias could only complicate attempts to reach a comprehensive political settlement. Should the text be adopted, it would have no legal validity, nor would it be binding on the Government of the Democratic Republic of Afghanistan. The only realistic means of reaching an acceptable settlement would be to hold direct negotiations between Afghanistan and Pakistan, as proposed by his Government. Acceptance of draft resolutions E/CN.4/1984/L.9 and L.15 would be tantamount to approval of armed aggression and subversion by United States imperialists, hegemonists and reactionaries, and would serve only to maintain tension in the region.

34. Mr. HILALY (Pakistan) announced that Colombia, Guatemala and Honduras had joined the sponsors of draft resolution E/CN.4/1984/L.9.

35. Mr. SIRJANI (Observer for the Islamic Republic of Iran) said that the hundreds of resolutions adopted on the subject of Israel's inhuman practices had not only had no effect but had given the Zionist regime additional time to perpetrate its crimes against the aspirations of the Palestinian people. His delegation considered it urgent to impose a comprehensive military, political and economic embargo on the Zionist regime.

36. The people of Western Sahara, under the leadership of the POLISARIO Front, had long been fighting for independence and sovereignty, which was the central issue in the conflict with Morocco. Implementation of the African peace plan aimed at resolving the question had been hindered by Morocco, leaving little hope of a peaceful settlement. It was now up to Morocco to respond to that initiative. His delegation trusted that the people of Western Sahara would soon be successful in their endeavours to achieve self-determination.

37. The Afghan people had for almost four years been fighting against occupying forces, offering a supreme example of heroic resistance. Defenceless Afghans were being slaughtered by bombardment and chemical weapons, while more than 4 million people had been rendered homeless. The issue could not be settled in the absence of genuine representatives of the Afghan people. The Soviet Union was treading the path already followed by the United States in Viet Nam and Lebanon. Should it persist in its policy, it would be taught the same lesson. Efforts to deny self-determination by imposing puppet regimes were extremely dangerous, as evidenced by United States and French efforts to overthrow the Islamic revolution in his country. The Islamic revolution was irresistible and could not be halted by mere weapons.

38. Mr. NGO (Observer for Democratic Kampuchea) expressed his Government's gratitude to those countries which supported Kampuchea's just cause. The adoption of draft resolution E/CN.4/1984/L.15 would greatly encourage the Kampuchean people in their fight for national survival.

39. His people desired only to live in peace, independence, dignity and honour, with the right to decide their own destiny. During its struggle against the Vietnamese aggressors, Kampuchea had been proud of the sense of justice expressed by the international community. He was convinced that throughout the world voices would demand the immediate and unconditional withdrawal of all Vietnamese troops of aggression, and respect for the right of the Kampuchean people to decide their own destiny in accordance with the relevant United Nations resolutions, including the text currently before the Commission. Only thus could a solution be found.

40. The CHAIRMAN announced that Afghanistan, Malaysia, the Congo and India had joined the sponsors of draft resolution E/CN.4/1984/L.13, while Senegal had withdrawn. The sponsors of draft resolution E/CN.4/1984/L.28 had been joined by Viet Nam, the Republic of Cameroon, Pakistan, Mauritania, Uganda and the German Democratic Republic.

41. Mr. ADJOYI (Togo), speaking in explanation of vote on draft resolution E/CN.4/1984/L.13, said that his Government was dedicated to the Palestinian cause and the right of the Palestinian people to a homeland. All parties should understand that the use of force could only prolong a painful situation. A solution could be found only through dialogue and negotiation on a basis of mutual respect.

The Camp David accords formed part of such a dialogue. Nevertheless, since his country was not a party to those accords, it would abstain on operative paragraph 9 of the draft resolution should the paragraph be put to a separate vote. His delegation would, however, vote in favour of the draft resolution as a whole.

42. If his delegation had been present during the votes on draft resolutions E/CN.4/1984/L.6 and L.7, it would have voted in favour of them.

43. Mr. EL FERJANI (Libyan Arab Jamahiriya) said that, in the opinion of his delegation, draft resolution E/CN.4/1984/L.13 represented an objective attempt to secure an acceptable solution and provided the minimum acceptable framework for the Palestinian people. It did not, however, expressly guarantee the inalienable right of the Palestinian people to self-determination through the establishment of an independent State. His delegation accordingly had certain reservations on the text and on the resolutions referred to in the preamble.

44. Mr. FRAMBACH (German Democratic Republic) said that the facts concerning Afghanistan and Kampuchea had been turned upside down. The Kampuchean people had already exercised their right to self-determination, and his delegation rejected attacks on that action, such as those contained in draft resolution E/CN.4/1984/L.15, which merely hindered legitimate aspirations for peace in South-East Asia.

45. His delegation would vote against draft resolution E/CN.4/1984/L.9, since it represented an attempt to interfere in the internal affairs of the Democratic Republic of Afghanistan. The draft resolution ran counter to the right to self-determination, the principles of the United Nations Charter and international law.

46. Mr. ZORIN (Union of Soviet Socialist Republics) said that his delegation would vote against draft resolution E/CN.4/1984/L.9. Efforts were being made by some delegations to divert the Commission's attention on the question of Afghanistan. Such efforts, orchestrated by the United States, represented interference in the internal affairs of a sovereign State. Groups of subversive mercenaries were operating in Afghanistan, supported by the United States and other countries, in an effort to undermine the right of the Afghan people to self-determination and independence. The United States was spending vast sums of money on its undeclared war against the Afghan revolution. Draft resolution E/CN.4/1984/L.9 was imbued with hypocrisy and bore little relationship to reality. It constituted an illegal attempt to undermine the inalienable rights of the Afghan people and could only increase tension in south-west Asia.

47. Afghanistan, which was among the least developed countries, had enjoyed social progress under the revolution, which had promoted the interests of the workers by tackling problems such as illiteracy. Many families had been granted free land and fertilizers, and had been offered agricultural credits. The counter-revolutionaries, armed by the United States, were seeking to destroy the country's agricultural base. They had killed schoolteachers and religious leaders in their efforts to stir up tension.

48. The references in the draft resolution to conditions under which Afghans could return home were devoid of reality. In fact, there was no obstacle. The Afghan Government had adopted a decree in 1981 authorizing such return, and many Afghans had already taken advantage of it to take their place in Afghan society. The situation of Afghan émigrés was being exploited by those who sought to wage war on

Afghanistan. The Afghan Government had already enunciated the essential elements of a political solution to the question through negotiations with Pakistan, negotiations which his delegation supported. Since the draft resolution before the Commission would merely exacerbate the situation, his delegation would vote against it.

49. Mr. DICHEV (Bulgaria) said that in the course of the discussion of agenda item 9, the representative of the Democratic Republic of Afghanistan had explained in detail the true situation in his country and the huge efforts being made by his Government to promote a political, economic and cultural programme for progress, prosperity and social justice. Those efforts were all the more commendable in view of the enormous difficulties confronting the programme.

50. Deliberate insinuations in the Commission served as cover for the undeclared war against Afghanistan waged by imperialist and other reactionary forces, which shied away from social progress and did everything possible to prevent the Afghan people from realizing their right to self-determination. His country shared the view that discussion of the so-called "Afghan question" constituted inadmissible interference in the internal affairs of Afghanistan and was contrary to the fundamental principles of contemporary international law. Although modernization programmes were under way, terrorist action by reactionary forces based in neighbouring countries and instigated by certain Western States created difficulties and destabilized the normal life of Afghanistan.

51. The assistance rendered by the Soviet Union at the request of the Afghan Government was consistent with the Soviet-Afghan treaty of friendship and with the Charter of the United Nations. That assistance would continue for as long as there was a need to help Afghanistan to defend its independence against armed intervention. His delegations considered the proposals made by the Government of Afghanistan to be a realistic basis for the achievement of a just political solution to the problems of the region. The draft resolution represented a negation of the real tasks of the Commission and his delegation would vote against it.

52. Mr. EL FERJANI (Libyan Arab Jamahiriya) said that the principle of self-determination was one of the bases of modern international law; it had been confirmed by the United Nations, which ~~recognized~~ it for all colonized or occupied countries. It was obvious that certain States Members of the United Nations often evaded their responsibilities and used self-determination as a tool for political goals. How could one respect the attitude of a major State which was a member of the Security Council, with responsibilities for international peace and security, in other words the United States, when it interpreted the principle of self-determination as it pleased? It was surprising that the United States attempted to apply that principle to one people but not to another, particularly in the case of the Palestinians, whom it attempted to crush with all the military and political power at its disposal. The United States could hardly call itself a defender of Islam in Afghanistan when its aircraft-carriers off the coast of Lebanon were daily killing Muslims and non-Muslims, and when both the United States and the international community had had direct responsibility in the crimes of Sabra and Chatila. In view of that contradictory interpretation of international policy, his delegation would vote against the draft resolution since it was merely a veiled attempt to trample international public opinion underfoot and to blackmail and divide members of the Muslim community.

53. A vote was taken by roll-call on draft resolution E/CN.4/1984/L.9.
54. Mexico, having been drawn by lot by the Chairman, was called upon to vote first.
- In favour: Argentina, Bangladesh, Brazil, Canada, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Italy, Japan, Jordan, Kenya, Mauritania, Mexico, Netherlands, Pakistan, Philippines, Republic of Cameroon, Rwanda, Senegal, Spain, Togo, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yugoslavia, Zimbabwe.
- Against: Bulgaria, Cuba, German Democratic Republic, Libyan Arab Jamahiriya, Mozambique, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.
- Abstaining: Cyprus, Finland, India, Nicaragua.
55. Draft resolution E/CN.4/1984/L.9 was adopted by 31 votes to 8, with 4 abstentions.
56. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1984/L.13.
57. A vote was taken by roll-call on the ninth preambular paragraph.
58. France, having been drawn by lot by the Chairman, was called upon to vote first.
- In favour: Bangladesh, Bulgaria, China, Cuba, Cyprus, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Pakistan, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.
- Against: Canada, Costa Rica, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.
- Abstaining: Argentina, Brazil, Colombia, Finland, Gambia, Mexico, Philippines, Republic of Cameroon, Rwanda, Senegal, Togo, Uruguay.
59. The ninth preambular paragraph was adopted by 20 votes to 11, with 12 abstentions.
60. A vote was taken by roll-call on operative paragraph 3.
61. France, having been drawn by lot by the Chairman, was called upon to vote first.
- In favour: Bangladesh, Bulgaria, China, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Pakistan, Republic of Cameroon, Rwanda, Senegal, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Canada, Costa Rica, France, Germany, Federal Republic of, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Argentina, Brazil, Colombia, Finland, Ireland, Japan, Mexico, Philippines, Spain.

62. Operative paragraph 3 was adopted by 25 votes to 9, with 9 abstentions.

63. A vote was taken by roll-call on operative paragraph 9.

64. Finland, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bulgaria, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Pakistan, Senegal, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Zimbabwe.

Against: Canada, Costa Rica, Finland, France, Germany, Federal Republic of, Italy, Japan, Netherlands, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, China, Colombia, Ireland, Kenya, Mexico, Republic of Cameroon, Rwanda, Spain, Togo, United Republic of Tanzania, Uruguay.

65. Operative paragraph 9 was adopted by 20 votes to 11, with 12 abstentions.

66. A vote was taken by roll-call on operative paragraph 10.

67. Senegal, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bulgaria, China, Cuba, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Pakistan, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Brazil, Canada, Costa Rica, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Argentina, Costa Rica, Cyprus, Finland, Gambia, Kenya, Mexico, Philippines, Republic of Cameroon, Rwanda, Senegal, Togo.

68. Operative paragraph 10 was adopted by 18 votes to 13 with 12 abstentions.

69. A vote was taken by roll-call on draft resolution E/CN.4/1984/L.13 as a whole.

70. The United Kingdom of Great Britain and Northern Ireland, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Pakistan, Republic of Cameroon, Rwanda, Senegal, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Canada, Costa Rica, Germany, Federal Republic of, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Finland, France, Ireland, Japan, Mexico, Philippines, Spain, Uruguay.

71. Draft resolution E/CN.4/1984/L.13 was adopted by 28 votes to 7, with 8 abstentions.

72. Mr. ZORIN (Union of Soviet Socialist Republics), speaking in explanation of vote before the vote, said that his delegation would vote against draft resolution E/CN.4/1984/L.15. Together with other delegations, his delegation had already pointed out the illegal nature of attempts by certain delegations to introduce the Kampuchean question and indulge in gross interference in that country's domestic affairs. Such illegal action by those who were no friends of the Kampuchean people had led to the submission of the draft resolution under consideration. Behind the sponsors were the United States of America and China, which had been unable to achieve their objective in military terms and had organized an anti-Kampuchean campaign to cover up their expansionist designs. They had no objection to exploiting the machinery of the United Nations for their purposes.

73. The draft resolution was illegal from beginning to end. It was a provocative distortion of the situation in Kampuchea and South-East Asia and an encroachment on the inalienable right of that country to determine its fate and select its own friends. His delegation supported the position of the Government of the People's Republic of Kampuchea that discussion of the "Kampuchean question" was unacceptable. The representatives of so-called "Democratic Kampuchea" should be expelled from the United Nations since they represented nothing but the murderous Pol Pot clique which had been flung out on the ash-heap of history. The Kampuchean people had survived the barbarous bombing by the United States and the Pol Pot genocide and were entering upon their renaissance. They were regaining their stability, as could be seen from the fact that a constitution had been adopted, central and local authorities established, and efforts made, with the help of their true friends, to re-establish the national economy and offset the effects of attacks by the United States.

74. The People's Republic of Kampuchea was a non-aligned State which stood for good-neighbourliness and co-operation in the struggle for peace, security and progress in the region and throughout the world. Draft resolution E/CN.4/1984/L.15 was nothing more than an attempt to re-establish in Kampuchea the rule of a condemned clique, cynically masquerading behind a so-called "coalition government". Implementation of the draft resolution's provisions would clearly lead only to renewed bloodshed and suffering for the Kampuchean people.

75. The interests of Kampuchea, South-East Asia and the world as a whole required a climate of trust and goodwill. The Soviet Union strongly opposed any attempt to use United Nations forums in order to assist the Pol Pot criminals and Khmer reactionaries. It was convinced that good sense would ultimately prevail and that all attempts to undermine the Commission's authority and thwart the Kampuchean people's progress would fail.

76. His delegation called on all those who truly respected the Kampuchean people's right to self-determination and the cause of peace and stability in South-East Asia to join it in opposing the draft resolution.

77. Miss DUBRA (Uruguay), speaking in explanation of vote, on draft resolution E/CN.4/1984/L.28, said that ever since the founding of the United Nations and other regional and international organizations, her delegation had supported resolutions reaffirming the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation. Her delegation would vote in favour of the draft resolution since it shared the spirit underlying the text, which reaffirmed the principles of the rejection of apartheid, the incompatibility of the policy of "bantustanization" with true independence, and the right to self-determination, national sovereignty and territorial integrity.

78. Her delegation nevertheless had a reservation concerning operative paragraph 3, and considered that an Organization whose purpose was to achieve peace should not reaffirm the legitimacy of armed struggle. In the opinion of her delegation, the wording of certain other paragraphs was somewhat extreme and would prevent the draft resolution from being adopted by consensus.

79. Mr. BEAULNE (Canada), referring to draft resolution E/CN.4/1984/L.28, said that the Charter of the United Nations, which so many delegations had already invoked, called for the peaceful settlement of disputes and opposed the use of force. Like all the States represented in the Commission, Canada had signed the Charter and had pledged itself to peaceful solutions. His Government did not take its obligations lightly and could not favour war as a means of obtaining the independence of the people of Namibia. For the same reasons it could not reaffirm the legitimacy of armed struggle. The term "freedom fighters" was the title which armed groups in Namibia gave themselves and should be used only in inverted commas since it was not consistent with the terminology of the United Nations.

80. Mr. DICHEV (Bulgaria), speaking in explanation of vote said that draft resolution E/CN.4/1984/L.15 represented an attempt to involve the Commission in the internal affairs of a sovereign State, the People's Republic of Kampuchea. The tendentious nature of the Commission's deliberations had been illustrated by the absence of the Kampuchean people's legitimate representatives which made any decision relating to that country illegal. Vietnamese forces were present in Kampuchea pursuant to an agreement between the two sovereign States concerned. They would be withdrawn as soon as the countries of South-East Asia had concluded an agreement to restore and preserve peace in the region. The draft resolution was clearly the work of imperialist circles which, having failed to achieve their designs in the region by force of arms, were pursuing other means. His delegation would therefore vote against draft resolution E/CN.4/1984/L.15.

81. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1984/L.15.

82. At the request of the representative of the Philippines, a vote was taken by roll-call.

83. Canada, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Canada, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Italy, Japan, Kenya, Mauritania, Netherlands, Pakistan, Philippines, Republic of Cameroon, Rwanda, Senegal, Spain, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia.

Against: Bulgaria, Cuba, German Democratic Republic, India, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Finland, Mexico, United Republic of Tanzania, Zimbabwe.

84. Draft resolution E/CN.4/1984/L.15 was adopted by 27 votes to 10, with 4 abstentions.

85. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1984/L.22.

86. Draft resolution E/CN.4/1984/L.22 was adopted without a vote.

87. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1984/L.28, whose sponsors had been joined by Afghanistan.

88. At the request of the representative of the United Republic of Tanzania, a vote was taken by roll-call.

89. India, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Pakistan, Philippines, Republic of Cameroon, Rwanda, Senegal, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zimbabwe.

Against: Canada, France, Germany, Federal Republic of, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Costa Rica, Finland, Ireland, Italy, Japan, Netherlands, Spain.

90. Draft resolution E/CN.4/1984/L.28 was adopted by 31 votes to 5, with 7 abstentions.

91. Mr. EZQUERRA CALVO (Spain), speaking in explanation of his delegation's vote on draft resolution E/CN.4/1984/L.13, said that it had regretfully abstained. Spain's position with regard to the situation in the Middle East was well known and had been reiterated by his delegation during the Commission's current session. However, it had found certain parts of the draft resolution unacceptable - for example, the irrelevant reference to the agreements on strategic co-operation between the United States and Israel, and the unjustified description of the massacre at the

Sabra and Chatila refugee camps as an act of genocide. Spain had formally condemned that massacre, but his delegation could not accept the wording of operative paragraph 3. Moreover, while Spain was in favour of a global solution to the Middle East conflict with the participation of all the parties concerned, including the Palestinian people's representatives, it saw no reason why partial solutions should be dismissed out of hand.

92. His delegation had also abstained in the vote on draft resolution E/CN.4/1984/L.28. Its support for the Namibian people's struggle for freedom and self-determination and for the implementation of Security Council resolution 435 (1978) had been voiced in many international forums. However, his delegation could not support a text whose legal implications went beyond the Commission's purview. Condemnation of any form of relations with South Africa should be preceded by the imposition of sanctions by a major United Nations organ. Moreover, the reference, in operative paragraphs 2 and 3, to the legitimacy of armed struggle was at variance with the spirit and letter of the Charter.

93. Mr. HEWITT (United States of America) said that, while his delegation fully supported the consensus on draft resolution E/CN.4/1984/L.22, it felt that the nature of appropriate negotiations to solve the problem of Western Sahara should be left to the parties concerned, including not only those named but also the entities which, due to geography or circumstance, were directly involved in negotiations and had a clear interest in their outcome. The precise nature of negotiation was a secondary issue and should not be allowed to jeopardize a settlement, whose essential elements were a cease-fire and a referendum.

94. Mr. CALERO RODRIGUES (Brazil) said that, although his delegation had voted in favour of the draft resolutions just adopted, it had reservations about certain parts of the texts - in particular, paragraphs 3, 8, 9 and 10 of draft resolution E/CN.4/1984/L.13 and the fifth preambular paragraph of draft resolution E/CN.4/1984/L.15.

95. Mr. EKBLÖM (Finland) said that Finland was firmly committed to the goal of Namibian independence, pursuant to Security Council resolution 435 (1978). For that reason, it regretted having been unable to support draft resolution E/CN.4/1984/L.28, which, had a more suitable text been proposed, would have received broader support. In particular, to endorse recourse to armed struggle was contrary to the Organization's aim of seeking peaceful solutions.

96. Mr. BODDENS HOSANG (Netherlands) said that his delegation had had serious difficulties with the text of draft resolution E/CN.4/1984/L.13. It strongly objected to the Commission's trend to politicize essentially humanitarian topics. Although his Government had on several occasions strongly condemned Israel's invasion of Lebanon, it could not endorse the text of paragraphs 8, 9 and 10. The draft resolution disregarded the value of the Camp David accords as a possible step towards a peace settlement. Moreover, the criticism of the so-called strategic alliance between the United States and Israel was unacceptable - as was the assertion that the Sabra and Chatila massacre had been an act of genocide and that Israel's responsibility for it had been established.

97. With regard to draft resolution E/CN.4/1984/L.28, his delegation would have voted against operative paragraphs 2 and 3 had they been put to a separate vote.

98. Mr. MACCOTTA (Italy) said that his delegation endorsed the Netherlands representative's statement.

99. Mr. SEBAZUNGU (Rwanda) said that, if the fifth preambular paragraph of draft resolution E/CN.4/1984/L.15 had been put to a separate vote, his delegation would have abstained.

100. Mr. SKALLI (Observer for Morocco) expressed his country's reservations concerning certain provisions of draft resolution E/CN.4/1984/L.22 for the reasons stated during the General Assembly's thirty-eighth session. Morocco had expressed formal reservations concerning operative paragraph 2 of OAU resolution AHG/Res.104 (XIX). That resolution, and paragraph 2 thereof in particular, were at variance with OAU resolution AHG/Res.103 (XVIII); the Implementation Committee established pursuant to the latter resolution had adopted two important provisions, which Morocco had adhered to, relating to a cease-fire and a referendum.

101. As for the representative nature of the so-called POLISARIO Front, that entity had established no claim to take part in cease-fire negotiations. Its spokesmen, on account of their heterogeneous background, had no claim to represent Western Sahara or its people and it was significant that they had refused to allow UNHCR or other international bodies to appraise their credentials. During the era of Spanish rule, there had been a number of genuine people's movements struggling for emancipation and it was surely to those movements that any question of representing the people of Western Sahara should be addressed. However, the majority of the population lived in peace and contentment within the interior of the territory. The inevitable conclusion was that an attempt was being made to impede rather than to assert the right to self-determination. In connection with the exercise of that right, Morocco accepted the organization of a referendum by OAU, assisted by the United Nations. There was, therefore, no longer any valid reason for the situation to be considered by the Commission.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

- (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
(agenda item 10) (continued) (E/CN.4/1984/19; E/CN.4/1984/L.2;
E/CN.4/1983/63; E/CN.4/Sub.2/1983/15 and Add.1)

102. Mr. SEIM (Observer for Norway) said that his Government had on several occasions expressed support for work on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment describing such work as a matter of high priority. It therefore welcomed the report of the Working Group on that subject (E/CN.4/1984/L.2). It was to be hoped that a separate convention on torture would strengthen the protection provided in article 7 of the International Covenant on Civil and Political Rights, but it would do so only if it further developed international law.

103. The two important elements of the draft convention were the system of universal jurisdiction and the implementation system. The first was of value in ensuring that persons who had practised torture could be prosecuted no matter where they were. It was important that the international community should assume responsibility for investigating claims of torture and initiating proceedings. Such responsibility could best be exercised, in practical terms, through the system of universal jurisdiction, already reflected in international instruments such as the Convention for the Suppression of Unlawful Seizure of Aircraft, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents, and the International Convention against the Taking of Hostages. The system was complicated: regulations in international law must be so developed as to harmonize with the principles of criminal legislation in different countries. The wordings used in existing conventions had satisfied that requirement. Consideration of the draft convention should, therefore, be based on the same pattern rather than on a search for new wordings whose ramifications were unforeseeable.

104. With regard to the implementation system, draft article 20 was of the utmost importance, being the only one which added a fundamentally new element to that system, as compared with the provisions of the International Covenant on Civil and Political Rights. The Working Group had not achieved agreement on all points, and his Government would have preferred some changes in the text, for example, the deletion of the last sentence in article 1 and application of the rule in article 3, paragraph 1, not only to torture but to other forms of cruel, inhuman or degrading treatment or punishment. However, his delegation could fully support the text as it stood since it was balanced. His delegation paid a tribute to the Swedish delegation for its initiative at the outset and to the Chairman/Rapporteur of the Working Group.

105. Norway had been among the first States to contribute to the United Nations Voluntary Fund for Victims of Torture, and appealed to all Member States to do likewise.

106. Mr. VIGNY (Observer for Switzerland) said that his country considered the strengthening of the prohibition of torture by effective measures at the international level to be a priority issue. Switzerland had firmly supported the decision taken by the Commission at its thirty-fourth session to set up a Working Group on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment and from the start it had participated as an observer in the Working Group's activities. The results achieved by the Working Group through prolonged and delicate negotiations were on the whole positive. The draft convention reinforced existing international law on a number of points, while leaving intact the regime provided by the 1949 Geneva Conventions and their Additional Protocols, as well as the role played in that context by ICRC.

107. Among the most important provisions of the draft convention, he particularly welcomed the principle of quasi-universal jurisdiction and the rule aut dedere aut judicare embodied in articles 5 to 7. His delegation considered that the basic provisions of the proposed convention should be binding in nature, and favoured the establishment of a committee against torture, to which, under article 19, States parties would be required to submit reports on measures they had taken to give effect to their undertakings under the convention. In his delegation's view, the committee should be empowered to make any comments or suggestions it considered appropriate on such reports and to forward them to the State party concerned, which

could in turn respond by making its own observations. The committee should also be empowered to include in its annual report any comments or suggestions it had made on reports from States parties, together with observations thereon received from States. Such a procedure would strengthen the traditional system of State reports provided for in the International Covenants. In other words, Switzerland supported paragraphs 3 and 4 of draft article 19 and the whole of draft article 20, all of which provisions currently appeared in square brackets in the Working Group's report. Endowing the proposed Committee with the powers defined in draft article 20 would constitute important progress in the international struggle against torture.

108. Although his delegation would have preferred the provisions of draft article 21 to be binding rather than optional, it had in the interests of consensus, agreed to the adoption of the text prepared in the Working Group. In that connection, he emphasized that draft articles 17 to 24 were compromise texts which reconciled the need for a mechanism to monitor the convention with the need to ensure the convention's acceptance by the greatest possible number of States. Those articles represented a minimum to which his delegation could subscribe. But a convention against torture which did not contain the provisions incorporated in draft articles 5, 6, 7, 19 and 20 would not constitute a significant advance on the present state of international law and might actually jeopardize existing achievements, however slight they might be.

109. He opposed the suggestion that the Working Group should be reconvened the following year. In his view, the sole object of the suggestion was to delay the work. Every compromise possible within the Working Group had already been reached, and any further compromise would result in a text of very doubtful effectiveness. He hoped that the draft convention would be transmitted to the General Assembly for adoption as promptly as possible.

110. Mrs. UNDERHILL (International Association of Penal Law) noted with regret that despite the efforts made by the Chairman/Rapporteur of the Working Group, no consensus had been reached on draft article 20. Consensus on draft article 19, on the other hand, might still be possible even at the current late stage. The only problem outstanding with regard to paragraphs 3 and 4 of that article was whether the proposed committee against torture should make "comments or suggestions" or "general comments" on reports submitted to it by States parties. As already mentioned by previous speakers, article 40 (4) of the International Covenant on Civil and Political Rights used the term "general comments", while article 9 (2) of the International Convention on the Elimination of All Forms of Racial Discrimination spoke of "suggestions and general recommendations". Since the socialist countries were among the 121 countries which had ratified that Convention, the Soviet delegation might be prepared to agree to the term "suggestions" in paragraphs 3 and 4 of draft article 19 if other delegations accepted the term "general comments". The Human Rights Committee, which was one of the most successful - if not the most successful - body in the field of monitoring States parties' compliance with the fundamental human rights set out in articles 1 to 27 of the International Covenant on Civil and Political Rights, and accepted the term "general comments" since its inception. Its expert members, who came from developing, developed and socialist countries, worked earnestly together on hammering out a closer definition of that term. Why then could it not be left to the future Committee against torture, once it

was established, to deal with the problem? Draft article 19 was at present part of the text of the draft convention. There was a risk that it might become an optional clause, and running that risk seemed hardly worthwhile. A spirit of compromise had dominated the Working Group and many substantial concessions had been made by delegations representing all political persuasions. Attitudes might, however, harden if the draft convention went to the Economic and Social Council and the General Assembly without general agreement on paragraphs 3 and 4 of draft article 19. There was, perhaps, still time to reach such agreement.

111. Mr. MacDERMOT (International Commission of Jurists) also expressed the hope that it might yet be possible to reach agreement on draft articles 19 and 20. Of the two, his organization attached the greatest importance to draft article 20. The position of the Soviet Union with regard to implementation measures was well known. In its view, the implementation of human rights generally fell within the exclusive jurisdiction of national Governments, and it regarded any attempt by intergovernmental organizations to concern themselves with such violations as unwarranted interference in the internal affairs of the country concerned. The Soviet Union did, however, recognize an exception to that rule in situations where there was systematic and massive violation of human rights. The procedure under Council resolution 1503 (XLVI) was an example of that principle and was accepted as such by the Soviet Union. It was his organization's view that the provisions of draft article 20 were an application of the same principle in the field of torture. Like resolution 1503, draft article 20 came into operation only in the event of the systematic practice of a massive violation, namely torture. Like resolution 1503, it provided for a confidential inquiry into the situation after obtaining the observations of the country concerned; and, as had been done on at least one occasion under resolution 1503, a visit could be made to the country concerned with its consent. Thus the proposed procedure fell within principles already accepted by the Soviet Union, and his organization hoped that the Soviet delegation and the other delegations which shared its viewpoint would find it possible, on reflection, to endorse the draft article either in the Commission or at a later stage. The procedure in draft article 20 was better adapted to the international crime of torture because it was more informal and speedier than the procedure under resolution 1503, which was so slow and complicated that it could bring little or no relief to victims of torture.

112. Referring to the draft optional protocol to the draft convention drawn up by his organization and the Swiss Committee Against Torture and submitted to the Commission by the Government of Costa Rica in document E/CN.4/1409 dated 10 April 1980, he said that the Governments of Barbados, Nicaragua and Panama had written to his organization supporting the draft optional protocol and many other Governments had expressed interest in it. When submitting the draft optional protocol to the Commission, the Government of Costa Rica, at his organization's suggestion, had asked that it should not be considered by the Commission until agreement had been reached on the terms of the draft convention. The representative of Costa Rica at the present session had already indicated that he would not propose reconvening the Working Group on Torture in order to consider the draft optional protocol. His organization fully agreed with that position, but hoped that the matter might be considered at the Commission's next session.

113. Mr. ALVAREZ VITA (Observer for Peru) referred to the annual report of a non-governmental organization which analysed the situation with regard to torture in 117 countries and revealed that cases of torture occurred in the majority of those countries. A detailed study of the report showed that the responsibility for such crimes could not often be ascribed to government directives. His own Government

took the view that fundamental human rights did not form part of the domestic affairs of States, but were an attribute to the individual human being and therefore required international protection beyond the limits of State sovereignty. In keeping with that position, Peru had supported, within the United Nations and the Organization of American States, all measures designed to strengthen international legal institutions for the prevention of the practice of torture. Since the establishment in 1978 of the Working Group on a draft convention against torture, Peru had attended the Working Group's meetings and had witnessed the difficulties which its Chairman/Rapporteur had had to overcome in order to arrive at the positive results now before the Commission. It was to be hoped that the draft convention would be submitted to the thirty-ninth session of the General Assembly and that it would be adopted by the whole of the international community.

114. So far as the United Nations Voluntary Fund for Victims of Torture was concerned, his country's financial situation unfortunately did not allow it to be a contributor; however, Peru felt that the Fund deserved the full support of Governments, organizations and persons in a position to respond to its appeal for contributions.

115. Mr. THWAITES (Australia) emphasized his delegation's satisfaction at the stage reached in the preparation of a draft convention against torture. Australia had been an active participant in the drafting process from the time of its inception on Sweden's initiative. Australia's position on various aspects of the draft had been reflected in successive reports submitted by the Working Group to the Commission in recent years and he therefore did not propose to restate it. The point must be made, however, that Australia's willingness to set aside its doubts on the practicability of the concept of universal jurisdiction had been based on the expectation that the draft convention would include effective implementation provisions. In that connection, his delegation considered it essential that draft articles 19 and 20 should be maintained in full. The Commission had only a very short step to take in order to be able to transmit a complete draft convention to the General Assembly for formal adoption, and he urged it to take that step.

116. Mr. BURGERS (Netherlands), Chairman/Rapporteur of the Working Group, winding up the discussion on agenda item 10 (a), said that his attention had been drawn to a language error in the English text of draft article 14. That text had been corrected in document E/CN.4/1984/L.2.

117. As he had said when introducing the subitem, the adoption of the draft convention would constitute an important contribution to the struggle to eradicate the evil of torture. At the same time, its importance should be placed in its proper perspective. The convention would not solve the problem of putting an end to torture. In the struggle to protect human rights, documents were not sufficient. In the years immediately following the adoption by the General Assembly of the Declaration against Torture in 1975, torture had probably been perpetrated on an even larger scale than during the years immediately preceding it. Yet it would be a mistake to conclude that documents were altogether useless. The enormous progress in the human rights sphere in Europe between the end of the seventeenth century and the end of the nineteenth century had been the direct result of the human rights movement which had developed in the age of enlightenment, one of whose most important parts had consisted in standard-setting leading to changes in attitudes, actual practices and national laws. Such changes, of course, were not immutable. In the first half of the twentieth century, certain European regimes had used torture deliberately and massively as an instrument of policy. That experience had been at the root of the

second human rights movement which had come into existence at about the same time as the United Nations and of which the Commission was, as it were, an offspring. No one could be certain that new lapses into cruelty and oppression would not recur, but action for the promotion and protection of human rights was not useless even if its results were not perennial. The fight against torture was not a hopeless fight, and standard-setting was an important and indispensable part of it. He therefore looked forward to the conclusion of the international convention against torture and other cruel, inhuman or degrading treatment or punishment.

118. Mr. SIRJANI (Observer for the Islamic Republic of Iran) said that he wished to reply to the outrageous remarks made at the previous meeting by the representative of the International Movement for Fraternal Union among Races and Peoples. He categorically rejected the unfounded allegations made against his Government. His country's prison authorities were sincerely committed to the constant preservation and promotion of humanitarian objectives. As for the article in The Guardian mentioned by the representative of that organization, its author clearly stated that almost all the participants in the medical conference held in Teheran had considered the situation of prisoners in the Islamic Republic of Iran to be satisfactory from the humanitarian standpoint. Torture in all its forms was strictly prohibited by Islam. His Government had a right to be sensitive about such practices in any part of the world and, in particular, in its own country. In that connection, he reminded the Commission of the savage torture inflicted on three revolutionary guards in his country by members of the NKO terrorist organization.

The meeting rose at 7.15 p.m.