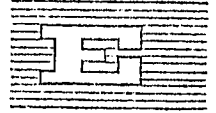


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COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 29th MEETING

Held at the Palais des Nations, Geneva, on
Monday, 25 February 1985, at 10 a.m.

Chairman: Mr. CHOWDHURY (Bangladesh)

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GE.85-15388

The meeting was called to order at 10.30 a.m.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: (agenda item 10) (continued) (E/CN.4/Sub.2/1984/14, 15, 17 and 19)

- (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (A/39/662; A/RES/39/46)
- (b) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES (E/CN.4/1985/15 and Add.1; E/CN.4/1985/NGO/10 and 23)

1. Mr. MAHONEY (Gambia), speaking on a point of order, said that at the previous meeting an important statement concerning disturbing events in South Africa had been read out by the delegation of Senegal on behalf of the African group. His delegation would welcome clarification of the status of that statement and wished to know whether it was correct in believing that it had been adopted by the Commission as a communiqué of the forty-first session.

2. The CHAIRMAN said that the statement by the delegation of Senegal, together with his own observations on it, had indeed formed part of a communiqué of the forty-first session.

3. Sir Anthony WILLIAMS (United Kingdom), asked whether the representative of the Gambia had in fact raised a point of order, and whether an actual decision had been taken on the statement at the previous meeting.

4. The CHAIRMAN said that a point of order had been raised in that information had been requested. He repeated that the statement to which reference had been made formed part of an official communiqué.

5. Mr. BEZZALANA (Observer for Italy) said that his Government had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 4 February 1985, the day on which the Convention had been opened for signature and the Commission had begun its forty-first session. The adoption of the Convention by the General Assembly on 10 December 1984 had coincided with the thirty-sixth anniversary of the Universal Declaration of Human Rights. Those two occasions were indicative of the importance of the new international instrument and of the Commission's continuing commitment to the difficult mandate entrusted to it in 1977.

6. It would be desirable for the Convention to be ratified more rapidly than had been the case with other human rights conventions so that it could enter into force. Otherwise the General Assembly would not achieve its goal of implementing the basic precepts of the Convention as widely as possible and protecting persons exposed to the risk of torture. If there were delays in ratifying the Convention, it might well be asked what sense there had been in adopting it by consensus in the General Assembly and whether the spirit of co-operation and compromise shown by the Commission from 1978 to 1984 had been sincere.

7. Torture was, unfortunately, not a thing of the past but a well-documented fact. Its victims were denied all human rights and fundamental freedoms, without distinction as to race, sex, language, or political opinion. In many cases, the denial of those rights resulted in death, disappearance or arbitrary execution. Any hesitation in ratifying the Convention, therefore, could only detract from the credibility of United Nations action in dealing with human rights violations. Everything possible would be done in Italy to ensure that the Convention was ratified as soon as possible.

His delegation hoped that the Commission would take the opportunity of making a special appeal to member States and asking OPI to increase public awareness through the mass media.

8. His delegation hoped that any reservations that might be made on article 20 would be as few as possible. The systematic practice of torture was a serious violation of human rights and could not be considered to fall exclusively within the domestic jurisdiction of each State. The Governments which had previously voted for Commission resolutions on verification by special rapporteurs had obviously not considered such initiatives to be contrary to the principle of non-intervention in the internal affairs of States. Furthermore, "confidential inquiries" which the Committee against Torture could undertake under article 20 on the basis of "reliable information which appears to it to contain well-founded indications that torture is being systematically practised" depended on the co-operation of the States concerned. However, the Commission's activities on human rights violations had never included instances of inquiries based on unreliable information or visits which had not been authorized by the competent authorities of the countries concerned. Any reservation on article 20 would negate those facts in the name of a statutory principle which could not be strictly applied in the case of serious violations of human rights.

9. The Convention was considered to be the best possible text by a number of States; it was the result of detailed discussion and compromise reached in a spirit of co-operation with the aim of providing the United Nations with an instrument which would be much more than a moral undertaking. In view of the importance of the Convention, therefore, his delegation considered that the periodic reports on its "status" should not be restricted to a list of signatures and ratifications, but should also contain any statements of interpretation and reservations that might be made.

10. At a time when moral and physical violence often predominated in the world, the joint commitment to combat torture was a bench-mark for all States which wished to achieve the universal aspiration of ending man's injustice to man.

11. Mrs. LENOIR (International Federation of Human Rights) expressed her organization's surprise at the approach to enforced or involuntary disappearances in Guatemala taken by the Special Rapporteur on Guatemala in his preliminary report (A/39/635), which tended to minimize the responsibility of the military Government. Guatemala possessed no private organization for repression; repression was exercised by the security forces under the command of the military authorities. A list of 78 names of missing persons drawn up by the Guatemalan Human Rights Commission was available to the Commission and had been among the 701 cases of disappearances reported in 1984. If as the Special Rapporteur recognized in paragraphs 61 and 62 of the report, there were some indications of government responsibility for disappearances, it was important that he should include in his next report to the Commission the results of the investigations by the Government of Guatemala into the fate of those persons. In accordance with a number of General Assembly and Commission on Human Rights resolutions, her Organization wished to request the special rapporteurs on Guatemala and on the question of enforced or involuntary disappearances to ask the Supreme Court of Justice of Guatemala why 571 applications for habeas corpus filed by the Guatemalan Human Rights Commission had gone unanswered.

12. She noted that the Peruvian Government had decided to postpone the visit by the Working Group on Enforced or Involuntary Disappearances until the end of April. As far back as 1983, her organization had drawn the Commission's attention to violations of human rights in that country. It was currently engaged in a mission to Peru and considered that the urgent situation in the provinces under military control required intervention. It would therefore contact the Secretary-General of the United Nations in order to ask him to use his good offices in order to put an end to the disappearances, summary executions, illegal detentions, torture and rape. The dramatic situation in Peru could in no way justify those violations of human rights by the police and other agencies. Her organization considered it a matter of urgency that the Working Group should go to Peru and requested the Commission to ask the Secretary-General to use his good offices in order to ensure that Peru complied with article 4 of the International Covenant on Civil and Political Rights.

13. It was apparent from the report of the Working Group (E/CN.4/1985/15) that, despite its efforts, the practice of enforced disappearances was growing yearly and was spreading in countries where a year previously it had been only incipient. Whether followed by summary execution or by illegal detention and torture, disappearances constituted a violation of all fundamental human rights, derogations from which were prohibited by the international instruments in force in time of both peace and war. That violation was further aggravated by the fact that disappearances were a deliberate denial of rights, simultaneously protecting the guilty and denying protection to the victims. The systematic practice of enforced disappearances affected all aspects of human life.

14. Document E/CN.4/1985/15 and other reports of the Working Group on Enforced or Involuntary Disappearances showed that the practice of enforced disappearances was a systematic method of eliminating political opposition. As a crime against the security of humanity, it was the collective responsibility of the international community. The purpose of enforced disappearances of the relatives of political opponents was to extract confessions from illegally-detained persons or to put an end to the political activity of dissidents who were still at large. The same motives had underlain Hitler's "Nacht und Nebel" decree.

15. Such offences were covered by the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity: it was ironic that such a Convention protected people in wartime but not in peace-time. International human rights instruments, with their monitoring and implementation mechanisms, were intended to establish a set of minimum standards relating to the treatment of human beings. That was a matter for international law rather than national law, provided that both human rights and national sovereignty were respected. International security was dependent on national security and hence on the security of people in all countries. That principle of international law was reflected in Article 1 of the Charter of the United Nations and the Preamble to the Universal Declaration of Human Rights.

16. As stated in the Working Group's report, the practice of enforced disappearances constituted a comprehensive denial of human rights. International law was the only recourse for the victims and the only guarantor of the rights and values of humanity. On 18 November 1983, the Organization of American States had adopted a resolution condemning the practice of enforced disappearances as a crime against

humanity. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment endorsed the principle of the universal accountability of those responsible for torture. A group of non-governmental organizations in Argentina had submitted to the Senate a bill with a similar content; in addition, many non-governmental organizations, in particular the Latin American Federation of Associations of Relations of Disappeared Detainees (FEDEFAM), had called for a condemnation of the practice of enforced disappearances as a crime against humanity. Despite the International Law Commission's mandate to draw up a code of crimes against the peace and security of humanity, it was essential that the Commission should also condemn the practice of enforced disappearances, in order to bring about the suppression and prevention of a crime which struck at the heart of the human community and the foundations of civilization.

17. Mr. KNIGHT (Baha'i International Community), referring to agenda item 10 (a), said that torture was one of the most heinous violations of human rights because it aimed to destroy the physical and emotional integrity of the individual. The Baha'i International Community whole-heartedly welcomed the adoption by the General Assembly of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment after seven years' work by the human rights organs of the United Nations. Baha'i communities around the world had tried to promote greater public awareness of the Convention at its draft stage and would continue to do so, since greater publicity would encourage observance of the principles contained in the Convention.

18. The Convention's primary aim was to prevent torture, but torture continued to be practised in one Member State in three. The United Nations Voluntary Fund for Victims of Torture was intended to finance the treatment and rehabilitation of victims; the rehabilitation centres already established in Copenhagen and Toronto might serve as models for new projects. His organization had contributed to the Fund.

19. He hoped that the Convention would be ratified by as many States as possible and that its principles would be widely implemented. Until torture had been eliminated, however, there was a need for the monitoring mechanism proposed by Mr. Kooijmans, the outgoing Chairman of the Commission, and by the Assistant Secretary-General for Human Rights. The Commission was to be congratulated on completing the draft Convention and recommending it to the General Assembly, but it should not rest on its laurels. Torture must be eliminated.

20. Ms. GRAF (International League for the Rights and Liberation of Peoples) pointed out that her organization had submitted a written statement on item 10 (b) to the secretariat. Turning to item 10 (a), she said that the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been a landmark in the history of the Commission's work. Nevertheless, torture continued to be practised in many countries, of which Turkey was one of the worst offenders. Her organization, together with such organizations as ILO, the Council of Europe, Amnesty International and the International Law Commission, had reported on the systematic use of torture in Turkish prisons to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to the Commission at its thirty-eighth, thirty-ninth and fortieth sessions. Since the coup d'état of 12 September 1980, more than 170,000 people had been imprisoned for their political and national affiliations. At least 188 people were awaiting execution and more than 400 people had been killed during police operations and under torture. Various methods of torture were used: prisoners

were suspended by their feet, beaten on the soles of the feet and forced to drink their own urine, and women prisoners were sexually abused. Prisoners were denied the right to legal representation, civilian prisoners were tried by military courts and cases were held in camera.

21. On 7 July 1983, 2,500 prisoners had begun a hunger strike against the inhuman conditions in Turkish military prisons, which had lasted more than 30 days. In January 1984, seven Kurdish prisoners had been burned alive in Diyarbakir prison for protesting against torture in the prison. Among them was the writer and political leader Neçmeddin Buyukkaya. After that incident, 43 Kurdish prisoners had begun a hunger strike, and 11 of them had died.

22. The number of deaths under torture was not known. The Turkish legal journals Miliet and Tercuman of 23 January 1985 had reported that 30 alleged resistance fighters had been sentenced to death by the military judge at Diyarbakir prison. Fifty-four other detainees had been given prison sentences of 3 to 10 years. The Tribune de Genève of 20 February 1985 and Le Monde of 21 February 1985 had reported that 22 kurds had been sentenced to death.

23. The above-mentioned incidents were examples of the torture and inhuman pressure to which Kurdish prisoners were subjected because of their fight for the fundamental rights of the 12 million Kurds in Turkey. The Turkish judiciary denied them their basic rights, in breach of international human rights instruments. In July 1982, five member States of the Council of Europe had accused Turkey of serious violations of the European Convention on Human Rights. A delegation from the European Commission of Human Rights had left for Turkey on 27 January 1985 to investigate torture and sham trials.

24. Her organization requested the Commission to adopt an appropriate resolution and appoint a special rapporteur to report on human rights violations and torture in Turkey, at the forty-second session. Her organization would make documentary evidence available for that purpose.

25. Mrs. SAFWAT (Union of Arab Jurists) said that, as a Sudanese citizen and lawyer, she wished to address the Commission on the human rights of detainees in the Sudan. She did not wish to provoke a political conflict in a non-political forum, but merely to speak up for fundamental rights and freedoms.

26. The Sudanese Constitution of 1973 gave the police wide-ranging powers of precautionary detention. In January 1985, Professor Taha, the leader of the "Republican Brothers", had been executed for distributing political leaflets. Four of his associates had been forced to deny their political convictions, to abuse their former chief and to be present at his execution. In another case, four alleged members of the Sudanese Arab Ba'ath Socialist Party had been charged with corruption and heresy. The defence had managed to prove that they had been tortured. The trial was still in progress and, under a new law, the same judge would preside over the prisoners' appeal and would act in accordance with presidential instructions. The new law would undermine the independence of the judiciary. Over 700 political prisoners were currently being held in the Sudan, including a journalist, Mr. Sayyid Achmad Atig and officials of the Sudanese Communist Party. Methods of torture used included electric shocks, whipping and threats of sexual abuse. Detainees were not allowed family visits, reading matter, exercise or medical treatment. On 4 February 1985, 25 prisoners had been forced to watch the amputation of a convicted thief's hand: when they had protested, they had been beaten and locked in cells without food, water or access to a lavatory. They had not been allowed medical treatment for wounds or illnesses.

27. The civil war in the south of the Sudan particularly affected women, children and old people. The authorities had burned villages and small towns, and the number of enforced disappearances had increased. The Secretary-General and the Commission should endeavour to secure an improvement in the Sudanese human rights situation and the release of political prisoners.

28. Mr. MAHBOUB (Observer for Iraq) said that one of the objectives provided for in Article 1 of the Charter was the development of international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all. Article 3 of the Universal Declaration of Human Rights recognized the right of everyone to life, liberty and security of person. And in 1968 the world community had proclaimed - in Teheran, ironically - that it was imperative for all members of the international community to fulfil their solemn obligations to promote and encourage respect for human rights and fundamental freedoms for all. The General Assembly had affirmed, in resolution 3452 (XXX), that no State might permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment, or invoke exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency as a justification for such practices. According to article 126 of the 1949 Geneva Convention relative to the treatment of prisoners of war, representatives of protecting States and ICRC were to be permitted access to all places where prisoners of war might be found and allowed to meet prisoners without surveillance.

29. However, ICRC had declared, on 23 November 1984, that all its activities in Iran had been suspended as from 10 October 1984 by that country, which had launched a slander campaign described by ICRC as unprecedented in the history of the Red Cross and Red Crescent movement, and had prevented ICRC from visiting the estimated 50,000 Iraqi prisoners in Iran.

30. If the Centre for Human Rights and the mass media could rightly focus attention on the plight of individuals, it was only fair to devote commensurate attention to the plight of such a large group, the more so since they were in the hands of a regime which treated even its own citizens inhumanly and persisted in waging war in defiance of Security Council resolutions. Also to be considered was the distress felt by those prisoners' families, deprived of news but well aware of Iran's record of arbitrary killing of prisoners, sometimes even when ICRC representatives had been present. According to the President of ICRC, speaking in Geneva on 23 November 1984, ICRC had ascertained beyond doubt that violent confrontations had taken place in a number of camps in Iran, causing numerous deaths and injuries; ICRC had repeatedly told the Iranian authorities that such violence stemmed inevitably from Iran's policy on prisoner of war camps throughout the previous three years. That policy had included threats and torture aimed at changing the prisoners' ideology, incitement to sectarian hostility, attempts to force prisoners to change their religion or sect, including coercion into performing Islamic rites, concealment or enforced disappearances, ill-treatment aimed at breaking moral resistance, and daily coercion, including enforced listening to harangues against Iraq and its leadership. Those practices were clearly methodical, and revealed Iran's disregard for religious values, international law and all the principles of the Universal Declaration of Human Rights, as well as its disdain for the Security Council resolutions aimed at halting the war which Iran insisted on continuing.

31. The murder of prisoners of war at Gorgan camp and the massacre of Iraqi prisoners by troops of the Iranian Guard in the Bosaiteen region had shocked world opinion. There had been further attacks on prisoners, such as those at Heshmatia and Barendek camps against prisoners protesting about their conditions.

Furthermore, Iran had failed to provide ICRC with the names of some 15,000 Iraqi prisoners, including high-ranking officers, and was maintaining undeclared camps which ICRC had been unable to visit and whose conditions were unknown. The President of Iraq had affirmed that Iraq would abstain from treating Iranian prisoners in such ways and would not set aside its traditional values and principles. He had also said that, since Iraq was convinced that the Iranian people was waging war unwillingly, it would hand over to ICRC the Iranian prisoners taken during the two previous battles fought in 1985; they could choose to remain in Iraq, go to a third State or return to Iran.

32. The Commission was being asked not to condemn Iran, but to heed the plight of the thousands of Iraqi prisoners of war in the hands of a regime which utterly disregarded human rights and to take suitable action. The world community had never before faced such a problem; even the Nazis had not dared to attack ICRC in the manner described by that organization's President. The international community had exhausted all means of persuading Iran. Resolutions by the Security Council, the General Assembly, the Islamic Conference and the non-aligned movement had failed to induce Iran to halt the war and reach a peaceful, just and honourable solution to the conflict. The eyes of the world, including those of the prisoners' families, were on the Commission, whose member States, being also parties to the relevant Geneva Conventions, were responsible for giving effect to their provisions.

33. Iraq had continued to co-operate with ICRC in an endeavour to correct any wrong it might unintentionally have committed at the outset of the war. Iraq reaffirmed its commitment to the 1949 Geneva Convention relative to the Treatment of Prisoners of War; it was high time that Iran did likewise. Iraq accepted Security Council resolution 479 (1980) and subsequent relevant resolutions; and it had now accepted all the recommendations contained in document S/16962, prepared as a result of the mission appointed by the Secretary-General to visit prisoner of war camps in the region. It should be noted that the mission had been able to visit all the camps in Iraq but only half of those in Iran. Iraq had called for a meeting of the Security Council to give effect to the recommendations; it hoped that the Commission would succeed in exercising its responsibility and doing its human and legal duty towards the prisoners of war and their families.

34. Mr. HARRISSON (Centre Europe-Tiers Monde) said he wished to draw the Commission's attention to the human rights situations in the Philippines and Colombia. In the former, human rights were being systematically and continuously violated; in the latter, efforts to institute a democratic order had failed to put an end to enforced disappearances, extrajudicial executions and other human rights violations.

35. In the Philippines, a dictatorship which disdained the population's basic needs was being maintained, despite elections and the lifting of martial law, by means of government by decree, including restrictions on political and trade-union rights and failure to observe the principle of habeas corpus. Only the continued support provided by certain States, particularly the United States and Australia, enabled the dictatorship to continue in defiance of the people's protests. Documentary evidence provided by organizations such as Amnesty International, the International Commission of Jurists (ICJ), the Task Force Detainees in the Philippines and Pax Christi International testified to systematic violations of human rights not only for counter-insurgency purposes, but to subdue efforts to assert trade-union rights in the face of abuses by transnational corporations.

36. The testimony related to many forms of violations: for example, 471 enforced disappearances and 1,395 extrajudicial executions between 1977 and 1984, the bombing of rural dwellings by armed forces and the police, regular massacres at the rate of two to three a month throughout the country, arbitrary arrest and detention not only of guerrillas but of civilians, including trade-union and religious leaders, and the torture and ill-treatment of detainees.

37. His organization requested the Working Group on Enforced or Involuntary Disappearances to increase its efforts to induce the Government of the Philippines to put an end to such systematic human rights violations, and in particular to obtain permission to visit that country. It hoped that the resolutions and recommendations, particularly those in ICG's report, would be put into effect so as to end the human rights violations, including those against political opponents. There should be some amendment of Philippine legislation to enable victims and their families to seek redress before the courts, not only against individuals but against the army, police and State.

38. Efforts had been made to secure a political solution of the violent situation in Colombia, inter alia through a cease-fire agreement between the Government and the various guerrilla organizations; the new climate seemed to afford an opportunity for the expression of political opposition. It must be noted, however, that in 1984, according to documentary evidence obtained by the Political Prisoners Solidarity Committee, there had been 643 cases of extrajudicial executions, 97 further cases of disappearances or detention, 1,466 detentions relating to assemblies described as disruptions of public order, 175 cases of wounding by the armed forces or paramilitary groups, and many cases of torture and other forms of intimidation. It was astonishing that the Attorney-General, in his report on disappearances issued in October 1984, should have mentioned only 150 such cases, and named only one person as being responsible, from the wealth of information submitted by Colombian human rights organizations. Although President Betancur of Colombia, addressing the nation on 31 December 1984, had invited citizens to speak out against excesses committed by the authorities, people feared, with good reason, that those who did so would suffer a fate similar to that of the missing persons.

39. Discussion on democracy and national dialogue seemed hollow while evidence continued to emerge of repression against those who sought to assert their legal rights. Instances included the murder, by a paramilitary group, of three trade unionists during a strike in the Department of Antioquia in February 1984, and the police murder of a student and the wounding and detention of others during demonstrations in May 1984. In addition, rural populations had been subjected to attacks by military and paramilitary groups. In March 1984, 600 villagers had been driven from their homes; some had been tortured, and some had been detained or had disappeared. On 9 November 1984, over 1,000 members of the Police and armed forces had driven some 150 Indian families from land they had been cultivating for eight months, destroying their homes and crops, and killing the Indian priest Alvaro Ulcuc. Contrary to what a Colombian government representative had told the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1985/15 and Add.1), the paramilitary group MAS (Death to Kidnappers) and similar groups continued to violate human rights.

40. The Commission should give further detailed attention to the continued human rights violations in Colombia and use its influence to ensure that those responsible were brought to trial and punished. The Colombian Government should take stronger

measures to disband paramilitary groups, and the ordinary civil courts should be solely competent to try military personnel implicated in such violations. The state of siege should be lifted. In particular, the Working Group should be enabled to examine the situation on the spot, since it was clear that the number of disappearances far exceeded the 21 cases of which the Working Group had been informed.

41. Mr. DAWOUDY (Syrian Arab Republic), speaking in exercise of the right of reply, said that at the previous meeting the Observer for Israel had made a lengthy statement which had once again wasted the Commission's time with false information of the kind his Government was so expert at providing and with an expression of the Zionist entity's hatred of Syria and its leaders. For the information of any members of the Commission who were not familiar with the background of the conflict in the Middle East, what had been said on that occasion was only a sample of the Government of Israel's customary vituperations against Syria. The Syrian Government was doing its utmost to stop such distortions of the truth and to furnish proof of Israeli violations of human rights. It would continue on its course and take a stand against a form of neo-nazism which endangered world peace and security.

42. It was in southern Lebanon where Israeli forces were destroying, killing, detaining and torturing that clear proof could be found of the real danger of Neo-nazism. Only the previous day they had killed nine peasants and detained dozens, whom they were subjecting to torture in order to compel them to confess to military activities or to give the names of resistance fighters. They had focused in particular on the inhabitants of 10 villages in southern Lebanon and had cut their links with the outside world. According to Le Monde of 22 February 1985, they were considered to be "villages of hatred". The Soviet regions occupied by the Nazis during the Second World War had been familiar with that type of hatred. As their occupation had been terminated, so would Israeli neo-nazism and attacks on civilians be crushed.

43. Israel had become a school for the export of terrorism. It was hardly surprising that it constantly attacked Syria, which had mobilized all its forces to preserve Arab dignity in the region against an enemy which continued to wreak destruction. He quoted a number of sources, including Le Monde, which revealed the Zionist scheme of dividing the Middle East into small areas and destroying the Arab States, and referred to the numerous instances in which Arab detainees in Israeli prisons had been tortured. However, some hope existed in that Israel had isolated itself by its human rights violations and there were even Jews who denounced its neo-nazism.

44. Ms. GROOMS (United States of America), speaking in exercise of the right of reply, said that the allegations made by the representative of the International Indian Treaty Council about the conditions under which Leonard Peltier was incarcerated at a Federal hospital in Springfield, Missouri, substantially distorted the facts. Ten years before, Peltier had murdered two FBI agents as they had lain wounded after a shoot-out at Pine Ridge Indian Reservation. He had been arrested, tried and sentenced to two prison terms, each equivalent to life. He had escaped from the prison in which he had originally been incarcerated and, when re-arrested, had been in possession of a firearm. He had subsequently been convicted of escape and illegal possession of a firearm, and sent to the maximum-security facility at Marion, Illinois.

45. Seven years later, he had gone on hunger strike, alleging that he had been deprived of religious freedom. At about the same time, Andrei Sakharov, the world-renowned scientist, had also been on hunger strike. The coincidence had given a certain propaganda department, which was well known for its vivid imagination, the idea of establishing a link between the Sakharov and Peltier cases; that utterly unworthy parallel had brought the Peltier case to international attention.

46. On the two occasions when Peltier had gone on a hunger strike for religious freedom, he had been transferred to a hospital and begun to eat immediately, although the opportunities for practising his religion had been the same as in prison. Since May 1984, he had been eating standard hospital fare every day and was judged by prison doctors to be in satisfactory condition; he was even gaining weight. He had never been force-fed or nourished intravenously. The religious rights which he claimed to have been deprived of included access to a "sweat-house" and the right to possess a medicine pouch and a tomahawk. In view of his criminal record, none of those demands could be met.

47. Turning to the allegations made by Peltier's common-law wife, she said that Peltier had seen medicine men in May and July 1984 and in January 1985. He had engaged in the religious practice of "smoking pipe" and had with him the materials which supposedly would enable him to pray. Since April 1984, he had had an hour a day of outdoor recreation on the 150 days when the temperature had exceeded 20° Fahrenheit, had an hour of indoor recreation on 21 of the remaining 28 days and had refused all recreation on seven. He had been visited by his common-law wife in December 1984 and by his brother on several occasions in the summer of 1984. He was represented by six attorneys, who had visited him on 60 separate occasions; a TASS correspondent had interviewed him in June 1984. Although it had been alleged that Peltier showered and shaved only at the whim of the guards, the warden of the prison asserted that he had constant and unlimited access to wash-basin and toilet facilities and left his cell three times a week to shower and receive clean clothes. Since he was an artist, he was provided with painting materials, which he used extensively.

48. It should be clear, therefore, that Peltier was not on hunger strike, that his human rights had not been violated, and that her country's authorities had made exceptional efforts to uphold his constitutional and human rights. In fact, his case was a good example of how the United States system of justice protected even those convicted of the worst crimes.

49. Mr. de PIEROLA (Peru), speaking in exercise of the right of reply, said that the representative of the International Federation of Human Rights had painted a picture of constant human rights violations in Peru which showed that she was unfamiliar with the situation there. A democratic government had been elected in May 1980 and would be replaced by a new government through elections to be held in April 1985. The elections took place by secret ballot and in conditions of total freedom and democracy, all citizens over a certain age being eligible to vote. Political parties of every ideological stamp had every opportunity to campaign before the elections. Under Peru's legislation and Constitution, any person who believed that his human rights had been violated could appeal to the courts for remedies, and citizens could take their cases to the international bodies which had further competence in the field, such as the Human Rights Committee and the Committee on the Elimination of Racial Discrimination. Similar organizations for the Latin American region were also available to hear complaints, but so far all claims which had been presented to them had been rejected as unfounded.

50. Unfortunately, there existed in Peru today a group which, labouring under Utopian and infantile political misapprehensions, had determined to subvert Peru's democratic structure, terrorize and murder the indigenous population, and induce adolescents to take part in its criminal activities. It had seriously damaged the electrical, transport, water-supply and communications infrastructure, and had even butchered animals in experimental agricultural stations.

51. It was obvious that the Peruvian armed forces, which had the responsibility of protecting the lives of citizens and ensuring security, had to take action. If excesses were committed in the course of that action, victims could appeal to the courts, which were independent of the executive and administrative branches of the government. Some of those appeals had been upheld and the appropriate remedies had been provided. He therefore invited the International Federation of Human Rights, during the visit which it intended to make to Peru, to make a serious effort to acquaint itself more fully with the true situation there.

52. Mr. GALIL MAHMOUD (Observer for the Sudan), speaking in exercise of the right of reply, said that the allegations made by the representative of the Union of Arab Jurists reflected purely political concerns. No one was detained in the Sudan except with due cause, and each detainee was tried in accordance with the law and punished in conformity with the rules of Islam. The detainee who had been mentioned had been executed for propagating an ideology which violated national unity and the Islamic religion: not only the Sudanese courts, but also other Islamic institutions had sentenced him to capital punishment.

53. The members of the Ba'ath Party referred to by the representative of the Union of Arab Jurists had been tried according to the law. There were no political detainees in Sudanese prisons and allegations of torture were likewise unfounded. The Islamic religion did not condone torture and such practices were prohibited under the Sudanese Constitution. Prisoners were treated justly and could receive visits from their families. With regard to the reference to the "war in the south", he said that the Sudan had solved the problem it had inherited from its colonial past through peaceful means and dialogue in 1972.

54. Mr. TARIAN (Observer for Turkey) said that, on the basis of faulty statistics and with obviously malicious intent, the representative of the International League for the Rights and Liberation of Peoples had attempted to demonstrate that torture was used systematically in Turkish prisons. His Government had always considered such practices to be reprehensible and criminal, and they were strictly prohibited under the Constitution and other legislation. Police excesses could happen in any country, but all allegations of such excesses had been the subject of inquiries and anyone found guilty had been duly punished. In 1983, a commission of inquiry had visited prisons and made recommendations, which his Government was currently considering, for improving the conditions there. Numerous allegations made by various organizations concerning those conditions had been shown to be false; for example, people who were reported to have died following torture had proved to be still alive. His Government was determined to promote parliamentary democracy and respect for human rights and fundamental freedoms.

55. Mr. BERRADA (Observer for Morocco) said that the observer for Israel had made many false and politically-motivated accusations which had merely wasted the Commission's time and violated its procedures and practices. Israel was flouting all international rules and the principles contained in the Universal Declaration of Human Rights, yet the observer for Israel came before the Commission to weep crocodile tears about human rights violations in other countries. Everything he had said about Morocco and other Arab countries revealed his expertise in falsehood and falsification. The reports before the Commission revealed that prisoners in Israeli prisons were subjected to inhuman treatment, denied the right to speak to their lawyers and in some cases even murdered. Morocco condemned Israeli practices in Jerusalem, Lebanon and the occupied Arab territories, and denounced the murders, detentions and inhuman treatment for which Israel was responsible.

56. Mr. HAJAR (Observer for Yemen) said that the allegations made by the observer for Israel concerning Yemen were not only untrue but were intended to distract the Commission's attention from the continuing human rights violations in Palestine and the occupied Arab territories. Such attempts to convince the international community that Israel upheld human rights in those territories were useless: the Israeli authorities should instead concentrate on defending the victims of human rights violations in Israel itself.

The meeting rose at 1 p.m.