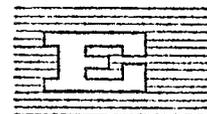


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1985/SR.31
4 March 1985

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 31st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 26 February 1985, at 10 a.m.

Chairman:

Mr. CHOWDHURY

(Bangladesh)

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GE.85-15411

The meeting was called to order at 10.25 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; E/CN.4/1985/NGO/26)

- (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. ATANGANA (Cameroon) said that torture was the most cowardly form of human rights violation and demeaned the perpetrator as well as the victim. His delegation welcomed the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was a great stride forward in the search for means of preserving and promoting human dignity.

2. Cameroon, together with other delegations from Africa, a continent which for centuries had seen the finest of its children disappear towards parts unknown, was deeply concerned by the question of enforced or involuntary disappearances.

3. His Government did everything possible to ensure the material and moral freedom and development of the country's citizens, and was therefore indignant over the allegations contained in document E/CN.4/1985/NGO/23: whoever had formulated them was either extremely ignorant of conditions in Cameroon or motivated by partisan concerns, particularly by a desire to mitigate criticism of South Africa by bracketing it together with other African countries, including his own. There was no system of oppression of political opponents in Cameroon: all citizens enjoyed freedom and protection under the law.

4. His delegation had always admired the courage and commitment shown by non-governmental organizations in defending human rights - their tireless and painstaking labours had often enabled the Commission to overcome the difficulties inherent in the work of all intergovernmental organizations - but some of them should resist the temptation to harass Governments, especially those of third world countries, on the basis of tendentious accusations. Cameroon, for its part, would pursue unswervingly its policy of liberality and co-operation with a view to building a society of freedom and involvement for all its people.

5. Mr. ERMACORA (Austria) said that his Government was currently planning to submit the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Parliament for approval, which would certainly be granted. Torture was one of the most disturbing evils of the twentieth century: although it had been prohibited by other international instruments, that prohibition would now become a fundamental tenet of international law.

6. The United Nations system was such that each international human rights instrument established its own implementation machinery. That led to duplication of work, since many instruments dealt with similar or identical aspects of human rights; for example, the Human Rights Committee regularly entered into a dialogue with States Parties to the International Covenant on Civil and Political Rights concerning allegations of torture. He hoped that ways and means would be found to harmonize work on torture by the various bodies and, in that context, believed that the creation of the post of general rapporteur on allegations of torture might be a good solution. The rapporteur's mandate should enable him to take immediate action on alleged cases of torture, even though he would then have greater authority than the bodies established to implement the human rights instruments. The Secretariat might be able to prevent friction by investigating how the work of the various organizations and individuals could be harmonized. The Convention must be given wide publicity immediately in order to increase public awareness of the problem and force Governments which had been accused of practising torture to ratify it.

7. His delegation welcomed the pragmatic and humanitarian approach adopted by the Working Group on Enforced or Involuntary Disappearances. Such disappearances also inflicted suffering on those who were anxious to learn about the fate of their relatives. The issuance of death certificates was not pragmatic and did not really solve the problem. On the other hand, General Assembly resolution 33/173 was a breakthrough. It was unnecessary to draft a new convention on missing persons, but a declaration might be useful; above all, however, existing international instruments should be rigorously applied.

8. The Working Group had distinguished between irrevocable disappearance, such as in the case of the mass graves discovered in Chile, and temporary disappearance, which was equivalent to illegal detention, and had been able to clarify the fate of over 200 missing persons. That was minimal in relation to the total, but it attested to the Working Group's humanitarian usefulness.

9. No cases of missing persons could be clarified if the Government in question was not prepared to co-operate, as was illustrated by the situations in Cyprus and Chile. That was why his delegation did not believe that a new instrument could be helpful in combating the phenomenon. The machinery and working procedures of the Working Group should be strengthened, however, and the Commission should adopt a resolution on the basis of the suggestions made by the Working Group itself in document E/CN.4/1985/15, paragraph 73 et seq. His delegation endorsed the recommendations contained in paragraphs 302 (a), (b) and (d) and appealed to all delegations, through their votes in United Nations budgetary organs, to secure adequate financial resources for the Working Group. As suggested in paragraph 302 (d), a two-year term of duty would facilitate attention to their task by members of the Group.

10. Enforced disappearance was a particularly cruel and sadistic form of human rights violation and should ultimately be considered from the point of view of State responsibility and international penal law.

11. Ms. CASCO (Nicaragua) said that her Government welcomed the efforts made by the Working Group on Enforced or Involuntary Disappearances and was prepared to co-operate with it in every possible way. It was only natural that a people which had waged a war for liberation from a dictatorship which practised murder, enforced disappearances and harassment should feel a moral commitment to help in effectively guaranteeing human rights in such a sensitive field. Her delegation endorsed the suggestion made by the Working Group's Chairman/Rapporteur that the Secretariat should objectively evaluate co-operation between Governments and the Group, and agreed that there was a need for close scrutiny by the Secretariat when examining and preparing cases. It was somewhat paradoxical that the countries which refused to respond to accusations were never mentioned by name in reports, whereas countries such as Nicaragua, which had been consistently co-operative, saw their co-operation reflected in increased coverage in the Group's reports.

12. She wished to alert the Secretariat to the fact that the communications transmitted to her Government tended to be based on automatic acceptance of information provided by a single organization whose leaders maintained close and active ties with well-known counter-revolutionary organizations, the avowed objectives of which were to give Nicaragua a bad reputation in the human rights field and to work for the Government's overthrow. The failure to verify many such communications and the lack of sufficient evidence to justify an investigation revealed that the requirements which a complaint must fulfil in order to be admissible were not being properly satisfied. The situation was exacerbated by the fact that her Government had first heard about most complaints of alleged disappearances only through the information provided by the Working Group.

13. The source which informed the Working Group had neither exhausted domestic remedies in Nicaragua nor verified the information it had transmitted. The Nicaraguan Government agreed with the statement in paragraph 76 of the Working Group's report (E/CN.4/1985/15) that "the impartial and humanitarian approach should not rule out analysis of specific points in appropriate cases", and therefore considered that the Secretariat's automatic acceptance of information from a single source should cease. It also considered that it should not have to repeat every year that nearly half the cases appearing in the report had occurred under the Somoza regime and in the weeks immediately following the revolution, when the new Government had not been fully in control of the country, and it also asked why cases which it had duly clarified continued to be mentioned. The Working Group's methods were no encouragement to a Government which was making serious efforts to co-operate with it.

14. The protection of human rights as practised by the Nicaraguan Government had in no way diminished as a result of the legal measures it had taken to protect the population against foreign mercenary aggression. Despite the state of war in Nicaragua, the Government had maintained its co-operation with the Working Group, but there were cases of alleged disappearances which it was practically impossible to clarify because the war had caused people to emigrate or to move to other regions of Nicaragua.

15. She referred to the thousands of persons who had been abducted by mercenary groups financed by the Government of the United States. Her delegation would furnish the Working Group with a file containing information on the disappearance of more than 395 persons in that way, and meanwhile requested the collaboration and good offices of the Working Group to protect those persons and enable them to return to Nicaragua.

16. Mr. LABRADOR (Venezuela) said that his country firmly supported the International Covenant on Civil and Political Rights, and particularly article 7. It had also signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. His country's concern with human rights and with the freedom and security of the individual was derived from article 60 (3) of the Venezuelan Constitution, according to which no one could be held incommunicado or subjected to torture or other forms of physical or mental suffering. The Criminal Code, in article 182, provided for stiff prison sentences to be imposed on prison officials who in any way maltreated detainees. Moreover, the Human Rights Section of the Office of the Attorney-General of the Republic had special responsibility for ensuring observance of the human rights of prisoners and investigating and terminating any cases of arbitrary detention.

17. Venezuela's constant concern with respect for human rights and fundamental freedoms was the result of past sufferings under dictatorships, and its Government was glad to support initiatives taken by the Commission on Human Rights to condemn the crime of torture.

18. Mr. GONZALEZ (Observer for Paraguay) said that the references to Paraguay in paragraphs 205 to 210 of the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1985/15) concerned communications submitted previously, on which comments had already been made, or contained out-of-date information. The "Emboscada detention camp", mentioned in paragraph 210, for example, was an official prison which was used only for common criminals. Paraguay had no political prisoners, although there were four prisoners in custody for ordinary offences committed on political pretexts.

19. With reference to the five cases of Paraguayan nationals reportedly arrested in Argentina (*ibid.*, para. 206), his Government could give no definite answer concerning events which had taken place in another country whose recent history was well known, or the participation of persons of various nationalities in guerrilla groups there. As for the assertion in paragraph 207 that the Government of Paraguay had never replied to communications addressed to it by the Working Group, he referred members of the Commission to three notes which his Government had sent to the Centre for Human Rights in 1984.

20. The so-called 18 new cases mentioned in the Working Group's report had already been commented upon, in so far as they had occurred in Paraguay.

21. The source of the reports was clarified by the reference to Paraguayan Accord in Exile. Far from being in exile, that organization openly carried out activities in Paraguay and frequently publicly criticized the Government.

22. His delegation wished to state formally that the Government of Paraguay was prepared to co-operate with the Commission by replying to the communications sent to it. Although the comments it had already submitted some years previously certainly supplied some of the information required, it was ready to provide any additional clarification needed.

23. Ms. MANGANARA (Observer for Greece) said that since the thirtieth session of the General Assembly her country had been in the forefront of the efforts made by the international community to end torture, which it stood united in condemning and rejecting. In 1977 the General Assembly had adopted resolution 32/62 in which it had requested the Commission on Human Rights to draw up a draft convention against torture in the light of the principles embodied in the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The final result of the Commission's efforts had been the Convention adopted without a vote at the previous session of the General Assembly.

24. Her Government considered that the Convention represented a substantial and decisive step towards the eradication of torture and other forms of inhuman treatment and had been among the first to sign it. Her delegation attached great importance to the inclusion in the domestic law of States of penal provisions punishing the use of torture. The Greek Parliament had approved a law on the suppression of torture in the spirit of the Convention even before the Convention itself had been adopted by the General Assembly. The Greek Government would not hesitate to take all practical steps to eradicate torture and to collaborate with those engaged in the struggle against that practice.

25. Ms. RHOADS (Women's International League for Peace and Freedom) said that the League had received numerous complaints in the past year regarding the disappearance, detention, torture, and suffering of women in many parts of the world and particularly in those under states of siege or military dictatorships. In all societies, women were the mainstay of the family and community and when they became targets for maltreatment it was clear that the social order was seriously flawed.

26. In Chile, the victims of the dictatorship included many women who opposed the regime, some of whom were awaiting the death penalty while others were in internal exile or in prison in Santiago. Thousands of women had disappeared and their fate was unknown.

27. In Uruguay, hundreds of people, including 37 women, had been imprisoned for their opposition to the former military dictatorship. The new democratic Government must respond to the families who sought to know the fate of the men and women who had disappeared along the Argentine-Uruguayan border at the time when the dictatorships in both countries had ignored that border.

28. In El Salvador, rural villages were routinely bombed by Government forces and women and children were not exempt from political detention and torture. Women had no safety inside the prisons, as in the case, the previous week, of the attack on the Mariona Prison where women political prisoners were detained.

29. The situation in Guatemala particularly affected women. The report of the British Parliamentary Human Rights Group of October 1984 had spelled out the abuses of a regime which appeared to have a predilection for women and children as victims of torture and detention, while in a confidential report, the Guatemalan military had admitted that 900 women had been repeatedly raped by soldiers and that many of them were pregnant as a result.

30. In Paraguay, women were taken to police stations and kept incommunicado, suffering many kinds of psychological repression. When interrogated during the course of police investigation, the majority were subjected to torture.

31. In South Africa, the oppression of women and children stemmed from the pass laws and from land dispossession. The results were forced labour, separation of families and the imprisonment of hundreds of Africans annually. All those in opposition to the racist regime were subject to detention without charge and to torture, and many women were also subjected to those violations.

32. In the Philippines, the human rights situation was rapidly deteriorating and all sectors of society, including women, were victims of massacres, bombings, chemical warfare, extrajudicial killings, disappearances and torture, the latter including sexual abuse and mutilation. Many of the more than 3,000 arrests in 1984 had involved young women.

33. In Turkey, women were among the victims of the harsh military regime, which was particularly repressive towards the Kurdish minority. Sexual torture was regularly used on women in Turkish prisons and it was common for a woman to be arrested by the military when they were searching for a member of the family.

34. It was hoped that the Commission would take note of the particular suffering of women under repressive regimes. Not only was the individual affected, but entire families and communities felt the results of those abuses.

35. The International League wished to commend the new democratic Government of Argentina for bringing to justice those responsible for the systematic violations of human rights under the previous military regime. However, it urged the Argentine Government to answer the families of the thousands of disappeared persons who wished to know the fate of their family members and to resolve the cases of 12 men and one woman who had been sentenced to prison under the dictatorship and had not yet been released.

36. Ms. FERRIOL (Observer for Cuba) said that the practice of torture and other cruel, inhuman or degrading treatment had become systematized under dictatorial and fascist regimes as a means of silencing the opposition and persons who supported the restoration of democracy. The practice of enforced or involuntary disappearances had come into widespread use, contrary to the basic principles of the Charter of the United Nations and the Universal Declaration of Human Rights. The systematic use of torture and disappearances was a means of asserting power through terror which had become widespread in a number of Latin American countries under military regimes and dictatorships; it was generally aimed at political opponents, indigenous peoples, trade unionists and progressive elements.

37. Her delegation wished to reiterate its absolute rejection of the use of any form of torture or cruel, inhuman or degrading treatment or the practice of enforced disappearances. The Cuban Criminal Code prescribed penalties for persons who deliberately impaired the health or physical or mental integrity of individuals by the use of physical mutilation, medical or scientific experiments or physical or mental torture. It also penalized persons committing cruel acts against the civilian population, or against prisoners of war, the injured, the sick or shipwreck victims, or persons who threatened the community with violence.

38. The recent adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was an important contribution by the international community to the goal of ending such inhuman practices, which were contrary to the peace and well-being of mankind. Cuba had sponsored numerous proposals leading up to the adoption of that instrument.

39. The international community must continue to defend human rights and to take the necessary legal and practical measures to put an end to torture and other cruel treatment.

40. Mr. RAMLAWI (Observer, Palestine Liberation Organization) said that in addition to the Convention against Torture, the General Assembly had at its thirty-ninth session adopted a resolution relevant to persons detained in Israeli gaols. The Commission on Human Rights had at its fortieth session adopted a resolution on a similar subject, bearing in mind the provisions of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War and calling upon Israel to release all Arabs detained or imprisoned and to accord them the protection envisaged in the relevant provisions of the Geneva Convention and The Hague Convention of 1907.

41. While the international community attempted to wage war against arbitrary detention and torture, Israel persisted in those practices. As of October 1984, 2,500 Palestinians had been in detention in occupied Palestine, a figure that did not include the 1,000 detainees in south Lebanon. Moreover, collective punishments were imposed if a child threw a stone at an Israeli car or if a Palestinian was too free in his condemnation of the Israeli occupation. Israel was acting in contravention of the Charter of the United Nations and the International Covenants on Human Rights.

42. Incidents of torture in Israeli prisons were described in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/39/591) and the report of the International Commission of Jurists entitled "Torture and Intimidation in the West Bank". Methods of torture used included beatings on sensitive parts of the body, including the sexual organs, suspension by the feet, forcing prisoners to drink their own urine, threats and psychological intimidation. In that connection he referred to the Sunday Times report of 19 June 1977 on Israeli torture in detention centres and prisons and to a 1979 Amnesty International report which quoted proof of torture and maltreatment from various sources, including the State Department of the United States of America.

43. The Israeli authorities also employed another form of torture not specifically mentioned in the agenda item under discussion. Four prisoners had been buried alive at the Ansar detention camp, and the same practice had been recorded during the 1983 exchange of prisoners.

44. He called for sanctions to be imposed on Israel as a means of preventing torture and arbitrary detention and stopping the inhuman practices of the fascist Israeli regime.

45. Mr. LEBAKIN (Ukrainian Soviet Socialist Republics) said that his country's participation in the drafting of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had demonstrated its commitment to the elimination of torture. However, the adoption of the Convention would not in itself put an end to torture. It was naive to imagine that repressive regimes, such as those currently ruling Chile, South Africa and the occupied Arab territories, would become party to it. For that reason, the Commission should proceed with measures to bring about the political isolation of such regimes, to increase public awareness of the problem and thus encourage progressive forces in the struggle against torture and other human rights violations at a national level. Certain Western countries even supported such dictatorial regimes by investment and trade in the latest torture equipment.

46. The practice of enforced or involuntary disappearances, like that of torture, was found in countries which systematically practised mass violations of human rights. In countries such as Chile, El Salvador and Guatemala the authorities used the practice as a means of reprisal against dissidents and progressive democratic forces. The impulse for reform must come from within: to that end, the Commission must mobilize world public opinion and call for outright condemnation of the practice of enforced disappearances.

47. The activities of the Working Group on Enforced or Involuntary Disappearances had, unfortunately, done little to combat the problem, as the Working Group itself had admitted in its report (E/CN.4/1985/15, para. 294). The activities of the Working Group had been used to spread imperialist propaganda and exert pressure on independent States, and an appropriate balance in the membership had not been maintained. His delegation could not support the recommendation in paragraph 302 (d) of the report that the Working Group's mandate should be renewed for a period of two years. The Working Group had not always fulfilled its primary task of deciding on the credibility of the information submitted to it. In that connection, he could not but endorse the remarks made by the representative of Nicaragua. It was essential that the issue of enforced disappearances should not be used as an excuse for political blackmail and intervention in the internal affairs of a State. It was to be hoped that the Working Group's determination not to deal with reports which were manifestly politically motivated or based exclusively on the mass media, stated in paragraph 78 of the report would be reflected in practice.

48. Mr. RAJKUMAR (Pax Romana) said that in December 1984 a Pax Romana legal team had visited Peru. It had heard eyewitness accounts and held meetings with various governmental and church organizations. Peru had a system of civilian parliamentary government under which opposition parties and unions of workers and peasants were allowed to operate. The country was in severe economic difficulties, and the Government was facing a confrontation with its foreign creditors. Poor farmers fled to the capital, Lima, to seek work and escape the rural unrest. It was claimed that 100,000 children died of malnutrition every year. The Government continued to spend one third of the budget on the armed forces.

49. Intimidation and arbitrary detention of labour activists, peasant representatives and peaceful political opponents had increased since the promulgation of an anti-terrorist law in March 1981 which was used not only against terrorists, but against any kind of opposition. An inquiry among detainees accused of terrorism in Lurigancho prison had revealed that almost 92 per cent had been tortured or obliged to sign declarations.

50. Repressive legislation and the military build-up in southern Peru were the Government's response to the violent activities of the guerrilla organization Sendero Luminoso, which had "liberated" part of Ayacucho province, one of the poorest regions of Latin America, and had meted out "revolutionary justice" to landowners and local officials. The first Government troops had been deployed in December 1982, and an army general had assumed political power in the area. Military officers had replaced civilian administrators; interrogation centres had been set up and the use of torture had become routine procedure. Most suspects interrogated in the centres, including peasant leaders, community activists and pastoral workers entirely unconnected with Sendero Luminoso, had disappeared without trace. Most enforced disappearances took place at night, and it was difficult to identify the army or police officers responsible. At the time of the Pax Romana visit in December 1984, 1,087 disappearances had been registered with the Attorney-General's office. The political and military authorities refused to acknowledge that the disappearances had taken place or to co-operate with relatives or judges. The Peruvian judicial system was near to collapse: more than 60 per cent of those held in prison were awaiting trial, and a delay of two years between arrest and trial was common. Appointments to the judiciary were subject to political pressure.

51. Pax Romana condemned the guerrilla violence in Peru, but considered that the authorities' counter-action took a greater toll of innocent lives without improving the conditions which had caused the violence: it was essential to redress the social injustice which existed in Peru.

52. Mr. NICOLAIDES (Cyprus) said that political prisoners all over the world continued to suffer physical and psychological ill-treatment and coercion aimed at intimidating them and their followers and crushing political opposition. The increase in the practice had led the international community to condemn torture as a denial of the purposes and principles of the United Nations and to establish a code of ethics for law enforcement officials and medical personnel dealing with detainees, and principles to safeguard the rights of prisoners were currently being established. The adoption, after long and arduous negotiations, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was a major achievement of the international community. Over 20 States had signed the Convention as soon as it had been opened for signature. Constitutional procedures had been set in motion to enable Cyprus to become a Contracting Party to the Convention. However, adoption of international instruments would not in itself put an end to torture: the Commission should lead the campaign for the effective implementation of international human rights instruments.

53. He expressed appreciation of the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1984/15 and Add.1). His own country's bitter experience made it aware of the anguish suffered by the families of those who had disappeared and of the social, psychological and moral consequences of the practice. His country would continue to co-operate with the Working Group and supported the recommended extension of its mandate. Cyprus appreciated the difficulties involved in the humanitarian activities of the Working Group and had noted the increased willingness of governments, non-governmental organizations and relatives' organizations to supply information and co-operate with the Group, whose activities had given hope to the families of numerous missing persons. The solution of the organizational problems raised in the report would increase the effectiveness of the Working Group's activities in its task of saving lives.

54. His delegation particularly appreciated the factual and objective review of the situation of missing persons in Cyprus (paragraphs 127-130 of the report). In the face of some difficulties, a Committee on Missing Persons had been set up in Cyprus. The need to appoint a new third member of the Committee, after the untimely death of Mr. Pilloud, had delayed the Committee's work, and improvements in its working methods were still necessary but the Committee would play its part as far as possible in establishing the fate of missing persons and comforting their families. He was sure that the Committee could rely on the support of the Working Group on Enforced or Involuntary Disappearances.

55. Mr. KHERAD (Observer for Afghanistan) said that torture had been used throughout history, and was still practised, by repressive regimes such as those in South Africa, Chile, El Salvador and Guatemala against progressive movements. The world community should abolish the practice; the adoption by the General Assembly, at its previous session, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been a historic step and the culmination of efforts begun with the adoption of Assembly resolution 3452 (XXX), reflecting the Organization's will to take effective world-wide measures to uphold human rights.

Pursuant to the new instrument, States would be required to take legislative, administrative, judicial and other measures to prevent the practices in question in areas within their jurisdiction and to punish offenders. But the most important factor in putting an end to such practices would be the willingness of States to respect their international obligations in that regard.

56. In the Democratic Republic of Afghanistan, one of the Convention's first signatories, torture and other cruel, inhuman or degrading treatment were forbidden by law. According to article 30, paragraph 7 of the country's fundamental principles, punishment contrary to human dignity, or cruel, inhuman or degrading treatment, torture and infliction of bodily harm were forbidden. Officials resorting to such practices with a view to extracting statements or confessions were liable, under article 275 of the Criminal Code, to a prison term ranging from 5 to 10 years.

57. Enforced or involuntary disappearances were a deplorable practice often applied by reactionary racist, military and dictatorial regimes against progressive movements. The world could not remain indifferent to the growing number of such cases. His delegation strongly and unequivocally condemned that shameful phenomenon; it was highly important to take measures aimed at putting an end to it and punishing its perpetrators. Again, the political will of States was of the essence.

58. It was essential that the methods adopted by the Working Group on Enforced or Involuntary Disappearances should conform to the rules applicable to the United Nations; the Working Group should adopt a more methodical approach, whilst avoiding interference in the internal affairs of States. The Commission should mobilize world public opinion against the practice and induce States to renounce it; the Commission had the means to do so.

59. Mr. CHARTIER (World Council of Indigenous Peoples) said that the rights to land, to self-determination and, more particularly, to life had been the main issues dealt with by his organization during its 10 years of existence, and the major focus of its fourth General Assembly held at Panama in September 1984. It had been decided, as a result of the many instances of repression reported, to make a concerted effort concerning the genocide occurring in Guatemala and the reunification of Miskito families in Nicaragua; it had been decided to organize a tribunal on the former, and two commissions had been established. A declaration of principles on indigenous rights had also been adopted and would form the basis of his organization's continued lobbying within the United Nations.

60. It should be recognized that repression in Latin America and elsewhere would cease only when indigenous peoples' legitimate rights, including those to land and self-determination, were everywhere exercised. The current situation in Peru was an example of an indigenous people caught between the forces of right and left; the lack of studies by the United Nations and non-governmental organizations on such a historical situation of colonialism and racialism was a grave shortcoming, particularly since the political repression stemmed from the Indians' struggle for land. Indian leaders were threatened with execution if they failed to join the Sendero Luminoso movement or were arrested by Government security forces because of alleged collaboration with that movement - as Mr. Salvador Palomino, the former co-ordinator of the Council of Indians of South America (CISA), had been.

61. That organization had provided information concerning Venezuela, where private interests combined with State security forces to dispossess Indians. For example, in August 1984, a rancher had illegally occupied 7,000 acres of Indian land for commercial cattle-raising in the Manapiare Valley. During protests, one Indian had been killed. Indian supporters among anthropologists and other experts had been denounced by the Government as communists.

62. Similar events were taking place in Colombia. Most of the incidents during 1984 involving extrajudicial executions had been centred around land disputes. The Government had connived at repression by landowners on the pretext that the Indians were connected with guerrillas. Indians had been further victimized as a result of the state of siege declared early in 1984. Acts of murder or detention were aimed primarily at Indian leaders and were widespread in the Cauca region.

63. In northern Brazil, the Apinajé Indians were suffering on account of a land demarcation dispute; the Apinajés required at least 148,000 hectares but were under pressure by landowners and politicians seeking to restrict the area to 25,000 hectares. With regard to Chile, his organization would submit a written statement, but registered its concern that the Government had declared AD-MAPU an illegal organization. It would also submit a written statement on the situation of Indians in Guatemala, and appealed for more action by the Organization's member Governments against the Guatemalan Government's policy of genocide against Indian peoples; in particular, the United States should be discouraged from making contributions of any sort, direct or indirect, to Guatemala.

64. In Nicaragua, the continuing attacks by Misurasata on Miskitos were meant to dissuade refugees from returning to their original communities under a proposed agreement leading to family reunification and peaceful co-existence with other Nicaraguan peoples. Misurasata was allied to the CIA-financed "contras" based in Honduras, and was also preventing the return of refugees from Honduras to Nicaragua. His organization's aim was to see the issue between Misurasata and the Sandinista Government resolved peacefully and the Miskito families reunited in Nicaragua, land rights and autonomy being recognized. It hoped that the United States could be discouraged from continuing to provide any form of assistance to the counter-revolutionaries who opposed such a peaceful solution.

65. In New Caledonia, colonial forces were using violence to deny the indigenous Kanaks the exercise of their right to self-determination. The French Government, and the United Nations too, must take positive steps to solve the conflict quickly and positively.

66. Likewise, he called upon the Organization's member Governments, including that of Australia, to take all necessary measures to relieve the critical situation in East Timor, resulting from the theft of indigenous lands following the invasion by Indonesia in 1975. In view of the statements by Amnesty International (E/CN.4/1985/NGO/8) and Pax Christi (E/CN.4/1985/NGO/25), there was clearly no time for delay and indecision.

67. The indigenous peoples in North America suffered more sophisticated methods of repression by the Governments of Canada and the United States. Important cases in point were those of Leonard Peltier, already described on behalf of the International Indian Treaty Council, and of Nils Somby, who had been extradited by Canada and Norway

respectively although adopted by Indian nations within Canada. One form of detention practised in Canada and the United States was the transfer of Indian children from their families to foster homes or adoption agencies, where they lost their language and culture. In that connection, it was significant that in Canada the suicide rate among indigenous youth was some 10 times that of others, although the indigenous population was less than 8 per cent of the national total. The Commission, in dealing with the rights of the child and the related draft international instrument, must ensure for indigenous children the right to maintain their own culture and be raised by their own people.

68. Mr. de PIEROLA (Peru), speaking in exercise of the right of reply, said that the representative of Spain had expressed concern about the large number of disappeared persons in Peru. The Working Group on Enforced or Involuntary Disappearances had noted 390 such cases in Peru in its report (E/CN.4/1985/15 and Add.1). Many cases were very recent and the Government intended to provide all the requisite information as quickly as possible; it had also invited the Working Group to visit the country to make whatever investigations it deemed necessary.

69. The observer for Amnesty International, too, had referred to the situation in Peru. However, as noted in that organization's recent reports, Peru had a constitutional, democratic Government, and problems relating to the observance of human rights prevailed in only 13 of the country's 150 provinces. Moreover, the references to military control did not reflect the true situation. The state of emergency declared in 13 of the provinces was to protect the rural population against threats and attacks by Sendero Luminoso; the civil authorities in those provinces had not been superseded. As recognized in Amnesty International's reports, a number of writs of amparo and habeas corpus - for example, in Ayacucho - had been acknowledged by the courts. Constitutional and judicial powers still prevailed; military control extended only to matters of security. The sole problem relating to the judiciary stemmed from the physical dangers reflected in paragraph 223 of document E/CN.4/1985/15.

70. He agreed with the observer for Amnesty International that security reasons never justified human rights violations. The Government would go on taking all steps to punish any past excesses and prevent any recurrence. It also intended to hold the elections scheduled for 14 April 1985 - elections which Sendero Luminoso was clearly intending to disrupt if it could - and to carry out its mandate, including full respect for human rights, until its term of office was completed.

71. From the inconsistencies in the statements about Peru by the observer for Pax Romana he could only conclude that the preparation had been hasty; for example, the allegation that a problem of subversion prevailed in the provinces of Cuzco and Ayacucho was false. The evidence of effective parliamentary opposition and trade-union activity in Peru was there for all to see. Moreover, there was no truth in the assertion that the Government's opponents were subjected to intimidation and arbitrary arrest, or that all opposition was deemed terrorist. The mass media published daily details, including names, of all alleged human rights violations. Nor was it true that Sendero Luminoso had liberated certain areas. That organization occasionally seized fleeting control of remote towns and demanded allegiance to it under threat of executions; apart from such incidents, the country remained under Government control. The number of registered cases of disappeared persons cited by the observer for Pax Romana was groundless and vastly in excess of the figures in the Working Group's report.

72. He welcomed Pax Romana's condemnation, albeit brief, of the violence committed by guerrillas - presumably a reference to Sendero Luminoso. But the assertion that the solution lay in redressing social injustice seemingly contradicted the earlier part of the statement, in which the blame was laid on Peru's economic crisis - a crisis from which most third world countries in Latin America, Asia and Africa were suffering.

73. The observer for the World Council of Indigenous Peoples had been wrong to imply that there was a struggle for land in Peru. As a result of agrarian reforms carried out many years previously, the land belonged to the people who worked it; the maximum permitted size of holdings was 50 hectares, or 1 hectare per animal in grazing areas. Those making allegations before the Commission should first ascertain the facts.

The meeting rose at 1.10 p.m.