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SUMMARY RECORD OF THE 46th MEETING \*/

(Second part)

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Chairman: Mr. CHOWDHURY (Bangladesh)  
later: Mr. ENGO (Cameroon)

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Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories (continued)

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\*/ The summary record of the first part of the meeting is contained in document E/CN.4/1985/SR.46

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued) (E/CN.4/1985/2, 7/Rev.1, 9 and Add.1, 17-21, 54, 57 and 60; E/CN.4/1985/NGO/4, 8, 13-15, 20, 21, 25, 28, 29, 34, 36, 38 and 44; E/CN.4/1985/L.12 and L.30; A/39/635 and 636).

1. Mr. BEACH (International Association for the Defence of Religious Liberty) said that, according to the 1982 edition of the World Christian Encyclopedia, about half the world's population enjoyed only limited religious liberty. There were even restrictions in some countries whose constitutional provisions guaranteed the free exercise of religion and belief. In other countries, such exercise was either forbidden or severely restricted by law. He appealed to the Commission to urge the countries concerned to uphold the religious liberties recognized in international instruments and by world public opinion.
2. One of the most glaring cases of repression was that which existed in Albania. An Albanian literary journal had reported in 1967 that 2,169 religious establishments had been confiscated and secularized. Organized religious life had ceased to exist and all churches had been closed. The 1976 Constitution of Albania declared that: the State recognized no religion and supported atheist propaganda for the purpose of inculcating a scientific and materialist world outlook; parents were responsible for the communist upbringing and education of their children; and the creation of any religious organization was prohibited, together with any religious activity or propaganda. As a Member of the United Nations, Albania could not legitimately ignore the Charter, which required all countries to promote universal respect for and observance of human rights, such rights included the right to freedom of religion and belief.
3. There were other countries, too, where the religious liberty of certain groups, Churches or denominations was severely restricted. He referred to Pakistan and its treatment of the Ahmadis, of whom there were some 3 million in that country. Under the ordinance published in The Gazette of Pakistan in April 1984, any Ahmadi who directly or indirectly posed as a Muslim or who propagated his faith was liable to three years' imprisonment and a fine. Cases had been reported in which Ahmadis, who considered their faith to be a religious movement within Islam, had been arrested for exchanging Islamic greetings and in which students had been refused admission to schools or universities or had been expelled because they had Muslim names. Such religious discrimination and persecution ran counter to United Nations human rights standards and the highest traditions of Pakistan itself.
4. Early in 1984, the Minister of the Interior of Burundi had sent instructions to the country's provincial governors restricting religious activities to the period between Saturday noon and Sunday evening and to specified legal holidays. The display of crucifixes other than in churches, the ringing of church bells on weekdays and the use of the Muslim call to prayer were all prohibited. Religious discrimination and persecution had reached a new level in January 1985, when the Minister of the Interior had forbidden all Seventh-day Adventist Pastors and administrative staff to pursue their activities because they refused to work on their rest day, which was freely observed by millions of Adventists throughout the world.
5. Article 6 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief affirmed that the right to freedom of religion included the right of everyone to observe days of rest in accordance with the precepts of his religion. The instructions issued by the Minister of the

Interior of Burundi were in direct conflict with the letter and spirit of international human rights instruments. His Organization urged the Commission to give careful attention to the situation with respect to religious freedom in all parts of the world and specifically in the countries he had mentioned. Basic human rights were at stake.

6. Mrs FUNES-NOPPEN (Observer for Belgium) said that the Commission, more than any other United Nations body, was an expression of the international conscience. Its aim should be to consider flagrant violations of human rights in a constructive spirit, to analyse the reasons for violations and to find means of making societies more pleasant to live in. Countries with political systems based on democratic participation in public affairs had been better able than others to protect basic human rights, and in that connection her delegation welcomed recent developments in certain Latin American countries. Basic human rights were still being violated in various parts of the world, however. Not enough was yet being done to safeguard the fundamental right to life and provide a reasonable standard of living, including adequate food for millions of human beings, particularly in Africa. The international community must not only show its solidarity but must give further thought to providing assistance that could prevent such situations from recurring, while taking care not to place the people concerned in a situation of dependence. The tragic famine had become one of the major causes of mass exodus in Africa, to which General Assembly resolution 39/117 had again drawn attention.

7. Among other deeply disturbing violations of human rights were the summary and arbitrary executions referred to by the Special Rapporteur in his report (E/CN.4/1985/17). Such practices, which were consistently applied by certain Governments in contempt of the right to life and justice, were a matter of serious concern to her delegation. She appealed to the Governments that had refused to allow the Special Rapporteur to visit their countries to reconsider their decision. Reference should also be made to the many cases of disappearance, which often turned out to be cases of summary execution, and to the many cases of torture throughout the world. Despite its weaknesses, the International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment gave some ground for hope.

8. Racism continued to exist in all its forms. Governments, educators, the mass media and all responsible citizens must endeavour to promote respect for other peoples and their differing characteristics. Apartheid continued to challenge the universal conscience and to demonstrate the many evils which could arise from a political structure based on racist theory and systematically maintained by a Government.

9. Discrimination between men and women also represented a flagrant violation of human rights. Articles 1 and 2 of the Universal Declaration guaranteed equal rights for all human beings, yet many countries continued to discriminate against women both in law and in practice. Many men and women, even in countries in which equality between the sexes was established by law, were still imbued with sexist prejudice. The international community tended to treat the situation of women at the same low level as it considered other underprivileged categories, such as children and handicapped persons.

10. The Commission's public consideration of situations in certain countries, the work of its special rapporteurs and working groups, and the application of the "1503 procedure" were vitally important in exerting moral pressure on the countries concerned, despite a tendency towards selectivity. The non-governmental

organizations played an essential role in providing information. The Commission sometimes overlooked certain serious situations and tended to apply double standards, which might represent a new manifestation of racism. The same general criteria should be applied to all people and all situations. While realizing that there was room for improvement in Belgian legislation and society, she reaffirmed her Government's political will to continue to promote respect for human rights both nationally and internationally.

11. Mr. GROTH (Observer for Sweden) said that the alarming gap between human rights standards and actual respect for human rights should inspire the Commission to intensify its work. Civil and political rights were still denied in many parts of the world. Declarations of states of emergency frequently led to derogations from, or total abrogation of, basic rights. Many people were arbitrarily detained and imprisoned, and in many countries, particularly where there was no independent judiciary, the right to a remedy was either non-existent or ineffective. Because of lack of concern, outdated social structures or uneven distribution of wealth, economic and social rights were curtailed in many parts of the world. Justified demands for a decent existence were cruelly repressed by the authorities in an effort to safeguard their own power structure. Acceptance of the argument that violations of human rights were justified by superior interest encouraged the application of double moral standards. The promotion of human rights helped to achieve the necessary development and to transform society through a peaceful participation process, while violations bred insecurity and instability and threatened to destabilize international relations.

12. The two categories of rights set forth in the International Covenants on Human Rights were equally important. States parties must not be left to interpret the priority to be given to particular rights. The Commission's standard-setting efforts, in which the adoption of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was a landmark must be continued. In the light of apparently endless accounts of torture, the entry into force of a legally-binding and effective instrument was more urgent than ever. It was encouraging to note that some 25 States had already signed the Convention and that a number of countries had expressed their intention of doing so in the near future. Signature should be followed by early ratification and strict application. The mechanism proposed by the Netherlands delegation to monitor the incidence of torture would be particularly valuable pending the Convention's entry into force. His delegation called upon all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the United Nations Voluntary Fund for Victims of Torture.

13. In discussing the right to development, there had been a tendency to emphasize the right of States rather than of the individual or groups of individuals. Reference to the individual and his inalienable human rights should be made in any relevant resolutions.

14. Several Governments had made constructive contributions to the important work on the draft convention on the rights of the child. His delegation hoped that more delegations from all regions would participate in the future. In addition, the working group on indigenous populations should intensify its efforts to develop international standards as soon as possible.

15. His delegation had repeatedly voiced concern at the widespread application of the death penalty, despite the various United Nations resolutions aimed at its abolition. Studies had shown that it was more likely to be imposed on persons belonging to racially or otherwise disadvantaged groups and that it was often used against political opponents. A person awaiting execution was subjected to inhuman suffering. His Government, which fully supported the idea of formulating a second optional protocol to the International Covenant on Civil and Political Rights, eagerly awaited the Sub-Commission's suggestions.

16. Urgent action was needed to put an end to enforced or involuntary disappearances and summary or arbitrary executions. The new format of the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1985/15) made the information it contained more accessible. His Government welcomed the Working Group's efforts and suggestions for strengthening its dialogue with Governments. Consideration should be given to the recommendation of a two-year mandate. He also commended the report of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1985/17). In both cases the relevant mandates should be renewed.

17. There was a need for improved monitoring of Governments' compliance with their obligations towards the individual. The system of special rapporteurs or special representatives could be of assistance in that respect. Reports must be examined carefully and compared with, or supplemented by, information from various human-rights organizations. The fact that there was no special rapporteur on human rights in South Africa could not conceal the particularly abhorrent situation in that country, whose very structure was based on racial discrimination. Apartheid which was fundamentally a human-rights issue, also represented a threat to international peace and security.

18. A system of states of emergency had been institutionalized in Chile, where the many forms of systematic violation of human rights included torture and expulsion. Freedom of expression and trade union rights had been practically obliterated, and the situation had recently deteriorated further. A dialogue between the military Government and democratic forces could bring about a peaceful transition to democracy without violence and suffering for the Chilean people.

19. Gross violations of human rights were still occurring as a consequence of the civil war in El Salvador, where civilians were severely affected by indiscriminate bombing and shelling. The reduction in some types of violation and the Government's declared intention of controlling the security forces were nevertheless encouraging. His Government had noted with satisfaction that peace talks had been initiated in 1984 between the Government of El Salvador and

the FDR-FMLN. Negotiations offered the only hope of a solution to the long-standing problems. His delegation therefore urged all Governments to encourage a continued dialogue between the Government and the opposition with a view to finding a peaceful solution.

20. There was widespread repression, including disappearances and displacement of rural and indigenous populations in Guatemala, where it was reliably reported that the most fundamental rights, including the right to life, were being violated.

21. Turning to the reports by the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1985/21) and the Special Representative on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1985/20), he observed that Soviet military intervention in Afghanistan was in its sixth year. The indiscriminate warfare, which constituted a serious violation of international humanitarian law, had caused a substantial part of the population to flee their homes and, in many cases, their country. His Government fully endorsed the recommendation that an independent humanitarian organization should be entrusted with ensuring respect for humanitarian principles in Afghanistan.

22. The Government of the Islamic Republic of Iran should be urged to co-operate fully with the Special Representative on the situation in that country, who had been unable to present more than a preliminary report because of the lack of direct contact with the authorities. The Commission should call for further reports in all the cases he had mentioned, meanwhile the reports already before the Commission should be submitted to the General Assembly at its next session.

23. Violations of human rights were not confined to the countries on which special reports had been submitted. The situation in Uganda had caused international concern and his Government continued to follow developments there closely. The dangers of the situations in Peru and Sri Lanka should be borne in mind despite the difficult internal problems. Reports of violence against civilians and of frequent disappearances indicated that urgent preventive action was needed. His delegation welcomed the Peruvian Government's invitation to the Working Group on Enforced or Involuntary Disappearances.

24. Among the many other problems deserving attention were the plight of Soviet Jewry and the persecution of human-rights activists in the Soviet Union. Effective civil and political rights, including trade union rights, continued to be denied in Eastern Europe and many other parts of the world. Even the right to life was violated or threatened in several African, Asian and Latin American countries. The functioning of the United Nations system in the human rights field could no doubt be improved. His delegation had on several occasions expressed its views on selectivity in dealing with country situations and its regret at the Commission's failure to take up some of the most abhorrent examples of human rights violations while dealing with other violations. It must try to alleviate the suffering of victims of human rights violations wherever they occurred.

25. Mr. HUSLID (Observer for Norway) said that violations of human rights, wherever they occurred, were of legitimate concern to the international community. The Commission must ensure that consistent measures were taken to combat them on an entirely humanitarian and non-discriminatory basis. The effectiveness of the Commission's new monitoring mechanisms depended on the will of Member States to co-operate. His delegation had accordingly noted with regret the unhelpful attitude of certain Governments. It urged all countries to show their readiness to enter into a dialogue and comply with the Commission's procedures and measures.

26. The effectiveness of the United Nations in promoting and protecting human rights in any part of the world depended heavily on the institutional framework and the interrelationship of various bodies. The contribution of the Sub-Commission on Prevention of Discrimination and Protection of Minorities was particularly important. It could most effectively complement the Commission's work by retaining its independent and expert character.
27. Consideration should be given to the possibility of entrusting the Chairman of the Commission with the task of dealing - between sessions - with cases of grave and massive violations of human rights in any part of the world on which the Commission had taken action. The establishment of a post of High Commissioner for Human Rights was long overdue, and his delegation urged the Commission to give it renewed and serious attention.
28. The formulation of human rights standards and the development of instruments defining the rights and fundamental freedoms of vulnerable groups constituted an important aspect of the Commission's work which his delegation strongly supported. Norway, which had participated actively in the drafting of a convention on the rights of the child, welcomed the growing interest in that work. Broad geographical participation was essential in order to formulate a comprehensive instrument. The secretariat must make special efforts to help the Working Group to conclude its work speedily.
29. Norway also supported the work on a draft convention on the rights of migrant workers and the work on the situation of indigenous peoples. In that connection, he drew attention to his delegation's statement under agenda item 19. Because of differences in political ideology, economic and legal systems, religion and culture, the establishment of human rights standards in conventions and declarations was a delicate process, which was well illustrated by the work on a draft declaration on the right to development. It should nevertheless be possible for the Commission and other United Nations bodies to make continued progress in that field.
30. A commendable step had been taken with the adoption of the Convention against Torture, which his delegation welcomed, together with its implementation machinery. Norway, which had already signed the Convention and intended to ratify it in the near future, urged all other Governments to do so. His delegation further welcomed the proposal to appoint a special rapporteur to examine questions relating to torture and other cruel, inhuman or degrading treatment or punishment. Norway, which was among the major contributors to the United Nations Voluntary Fund for Victims of Torture, appealed to all States to give generous support to the Fund, for which substantial resources were needed.
31. His delegation reiterated its support for the Commission's action on the question of summary or arbitrary executions, which represented a violation of the most basic human right - the right to life. It noted with concern that the practice of summary or arbitrary executions continued to be widespread and that the Special Rapporteur regarded the information before him as incomplete. The Commission should follow up the Special Rapporteur's recommendations, including the proposal that it should consider ways of revealing all relevant cases with a view to eliminating the practice.
32. It was stated in the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1985/15) that, although the phenomenon of disappearances had ceased in some countries, it had emerged in others and remained a constant feature

of the over-all human rights situation in the world. The Commission should therefore devote special attention to the problem and ensure that the Working Group constantly received effective assistance. The objective must be to support measures to prevent and eradicate the practice.

33. Well-documented information showed that many of the most serious cases of violation occurred under states of siege or emergency. The updated list of countries that had proclaimed or terminated a state of emergency could serve as a useful basis for further consideration.

34. When situations became particularly serious, cases must be considered individually. The Commission must endeavour to achieve a balance in that difficult and sensitive task and apply the same methods to similar cases, without political bias. The violation of human rights and fundamental freedoms in South Africa and Namibia was of great concern to his Government, which strongly condemned the practices of the South African authorities. He referred in that connection to the statement made by the representative of Finland on behalf of the Nordic countries earlier in the session.

35. He had noted with regret that the Commission's Special Representative on the situation of human rights in the Islamic Republic of Iran had received no reply from the Iranian Government; he hoped that was not its final attitude. He shared the Special Representative's view that no State could be allowed to flout basic, entrenched human rights on the ground that departure from those standards might be permitted under national or religious law. His Government was deeply concerned at the evidence of such grave and massive violations of human rights as summary or arbitrary executions, torture and religious intolerance, including persecution of the Baha'is and other religious minorities. It hoped the Special Representative would be able to assess those aspects fully in his final report.

36. Turning to the Special Rapporteur's examination of the general human rights situation in Afghanistan and his suggestions for improving the situation, he said that his Government was distressed at the reports of widespread violations of the right to life, liberty and security of person, including the common practice of torture against opponents of the régime. Indiscriminate bombardments of the civilian population and deliberate destruction of crops must be severely condemned. He called upon the Government of Afghanistan fully to respect and apply the international human rights instruments to which it was a party. The presence of foreign troops in Afghanistan was one of the main causes of the existing human rights situation, and their withdrawal was a prerequisite for the establishment of national consensus and ensuring a stable human rights situation. His delegation appealed to the Government of Afghanistan to co-operate with the Special Representative.

37. The conclusions in the report of the Special Representative on the situation of human rights in El Salvador (E/CN.4/1985/18) gave cause for deep concern. The Special Representative had again drawn attention to continued serious violations of the right to life, with civilian deaths and political murders in non-combat situations, and to the obligation incumbent on the Salvadorian authorities to adopt the necessary measures to eradicate such violations. His delegation was nevertheless encouraged by the Special Representative's observation that the gap between the Government's intentions to improve the human rights situation and its ability to achieve results had been narrowed as a result of its efforts to establish democracy. His delegation saw the forthcoming elections as a further step in that direction, and urged the Government to continue its efforts to achieve dialogue.



38. Reiterating his Government's concern at the continuing grave and massive violations of human rights in Guatemala, he noted from the report of the Special Rapporteur (E/CN.4/1985/19) and other information that violence against non-combatants persisted and that there were still many disappearances of persons whose fate remained unclear. He urged the Government of Guatemala not to displace members of rural and indigenous populations, but to intensify measures to ensure full respect for human rights on the part of all its authorities and agencies, including the security forces.

39. Despite the regrettable refusal of the Government of Chile to co-operate, the former Special Rapporteur had presented a full report showing the recent deterioration in that country. The fact that the human rights situation in Chile was annually characterized by grave violations was a matter of serious concern.

40. Norway was disturbed by the increasingly severe attitude of the Soviet authorities towards dissidents and minority groups. He referred in particular to the situation of Soviet Jews, which had continued to deteriorate in recent years despite international appeals to the Soviet Union to respect their rights. His Government sincerely hoped that that country would abide by its commitments under the international human rights instruments to which it was a party.

41. His delegation, which currently had observer status only, had applied for membership of the Commission, for which elections were to take place at the forthcoming session of the Economic and Social Council. It hoped to be a member of the Commission at its next session and thus play a full role in its important activities.

42. Mr. MEZZALAMA (Observer for Italy) said that the annual discussion of the topic dealt with under agenda item 12 was subject to contradiction and paradox. While all member States denounced and condemned the serious violations of human rights and fundamental freedoms that continued to take place in various parts of the world, such violations recurred year after year with the same severity and new critical situations sometimes arose. Although the violations occurred in various forms and varying degrees and although they often had varied historic and social causes, they shared certain common features: failure to alleviate economic and social inequality; and excessive authoritarianism which stifled democracy and prevented the enjoyment of fundamental freedoms or permitted such freedoms only partial expression.

43. Whatever reasons might be invoked to explain violations of human rights, such violations continued to arouse his delegation's most serious concern. In Latin America - a continent with which his country had traditional links of kinship and culture - Chile had for many years been under a dictatorial régime. The report on that country showed that no favourable developments had taken place. On the contrary, there was evidence that violations of the most elementary human rights had increased. His delegation had noted with satisfaction, however, that certain other Latin American countries, such as Argentina, Uruguay and Brazil, were beginning to develop a democratic process, and it hoped those examples would be followed increasingly.

44. Crisis situations in Central America still called for special attention. Even where political choices had been made in favour of a democratic régime, there were difficulties in putting them into practice. Recent developments in El Salvador were encouraging however, even though some violations of human rights still occurred. There were a number of points in the Special Representative's report (E/CN.4/1985/18) that should not be underestimated. His delegation had been particularly gratified to note the Special Representative's conviction that "in the context of the progressive democratization of the country, respect for human rights was an important aspect of current government policy". There was further information to confirm that statement. He associated himself with the Special Representative's view that the achievement of civil peace was a vital prerequisite for respect for civil and political rights and for gradual improvement of the situation with regard to economic, social and cultural rights. All efforts to that end should be encouraged. His delegation hoped that continued efforts would be made to strengthen democracy in El Salvador.

45. Turning to the situation of human rights in Afghanistan, he observed that the report of the Special Rapporteur (E/CN.4/1985/21), which clearly described the many serious violations of human rights in that country, was not encouraging. His delegation reiterated its appeal for full respect for the human rights and fundamental freedoms of the Afghan people through the implementation of the relevant General Assembly resolutions.

46. His Government hoped that the human rights aspirations of the Polish people could be realized. That would require a climate of tolerance and understanding among the institutional and social sectors of the country, which could be achieved through increased efforts.

47. The problem of violations of human rights was one for all countries; it was not enough for the General Assembly and the Commission to condemn the most glaring cases, as they had done in the past. There were many violations of rights covered by the Universal Declaration and the International Covenants which the United Nations had failed to condemn: the right to freedom of opinion and expression; the right to a democratic society in which people could express their opinion on their governments in free elections; the right of everyone to leave and return to his country; the right to freedom of religion, etc. One or more of those rights were violated from time to time in all countries, but most governments took action to remedy the situation. There were other cases in which those rights were systematically violated. The Commission could not be fully satisfied with its work so long as the United Nations failed to remedy that situation.

48. Mr. FIAMBACH (German Democratic Republic) said that his country shared the deep concern at the gross violations of human rights committed by reactionary régimes in Central America. Imperialist threats raised fears of a further deterioration in the situation of intervention, acts of aggression, economic warfare, disrespect for the right to self-determination and interference in the internal affairs of sovereign States, which jeopardized international peace. The recent slanderous remarks of the President of the United States of America against the freely-elected Government of Nicaragua, and his declared objective of "removing the present structure of the Government" in that country could only be interpreted as interventionism.

49. The occupation of a small island by an overwhelming military Power could not but give rise to fears that occupation would be extended to other sovereign States in the area. The General Assembly's call in resolution 38/7 for the withdrawal of foreign troops from Grenada and its reaffirmation of that country's sovereign and inalienable right freely to determine its own political, economic and social system were still valid.

50. International public opinion called for an end to the policy of State terrorism against Nicaragua. On 10 May 1984, the International Court of Justice had called for full respect for that country's right to sovereignty and political independence, which should in no way be jeopardized by any military or paramilitary activities prohibited by international law. That call, too, remained fully valid. The process begun by the Contadora group of countries was the right path towards negotiation and the peaceful settlement of problems in the region.

51. Human rights violations in such countries as Guatemala and El Salvador were closely related to an imperialist policy being pursued in Latin America and aimed at maintaining reactionary régimes in power by providing them with money and weapons. The fake elections in the spring of 1984 and the demagogic promises made during the campaign had done nothing to make El Salvador a democratic country. As shown in the Special Representative's report (E/CN.4/1985/18), the exercise of power was still accompanied by violence and terror, characterized by torture, disappearances, murder and the suppression of all democratic movements. According to investigations by the Salvadorian Human Rights Commission, five years of political violence had claimed about 50,000 civilian victims.

52. The terrifying human rights situation in Guatemala had been described by the country's archbishop, who had said that Guatemala was bathing in a sea of blood and that violence stopped at nothing and at nobody. Despite the General Assembly's call to the Government of Guatemala to take effective measures to ensure that all its authorities and agencies fully respected human rights and fundamental freedoms, Fascist death squads and firing squads were continuing their operations. The documents provided by the Guatemalan Human Rights Commission showed that 75 persons had been assassinated by paramilitary groups in November 1984 and 80 in December and that another 56 had been killed early in 1985, while 86 persons had disappeared in November 1984, 18 in December and 11 by mid-January 1985. Those figures did not include Indian peasants killed or abducted during punitive army expeditions. The situation had forced thousands of Guatemalans to seek refuge in Mexico, while refugees remaining in Guatemala were crowded together in "model villages" and deprived of all their rights.

53. The human rights situation in El Salvador and Guatemala deserved the Commission's closest attention. There was no question of selectivity, as some delegations had claimed. The suffering peoples in the two countries expected the Commission to show interest in their fate. It must at least agree in its assessment of such State terrorism.

54. Mr. EKBLÖM (Finland), drawing attention to the various references to human rights in the Charter of the United Nations, said that Articles 55 and 56 were of special importance in requiring all Members to pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of purposes which included universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. The Universal Declaration of Human Rights had shown that political, ideological,

philosophical and religious diversity need be no obstacle to broad agreement on the rights that should be considered indispensable for human development. Such agreement had made it possible to apply a practical human rights concept to relations between States with differing backgrounds. Only thus could human rights play a significant part in international relations. Their realization had become a legitimate matter of international concern. When the competent United Nations bodies had pronounced on grave and systematic violations of human rights in order to bring international pressure to bear upon the Governments concerned, they had acted on the clear understanding that there was no contravention of the principle set forth in Article 2, paragraph 7, of the Charter. Any serious violation of human rights should be a matter of concern for the United Nations and any action to deal with it should be an essential means of fulfilling the Organization's mandate under the Charter.

55. The main problem was to ensure that the human rights norms codified by the international community since the Second World War were complied with by States in their national practice. The United Nations had accordingly become more concerned with what could be done to combat violations of human rights, and public opinion in many countries had also become increasingly interested. The United Nations must constantly review the need for new standards or development of existing standards and must regularly assess the effectiveness of its monitoring procedures. His Government supported United Nations standard-setting activities, including the work on a draft convention on the rights of the child, a draft declaration on the rights of minorities, a draft declaration on the right and responsibility of individuals, groups and organs to promote and protect human rights, and the elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty.

56. Not only had genuine observance of human rights in most parts of the world failed to approach the standards to which Member States verbally subscribed but the situation in a number of countries had deteriorated. Only in a limited number of cases had the United Nations dealt openly with allegations of human rights abuses. It had not as yet adopted a non-selective or impartial position. It must ensure that human rights were respected and it must denounce violations wherever they occurred, apply similar standards to all countries, and avoid rhetorical and predominantly political positions.

57. The appointment of special rapporteurs was the Commission's most important tool for assessing the performance of Governments and helping to apply enforcement machinery. The special rapporteurs should seek to improve the situation in the countries concerned, in co-operation with Governments. Condemnation could lead to the isolation of a State and its refusal to co-operate, and might thus defeat the desired objective. It was regrettable that some Governments had refused to co-operate with a special rapporteur on the situation in their country while supporting the work of special rapporteurs on situations in other countries. His delegation urged all Governments to co-operate fully in the interests of the United Nations, the Governments themselves and the victims of human rights violations.

58. Referring to the information in the report of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1985/17), his delegation intended to introduce a draft resolution aimed at extending the Special Rapporteur's mandate for a further year.

59. There was an increasing tendency in the Commission to raise questions that were being dealt with by other United Nations bodies. While problems of development, disarmament, health care or environmental protection were highly important, discussion of their substance by the Commission, which already spent considerable time in discussing self-determination, apartheid and the Middle East situation, thus duplicating General Assembly debates, reduced its ability to deal with specific infringements of human rights or to develop further human rights standards. It had nevertheless made an important contribution to the discharge of United Nations responsibilities in the promotion and protection of human rights.

60. With the approaching conclusion of its current three-year term in the Commission, his delegation wished to present its views on the Commission's functioning. It had joined in the criticism of the Commission's predominantly political selectivity. Governments had shown selectivity either through their treatment of specific situations, with which they dealt in carefully drafted statements, or through their manner of voting. Under agenda item 12 (b) the Commission should deal with the most unquestionable human rights violations, and be prepared to admit their existence and to encourage Governments to put an end to them. No political considerations should be allowed to influence the way the situations were treated, either in statements or draft resolutions or in votes. The item under discussion should be the specific one for which the international covenants on human rights provided a yardstick and under which violations were reported objectively so as to offer the Commission a solid basis for action. The violations in question attacked values which were the mainstay of the Finnish people, which formed an integral part of the Nordic cultural heritage, and on which no compromises could be allowed.

61. During its period of membership, his delegation had witnessed with regret the repeated tendency to draw the discussion into areas of political controversy that completely overshadowed substantive work. If the Commission was to play its full role in promoting respect for human rights, Governments must be convinced that it was performing the task defined in its terms of reference and no other. In order to increase its credibility, it must begin by adjusting its own behaviour. Agenda item 12 (b) should be free of politically-motivated deliberations, and any action taken under it should be based exclusively on consideration of substantive issues relating to human rights violations. His delegation was prepared to follow that line and establish its position accordingly on a case-by-case basis.

62. Mr. Engo (Cameroon) took the Chair.

63. Mr. LACLETA (Spain) said that the principles set forth in the Universal Declaration of Human Rights formed a common ideal to which the international community aspired in its efforts to build a world based on the recognition and protection of human dignity. Despite those principles, however, the international community had been unable to prevent continued flagrant and systematic violations of fundamental rights. That should stimulate the Commission in its efforts to defend such rights, particularly the right to life and security of person. Article 10 of the Universal Declaration stipulated that everyone was entitled to a fair and public hearing by an independent and impartial tribunal, while article 6 of the International Covenant on Civil and Political Rights stated that no one should be arbitrarily deprived of his life. The General Assembly, on a number of occasions, had condemned the practice of summary or arbitrary executions which, in his delegation's view, were among the most serious violations of the principles set forth in the Universal Declaration and International Covenants.

64. His delegation supported all the international community's efforts to prevent any continuation of the practice of summary execution. It was possible, through the establishment of adequate judicial safeguards, to protect the security of detainees and guarantee them due process of law. In countries where capital punishment still existed, the rights of accused persons must be guaranteed in strict compliance with all the requirements of a fair and impartial trial. Defendants must have access to all legitimate means of defence, including the opportunity to appeal for review of sentences. The mandate of the Special Rapporteur on summary or arbitrary executions should be renewed.

65. His delegation was concerned about the fate of the millions of human beings involved in mass exoduses, particularly where such situations had arisen as a result of mass violations of human rights and fundamental freedoms. The current world economic crisis, which most acutely affected the least developed countries and countries suffering from adverse climatic conditions or natural disasters had also caused new population displacements. His Government recognized the need to establish a new and more just international economic order. It was also aware that the effect of the crisis on developed countries had prompted them to adopt immigration restriction measures which had worsened the situation of displaced persons and placed a heavier burden on host countries. He stressed the obligation on all States to respect and guarantee the principles of international law designed to protect and assist victims of such mass displacements, which could be considerably reduced through prompt compliance by all countries with the Universal Declaration and the International Covenants.

66. Turning to the situation of human rights in El Salvador described in the Special Representative's report (E/CN.4/1985/18), he commended the Government of El Salvador for its co-operation and welcomed the improvement in the situation following the election of President Duarte. He had noted the Special Representative's statement that he had found the top officials of El Salvador to be sincerely concerned about improving the human rights situation. He stressed the responsibility of the executive, legislative and judicial authorities to ensure that efforts in that direction were continued and intensified. His country placed great hopes in the continued dialogue between the Government and FDR-FMLN. While such talks were bound to be difficult, they should go forward, in response to the international community's expectations and the legitimate hopes of the Salvadorian people. His delegation welcomed the recent announcement by the Minister for Foreign Affairs that a third round of talks was to be held following the elections on 31 March 1985. It appealed to both parties to pursue the talks until a negotiated peace had been arrived at. Among other favourable developments had been the exchanges of prisoners which had taken place and which, in his delegation's view, should become a general practice.

67. Despite all those encouraging developments, his Government was deeply concerned at the continuing situation of generalized civil violence, which had worsened in January 1985. That was one of the main causes for the waves of refugees. His delegation welcomed the important efforts of the High Commissioner for Refugees to facilitate their repatriation. It also welcomed the substantial decrease in cases

of torture, as reported by the Special Representative, and the stronger control exercised by the authorities over the activities of death squads. It was nevertheless concerned at the reports of renewed cases of murder which were said to have increased during the early months of 1985. Reports of arbitrary executions in January 1985 and of massacres and killings of so-called masas (guerrillas) were particularly alarming. His delegation shared the Special Representative's view that the latter were civilians. All murders should be severely condemned, whether perpetrated by the Government or by the guerrillas. Both sides should take specific steps to put an end to such acts, including the indiscriminate killing of civilians in battle areas. Despite the welcome fall in abductions and disappearances, such cases had continued to occur on both sides, and might even have increased since the beginning of 1985. He hoped the proposed government office to inquire into the fate of disappeared persons would make a decisive contribution in that respect.

68. Turning to the judicial system, his delegation, while welcoming the derogation from Decree No. 507 of 1980, was concerned about the content of Decree No. 50 of 1984 providing for such derogation, on which a number of non-governmental organizations had expressed serious reservations. It was further concerned about the delay in considering habeas corpus and amparo applications and at the lengthy periods of detention pending trial. It attached considerable importance to the Government's efforts to reform the judicial and penal system as provided for in Decree No. 14 of 1984. His delegation appealed to the armed opposition forces to refrain from acts of systematic sabotage against the country's economic infrastructure, which further damaged the already impoverished economy and, in some cases, endangered civilian lives. The guerrillas should also refrain from the practice of forcible recruitment of young people.

69. In view of the continuing serious situation, the Government and opposition forces must make a determined effort to secure a comprehensive negotiated peace, to strengthen the democratic system, and to ensure full respect for human rights and fundamental freedoms. His delegation fully supported the Special Representative's conclusions and recommendations. The hopes that had been raised by developments in the human rights situation since President Duarte had come to power should lead to new measures to further respect for human rights and encourage dialogue on all sides, with a view to securing the desired peace. Meanwhile, international humanitarian law standards must be strictly observed. He shared the views expressed by the representative of Venezuela and hoped that the efforts of the delegations of Colombia, Costa Rica, Mexico and Venezuela to revise draft resolution E/CN.4/1985/L.12 would be fruitful.

70. With regard to the human rights situation in Guatemala, his delegation supported the recommendations made in section IV of the report of the Special Rapporteur (E/CN.4/1985/19). In the light of information supplied by certain non-governmental organizations, however, the Special Rapporteur's report might have been more balanced. Welcoming the co-operation extended by the Government of Guatemala, he observed that there had been some favourable developments in the situation, although the hopes raised by the establishment of the Peace Commission had not been realized. His delegation hoped that the Peace Commission would be able to fulfil its task, or alternatively that a similar body, independent from the Government, could be established. That was an essential and urgent task for the Constituent Assembly. While that Assembly's election had been a significant development, it was merely the beginning of a process that should lead to the establishment of a democratic system. The Government's recent

announcement of a time-table for elections was extremely important in that it provided for a constitutional Government to assume power in January 1986. His country hoped that the electoral process would be genuinely democratic and would provide the necessary guarantees for the unrestricted participation of all political forces in elections free from fear or intimidation. His delegation welcomed the Government's invitation to political exiles to participate in the elections.

71. Despite some indication of an improvement in certain aspects of the situation, his delegation was disturbed at the continuing large number of human rights violations and at the persistence of serious violations attributed to the Government or the armed opposition. The situation had been described as alarming by the Special Rapporteur, who had stated that murders, abductions and other acts of violence had increased since the existing Government had taken office. His delegation was particularly concerned at the number of disappearances, which remained serious despite the decision to abolish special courts and the submission to the Special Rapporteur of a list of names and addresses of persons brought before those courts. His Government hoped that the list could be made public as soon as possible so that the relatives of the persons concerned could be informed of their fate. It reiterated its appeal to the Guatemalan authorities to pursue their efforts to elucidate the remaining cases of disappearance and punish those responsible. The establishment of a commission for the purpose was a step in the right direction, although its effectiveness might have been compromised by restricting its membership to senior government officials. It had not yet achieved any results in the 248 cases before it.

72. His Government was particularly concerned about the continued forcible enrolment in civil defence patrols and forcible resettlement of the indigenous population, particularly when it was institutionalized through legislative or other measures. His Government was also concerned about the restrictions imposed on trade union freedom, the disappearance of many trade union leaders and the situation of terror in which trade unionists performed their restricted activities. The Government must continue its efforts to ensure respect for human rights and establish the necessary conditions for an independent and effective judiciary. It must bring to trial and punish all those responsible for human rights violations. His delegation hoped that the political process initiated in Guatemala would lead to the establishment of a fully democratic system in which human rights and fundamental freedoms were respected and guaranteed.

73. Turning to the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1985/21), he expressed his delegation's regret at the fact that the Government of Afghanistan had considered Commission resolution 1984/55 to be unlawful, null and void, politically injurious and morally hypocritical. The main complaints made to the Special Rapporteur had related to the systematic use of torture, widespread disappearances of detainees and failure to comply with the provisions of the Geneva Conventions of 1949. According to information received by the Special Rapporteur, 4 million Afghans, or a third of the total population, had fled the country, many of them to Pakistan. Expressing support for the Special Rapporteur's conclusions, he said that the Government of Afghanistan should be called upon to respect and fulfil all its obligations under the international human rights instruments to which it was a party, together with the



provisions of international humanitarian law. The opposition forces had a similar obligation. It was essential to put an immediate end to the torture of dissidents and to respect the right of refugees to return safely to their homes. A general amnesty should be declared.

74. Turning to the human rights situation in the Islamic Republic of Iran, he expressed regret at the Government's refusal to allow the Special Representative to visit the country. The Special Representative had thus been obliged to acknowledge his inability to assess the information and complaints submitted to him by various organizations, although he had noted with serious concern the volume and seriousness of the allegations made. The Spanish delegation shared that concern. The Special Representative had rightly stated that the community of nations could not accept that a State should isolate itself to the extent of denying the validity of the norms created by common understanding.

75. His delegation had noted with satisfaction that the Government of Poland had taken certain steps to bring about national reconciliation - specifically, certain amnesty measures and the publicity given to the trial of those accused of murdering Father Popieluszko. Further efforts were nevertheless required by those involved in public life in Poland to ensure consistent progress in the effective protection of human rights and in creating a climate of national harmony, which should extend to the labour and trade union field.

76. With respect to the situation of human rights in Cyprus, it was essential that the machinery for tracing disappeared persons should begin to function effectively. His delegation therefore hoped that Greek and Turkish Cypriots would respect the mandate of the Committee on Missing Persons in Cyprus, as they had undertaken to do, so that it could begin its substantive work. He hoped that both sides would refrain from any activity that would impede the Committee in the fulfilment of its mandate.

77. Mrs. OGATA (Japan) said that her Government, which upheld the defence of the fundamental values of freedom and democracy, considered that equal respect and protection should be given to fundamental human rights in all parts of the world. That would contribute to international peace and stability.

78. The Commission, which had devoted its earlier efforts to standard-setting and the production of international human rights instruments, had begun in the 1970s to focus on the implementation of human rights and to deal with specific cases of violation. The "1503 procedure" and the appointment of special rapporteurs to examine specific situations were important mechanisms. Her delegation attached great importance to the Commission's fact-finding activities as a basis for its examination of situations and search for solutions, and welcomed the co-operation of Governments and individuals in those activities. While the Commission should never hesitate to condemn any systematic or massive violations of human rights, its most important task should be to encourage Governments to improve the situation in their territories or to call for reconciliation among conflicting parties so as to ensure the protection of human rights.

79. Her delegation had noted with concern that the Commission had become increasingly involved in politicized discussion and was devoting more and more time to matters raised with political motives. It earnestly appealed to all members of the Commission to consider the damaging effects of such politicization on the promotion of human rights.

30. It welcomed the dramatic improvement in the general human rights situation in El Salvador following the coming to power of President Duarte, who had announced his intention of entering into a dialogue with the opposition forces. It noted that El Salvador had worked actively to strengthen the rule of law and the system of justice and was endeavouring to improve economic and social conditions. It was nevertheless concerned about the continued violations of human rights to which the Special Representative had referred in his report (E/CN.4/1985/18), although the narrowing gap between the Government's intention to improve the human rights situation and its ability to achieve results was encouraging. The importance of major economic and social reforms must be stressed, since economic and social injustice was responsible for the disturbed situation in El Salvador. Agrarian reform and similar measures were essential to create the necessary social and economic conditions for peace and stability. The adoption by the General Assembly of a comparatively balanced resolution (39/119) reflected the substantial improvement in the situation. Her delegation earnestly hoped that the trend towards democratization and improvement in the human rights situation would continue, and it appealed once again to the Government and the armed opposition to seek peace through dialogue. It supported the recommendations made by the Special Representative in his report.

81. Despite the Guatemalan Government's efforts and the improvements to which the Special Rapporteur had referred in his interim report (A/39/635) to the General Assembly, the over-all situation in Guatemala remained serious. The change of Government in August 1983 had done little to reduce the level of violence. There was deep concern at allegations of kidnappings, disappearances and killings, and there had been criticism of a number of activities carried out by the army, police and security forces. Although some might be difficult to verify, the many allegations of terror perpetrated by the authorities against the civilian population were deeply prejudicial to internal confidence and Guatemala's reputation abroad. Her delegation welcomed the dialogue between the Government and the Mutual Support Group representing the families of disappeared persons, and the establishment of a new tripartite commission to investigate and classify cases of disappearance. All the parties concerned should co-operate fully with that commission. It was encouraging to learn that the President of the Supreme Court intended to deal with the defects in the judicial system relating to cases of disappearance.

82. Her delegation welcomed the election in July 1984 of a Constituent Assembly, which had since been engaged in drafting a constitution and electoral laws. Noting the recent announcement by the Supreme Electoral Tribunal that presidential elections were to be held in October 1985 and the country was to return to civilian rule in January 1986, she expressed the hope that the time-table would be adhered to, that the electoral process could be pursued in a climate free from intimidation and terror, and that the Government and people of Guatemala would succeed in putting an end to domestic strife. Her delegation agreed with the conclusions and recommendations in the report of the Special Rapporteur (E/CN.4/1985/19).

83. Turning to the situation of human rights in Afghanistan, she observed that the Special Rapporteur's report (E/CN.4/1985/21) added a new dimension to United Nations consideration of humanitarian problems in that country, which had hitherto concentrated on the right to self-determination and refugee assistance. The fact that 4 million Afghans, or one third of the country's population, had become refugees showed the scale and gravity of the problem. Her delegation was appalled at the references to widespread and indiscriminate bombardment of villages and massacre of civilians, lack of respect for hospital zones and personal property, maltreatment

of prisoners, torture and the use of specialized weapons, and particularly at the fact that ill-treatment and degrading treatment had been inflicted on women and children. She noted the Special Rapporteur's observation that the existing régime in Afghanistan not only applied its reforms severely but had requested foreign armed forces to assist in their imposition, thus creating a situation of conflict, and that the current hostilities had acquired unprecedented proportions with the intervention of foreign troops. Her delegation shared the Special Rapporteur's view that the most immediate steps required to minimize the existing suffering were for the Government to respect and fully apply the international human rights instruments to which it was a party. All parties to the conflict must abide by the rules of international humanitarian law and entrust an independent international humanitarian organization such as ICRC with the task of ensuring respect for humanitarian principles. She endorsed the Special Rapporteur's view that efforts should ultimately be directed towards national reconciliation and the withdrawal of all foreign forces and influences.

84. The Commission should do everything possible to improve the human rights situation in Afghanistan. It should extend the Special Rapporteur's mandate and give him every support. Her delegation urged the Government of Afghanistan to co-operate with the Commission and its Special Rapporteur.

85. With respect to the situation in the Islamic Republic of Iran, her delegation agreed with the Special Representative that "no State can claim to be allowed to disrespect basic, entrenched rights ... provided for under the Universal Declaration of Human Rights and the International Covenants". It hoped that the Special Representative could appropriately fulfil his mandate under Commission resolution 1984/54 and it appealed to the Iranian Government to co-operate and permit a dialogue. It appreciated the fact that the Islamic Republic of Iran had passed through a difficult period.

86. Turning to the situation in Poland, she said that the release of a substantial number of political prisoners in July 1984 following the enactment of an amnesty law was evidence of a gradual improvement in the human rights situation since the lifting of martial law in July 1983. Her delegation noted with concern, however, that laws relating to a state of emergency and censorship had been maintained and that freedom of association was curtailed. It hoped that the improvement of the human rights situation in Poland would continue and that there would be favourable developments in all areas.

87. Apart from the situations in the countries reviewed by the Commission, there were still many situations in all parts of the world in which the human rights of individuals and peoples were severely curtailed. The Commission should endeavour to examine those situations and assist all who were in need. It should be fair in its choice of situations, since politically-motivated selectivity could only undermine its credibility.

88. Referring to the question of human rights and mass exoduses, which were among the most serious humanitarian issues of the day, she observed that more than 200,000 Kampucheans had been forced to seek refuge in Thai territory since the beginning of November 1984 because of attacks by Vietnamese forces. The fate of the millions of Afghan refugees in Pakistan, the Islamic Republic of Iran and India was extremely distressing. In Africa, thousands of refugees left their countries daily. The critical food and economic situation there continued to deteriorate. All

members of the international community had a responsibility to help the 150 million people affected. Following a visit to African countries in November 1984, the Japanese Minister for Foreign Affairs had proposed to the General Assembly at its thirty-ninth session that an effective action programme for Africa should be formulated, mobilizing all bodies within the United Nations system. She welcomed the adoption at that session of the Declaration on the Critical Economic Situation in Africa.

89. In order to find lasting solutions to the mass exodus problem, consideration must be given not only to the post-exodus phase in which the human rights of those concerned must be protected but also to the pre-exodus phase, for which appropriate preventive and early-warning measures should be adopted. Among the suggestions to which her delegation attached considerable importance were the proposals of Prince Sadruddin Aga Khan in the study (E/CN.4/1503) he had submitted to the Commission in 1982. The Commission should elaborate on them and see what effective international arrangements could be made. Her delegation hoped that the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees would speed up its work so that the Commission could deal comprehensively with the question.

90. Her delegation had taken note of the Special Rapporteur's view, expressed in his report (E/CN.4/1985/17), that the existence of special courts and tribunals, exceptions to legislation and the lack of a sentence review system might be among the causes of the practice of summary or arbitrary executions, and that there was a close relationship between summary or arbitrary executions and other human rights violations, particularly torture and arbitrary arrest or detention. A detailed analysis of domestic laws, particularly procedural laws and governmental orders, might be called for in order to identify provisions or machinery condoning the practice of arbitrary or summary executions. Although such work, which involved a thorough study of criminal-procedure systems in many countries, would be arduous, it might offer means of eliminating the abhorrent practice. The assistance of other United Nations bodies with considerable expertise on such matters, such as the Committee on Crime Prevention and Control, would be valuable. Her delegation fully supported the Special Rapporteur's recommendation that the Commission should not only continue to monitor the situation of summary executions but should consider means by which all such cases could be brought to its attention; it hoped that the Special Rapporteur would make specific proposals for such means in his next report. It took note of the recommendation that Governments should modify their national laws or regulations in conformity with relevant resolutions and should set up training programmes for law enforcement officials. In view of the observation in paragraph 73 of the report that the practice of summary or arbitrary executions continued to be widespread, her delegation recognized the need for continued study of the phenomenon.

91. Mr. OSNACH (Ukrainian Soviet Socialist Republic) said that the tragic situations in Guatemala and El Salvador reflected many aspects of the gross violations of human rights being perpetrated in Central America as a result of imperialist interference in the affairs of the region and the imposition of reactionary and dictatorial régimes.

92. As a result of the large-scale incursion of mercenaries into Guatemala, the legitimately-elected Government of the day had fallen in June 1954 following an international slander campaign, in which the same stereotyped insinuations had been made as were now being employed against Nicaragua in an effort to overthrow popular power. Throughout the subsequent years, the people of Guatemala had suffered

under successive military dictatorships which had come to power as a result of rigged elections or coups d'état. The 18 Governments that had seized power in that way over the past 30 years had all acted in the interests of imperialism and the bourgeois and land-owning oligarchy.

93. The number of victims of the anti-popular Governments was astounding: over 100,000 had been killed and 35,000 had disappeared without trace, while tens of thousands of Guatemalan patriots had been forced to flee the country. The expulsion of the indigenous population from their homes had become systematic. Indians had been moved largely to the north, where they were forced to clear jungle areas. Following the coup d'état of 23 March 1982, a state of siege had been declared. Ríos Montt and his successor had begun to implement anti-rebellion plans drawn up with the assistance of foreign military experts. The scorched-earth tactics employed had included the annihilation of the inhabitants of entire villages and the destruction of dwellings. There had been massive reprisals amounting to acts of genocide against the indigenous population. In order to demoralize the people and deprive the rebels of support, the authorities had organized "model villages" which were reminiscent of the "strategic villages" established by the aggressors during the war in Viet Nam. As a result, Indian communes had been destroyed and Indians had been forced to live in alien conditions. Gangs of murderous paramilitary terrorists continued to operate with the encouragement of the authorities, which legalized them as "civilian patrols". Terrorism in urban areas had increased and political killings had been virtually legalized. Special secret courts had been established and were reported to have sent 15 people to their deaths within a short period. In order to prevent communication between the patriots and the people at large, the Guatemalan army had increased the severity of its punitive measures and created an atmosphere of terror.

94. The activities of trade unions, peasant leagues, communal centres, and women's and youth associations had been declared illegal, as had those of all political parties whose activities affected national security within the meaning given to it by the military régime. Despite the threats made against them, some 2.5 million registered voters had understandably refused to participate in the farcical election of the so-called Constituent Assembly on 1 July 1984. The Guatemalan army authorities were waging a "dirty war" against their own people in an attempt to put down the popular rebellion and consolidate the repressive régime. While there had been no increase whatsoever in the over-all budget, Ministry of Defence appropriations had increased by 23.4 per cent. The militaristic policy of a State based on terrorism was thus evident.

95. His delegation was also deeply concerned at the situation in El Salvador, where a civil war had been raging for the past five years. Fifty thousand Salvadorians had been killed, 6,000 had disappeared without trace and half a million - one tenth of the population - had been forced to flee the country. As could be seen from the Special Representative's report (E/CN.4/1985/18), El Salvador was suffering from a deepening economic crisis, in which per capita GNP had receded to the 1961 level and per capita private consumption was lower than it had been a quarter of a century earlier. The level of unemployment had increased from 6 per cent in 1979 to 30 per cent in 1983; the minimum wage in real terms had dropped by nearly one third over three years; and inflation remained at about 13 per cent a year. That was the cost of the ruling régime's determination to prevent any democratic development and to perpetuate its rule through violence.

96. Between 1981 and 1984, the number of persons belonging to the punitive forces had increased threefold to over 40,000, trained by some 300 foreign advisers. The operations of government forces against the patriots had become a war against the peaceful population, in which mass bombings had taken the lives of children, women and elderly people and incendiary bombs and chemical weapons had been used. The army had driven inhabitants from towns and villages in order to prevent them from helping the rebels. Shanty towns were growing in San Salvador because of the constant inflow of homeless people. The Salvadorian air force had been equipped with AC-47 aircraft capable of firing 18,000 rounds a minute for indiscriminate use against suspects in populated areas. The Special Representative had stated that the situation of generalized civil violence had continued in El Salvador, and had referred to the large number of civilian victims of such violence, which was generally perpetrated by the so-called civil police or death squads. Despite José Napoleon Duarte's undertaking to put an end to the violence, those elements were continuing their operations with the connivance of the military authorities.

97. Ever since 1981, the Salvadorian National Liberation Front had repeatedly requested the authorities to engage in negotiations in order to settle the conflict and end the bloodshed, but its requests had been consistently rejected by the régime, which was seeking a military solution while posing as a peacemaker and resorting to delaying tactics to prevent an offensive by the Front. Under renewed pressure, President Duarte had entered into spurious negotiations and called on the guerrillas to lay down their arms in exchange for an amnesty, while misrepresenting the position of the patriotic forces, endeavouring to mislead world public opinion and failing to comply with undertakings he had given. The hypocrisy of the Salvadorian régime in expressing its desire for a political settlement through dialogue had been shown for what it was by the continued wave of violence and punitive operations and by its response to the declaration of a Christmas truce by the rebels.

98. The recommendations on the human rights situation in El Salvador and Guatemala made in documents E/CN.4/1985/18 and 19 could not be put into effect in the existing political climate in the region. There could be a move towards democracy if international imperialism ceased to interfere in the internal affairs of those countries and withdrew its support for their anti-popular régimes. In accordance with General Assembly resolutions 39/119 and 39/120, the Commission should condemn the gross and mass violations of human rights perpetrated by those régimes and take effective steps to put an end to them. The mandates of the Special Rapporteur and the Special Representative should be extended.

99. Mrs. RICART MARTI (Pax Romana) said that her organization condemned all violations of human rights, which occurred all too frequently. Despite the responsibility of the State for ensuring respect for the right to life, to which the Special Rapporteur on summary or arbitrary executions had drawn attention in paragraph 76 of his report (E/CN.4/1985/17), paragraph 77 showed that some Governments had resorted to harsh measures, including a significant increase in the number of offences punishable by death, accelerated trial procedures, retroactive enforcement of new laws and direct action against suspected criminals in order to curb a rising crime rate. Over 4,000 persons had been executed in Indonesia in 1983 under such exceptional measures.

100. In its statement at the Commission's previous session, her organization had noted that there were certain common causes for that situation, including the inequitable distribution of wealth, the unscrupulous activities of local oligarchies or transnational corporations in appropriating land and subsoil resources, and the fact that the régimes in power enacted legislation in their own interest. Many countries receiving military assistance were being trained in repressive tactics by the countries supplying it. Both those providing and those receiving such training must be held responsible for the situation.

101. Summary and arbitrary executions were taking place in Peru, Guatemala, Brazil, El Salvador, Haiti, Afghanistan, the Philippines, East Timor, Sri Lanka and Liberia, and that was by no means an exhaustive list.

102. Her organization had already referred to the situation in Peru under agenda item 10. No fewer than 1,112 deaths had been recorded in the Ayacucho region alone between June and August 1984, when governmental armed forces had been in the area. The number of victims between January and July 1983 had totalled 2,103. Official data showed that there had so far been 904 complaints of enforced disappearances, but the actual number was known to be far higher, since most victims were illiterate peasants who were unaware of the remedies available to them.

103. With respect to the situation in Guatemala, her organization associated itself with the conclusions of a mission of Catholic bishops that had visited the country in 1984. Firstly, the persons largely responsible for deaths, violence and other violations of human rights were the governmental military forces. Secondly, the forthcoming elections offered no hope of any improvement since no structural changes or control over the military authorities were contemplated. Thirdly, the activities of the Catholic Church were severely restricted because of the constant intimidation to which it was subjected.

104. Despite the hopes raised in Brazil by recent political changes, that country must be condemned both for certain slavery-like practices and for the summary or arbitrary execution of 34 persons towards the end of 1984. Both accused persons and their lawyers had been executed.

105. In El Salvador, the civilian population had been subjected to increasing bombardment. Under pressure from the extreme right, the dialogue with the FDR-FMLN, on which great hopes had been placed, had been suspended.

106. The practice of unjustified and arbitrary detention with subsequent disappearance, applied by government troops in Haiti, must be condemned. Five persons had disappeared in June 1984 and no information on their whereabouts had so far been received. Six persons had been executed in May 1984 for having torn down a poster carrying a picture of President Duvalier. In July 1984, 2,000 persons had signed a document condemning the situation of terror in which the people were living.

107. Her organization commended the Commission's appointment of a Special Rapporteur on the situation in Afghanistan. In 1984 and early 1985, the Soviet military presence in that country had increased. Total war was being waged in the Kabul, Herat and Kandahar areas. The sovietization of teaching and the training of Afghan children in the Soviet Union must be explicitly condemned.

108. In the Philippines, 1,705 summary or arbitrary executions had taken place since 1980. The Government had used chemical weapons against the civilian population in the Mindanao area. The country was subjected to ever-increasing militarization.

109. Her organization once again wished to express its disagreement with the procedures applied in the case of East Timor. Information provided by the KIPA agency on 1 March 1985 showed that Monsignor Carlos Belo Dili, in a press conference, had attributed to the Indonesian military authorities responsibility for the murder of 84 civilians in 1983 in reprisal for the killing of 16 Indonesian soldiers by Fretilin.

110. In Sri Lanka, ethnic confrontations between the Sinhalese majority and the Tamil community were a constant example of lack of respect for fundamental human rights. Brutal attacks against the Tamil population, particularly in the Jaffna and Kilonochi areas, had taken place in December 1984. The areas in question had been declared security areas with restricted transit to the coast, which meant that the inhabitants who mainly relied on fisheries, were condemned to starvation. There was evidence that the Government was enforcing a "military solution"; peace could be achieved only through a political solution.

111. She commended the Special Rapporteur on summary or arbitrary executions for addressing a telex to the Minister for Foreign Affairs of Liberia in April 1984 in connection with the execution of seven persons in that country following summary proceedings. The Liberian Government had sent no reply. It was known that any opposition to that Government was brutally and violently repressed.

112. Her organization's efforts were aimed solely at ensuring the full development of peoples in peace and freedom, and it associated itself with all bodies that were striving to that end - an end that could not be achieved by means of the atrocities to which she had referred. She hoped her statement would induce all those directly or indirectly responsible for the situation to take appropriate action.

113. Ms. KUNANAYAKAM (World Student Christian Federation) said that her organization, whose main objectives were to promote awareness among Christian students and their critical participation in society, and to encourage them to work for peace, freedom and justice, had observed with concern the continued and systematic violation of human rights and fundamental freedoms in Guatemala. Such violation resulted from the totalitarian doctrine of the Ministry of National Security, on which all the actions of the army and government policy were based.

114. The militarization of society and the State had increased since the coups d'état of 1982 and 1983. The constitutional framework had been eroded by a system which permitted the army to impose counter-insurgency measures and violate the civil rights of the population through massacres, destruction of land, enforced settlement in model villages and development centres, and enforced enrolment in civil defence patrols, all of which generated a climate of intimidation and terror affecting all areas of national life. The army had taken control of civilian society, particularly through the activities of inter-institutional co-ordinators under the command of the Chief of the Defence Staff and military zone commanders, to whom the authorities and the State and para-State bodies throughout the country, including municipal mayors, were responsible. The forthcoming general elections were to be organized in such a way that the Government would retain its real power while transferring formal power.



115. The election of the National Constituent Assembly responsible for drawing up the Constitution had taken place during an internal armed conflict resulting from structural economic, social and political factors, in the course of which the Government's security forces had failed to respect humanitarian law. That election, which had been preceded by intimidation and terror through repression on the part of the security forces; had taken place without the full participation of all currents of political opinion. There had been a 59 per cent rate of abstention or invalid votes. Evidence given in reports by organizations in a number of countries which had investigated the situation showed that Commission resolution 1984/53 had not been respected.

116. By 21 December 1984, the National Constituent Assembly had approved 18 of the 47 articles submitted by its drafting committee. There were gaps and contradictions in those articles which indicated that the doctrine of national security continued to dominate the political and normative system of Guatemala and to lead to continuing violations of human rights. For example, article 12 stated that no person could be judged by secret or special tribunals or by procedures that had not been legally pre-established. Any subsequent law establishing such procedures could thus lead to violation of the right to a fair trial and a proper defence, as had occurred in the case of the suppressed special jurisdictional tribunals.

117. Article 24 provided that persons and vehicles could be searched only when sufficient cause for such search had been established, and then only on condition that the dignity of the persons concerned was respected. Since the reasons justifying such an act were not defined, the article in effect authorized a violation of the right to freedom of movement and the right to individual privacy.

118. While stating that all acts of the Administration were public and that free access to the proceedings was available, article 30 also stipulated that if such acts related to diplomatic or military affairs important to national security, the guarantee of human rights and of the proper investigation of cases could be rendered inoperative, since neither the judicial authorities nor the public would have access to the proceedings. That was a serious matter in view of the militarization of Guatemala. If the State military forces, which had not changed but had simply become technically more competent, failed to respect the fundamental rights of the Guatemalan people, the publication of the new Constitution could be no guarantee of such respect. A further source of serious concern to her organization was the violation of the right to life, liberty and personal integrity of Guatemalan students, many of whom had been abducted or had disappeared, while others had been murdered, one of them having first been tortured. The Government of Guatemala had given no satisfactory reply to requests for information on those cases.

119. A delegation from a United Kingdom parliamentary human rights group, which had received 70 testimonies from Guatemala, and a delegation of Catholic bishops had emphasized the responsibility of the Guatemalan Government for the vast majority of human rights abuses in that country. The reports of both delegations indicated that the Guatemalan people were suffering at the hands of the army and the compulsory civilian patrols, and that even if elections were held in 1985, the army would retain effective control of the country. The conclusions in those reports were supported by a statement issued by Guatemalan bishops in June 1984 and describing the violence for which the Government was responsible.

120. There was sufficient cause for the international community strongly to condemn the human rights violations taking place in Guatemala and to call upon the Government to respect the right of the Guatemalan people to build a better, more humane and more just society in which they could exercise their human rights and fundamental freedoms.

121. Mr. HOPPE (Observer for Denmark) said that, even though the information it contained might not be exhaustive or complete, the report of the Special Rapporteur on summary or arbitrary executions had demonstrated beyond any doubt that such practices were still widespread. The Danish delegation supported the Special Rapporteur's recommendation that the Commission should consider means by which all cases of summary or arbitrary executions could be brought to its attention, so that an effective way of eliminating that abhorrent phenomenon might be found.

122. Since under existing international law primary responsibility for ensuring respect for the right to life rested with the State, an explanation of the fact that violations of that right were frequently perpetrated by State authorities must be sought. While the reasons might vary from country to country, there was usually a common element: the authorities perceived the victims as a threat to the existing political, social or religious order. Instead of permitting the free exchange of thoughts and ideas, the authorities in many countries eliminated people of dissenting views, frequently on trumped-up charges or, in some cases, no charge at all. In the majority of cases in which the right to life was violated, the victim was imprisoned, tortured and killed. The Commission had appointed its Special Rapporteur in the hope of reducing and eventually eliminating such executions. The adoption, by the relevant United Nations bodies, of resolutions on the subject without a vote meant that the entire United Nations membership supported the Special Rapporteur's appointment and his efforts to fulfil his mandate, yet many Governments steadfastly refused to co-operate with him. His delegation, which was deeply disappointed at such lack of co-operation, strongly urged those Governments to reconsider their policy.

123. In carrying out his mandate, the Special Rapporteur had paid increasing attention to allegations of imminent or threatened summary or arbitrary executions. It was regrettable that only 2 of the 13 Governments to which the Special Rapporteur had addressed urgent appeals had responded. If there were reasonable grounds for assuming that urgent intervention by the Special Rapporteur had saved even one human life, his efforts had certainly been worthwhile. The Special Rapporteur himself looked upon urgent communications as an important part of his mandate. A further aspect was the establishment of training courses for law-enforcement officials with a view to increasing respect for human rights, in which connection the Special Rapporteur had drawn attention to the close relationship between summary or arbitrary executions and other human rights violations. Training programmes should aim at securing increased awareness of the importance of respect for the right to life and for other human rights and fundamental freedoms. His delegation shared the hope that Governments would respond to the Special Rapporteur's request in that regard. The question of summary or arbitrary executions was the most serious subject on the Commission's agenda. The work of the Special Rapporteur was in the forefront of the international community's efforts to combat such executions, and the Danish delegation strongly supported the further extension of his mandate to enable him to continue and intensify his humanitarian efforts.

124. Mrs. ESQUIVEL (International Federation of Rural Adult Catholic Movements) said that many rural communities throughout the world had been deprived of their land and had suffered violations of their most fundamental human rights. Such violations were occurring increasingly in Guatemala, where rural communities which had managed to survive had fled from the army's massacres and scorched-earth policy. Those communities were suffering new violations of their human rights and fundamental freedoms. Never since the Spanish conquest had they been so victimized by military force as in the current stage of the counter-insurgency war. Sixty per cent of the country's total population were concentrated in areas of conflict and reduced to extreme poverty by the army's systematic destruction of their maize crops. Such concentration formed part of the Government's so-called national security and development plan, the attack and consolidation phases of which were undertaken by the military. The massacre and scorched-earth policy applied in the attack phase had taken more than 40,000 lives among the rural population and caused massive population displacements to jungle and mountainous areas, cities and neighbouring countries. The climate of terror and intimidation created by that policy affected all sectors of national life.

125. In the current consolidation phase the same measures were applied selectively, under the cloak of so-called development. According to reports by organizations based in various countries, murders, individual and mass abductions, and destruction of crops and housing were continuing. The rural population were forced to live in "model villages", to form peasant associations and security committees, and to join civil defence patrols. Efforts were being made to legalize the army's control over all State and para-State institutions through inter-institutional co-ordinators, to whom all existing and future civil authorities were responsible. Control over the rural population was a long-term military objective, that explained why no progress had been made in applying the provisions of humanitarian law as recommended in resolution 1984/23 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Civilians were suffering increasingly from the constant and systematic violation of their human rights in an internal conflict arising out of the country's structural economic, social and political conditions, which the régime was maintaining by armed force. The basic needs of the rural population could not be met until the economic structure was changed. Decree-Law No. 67-84 would do nothing to change the unjust and arbitrary system of land distribution in which 80 per cent of the arable land was held by 2 per cent of the population.

126. The interinstitutional co-ordinators were under the control of the military zone commanders, who supervised all the State institutions concerned with the peasant associations. Property belonging to rural workers was transferred to the associations which, under article 29 of Decree-Law No. 67-84, could expel them and, under article 32, disposes them and their families of their land. Anyone so expelled was ineligible for membership of any other association. The National Institute for Agrarian Reform, which was a militarized body, ruled on the classification and admission of persons eligible for membership of the associations. Article 74 of the Decree-Law provided that the associations should prohibit participation by political and religious bodies. Such provisions constituted violations of human rights and fundamental freedoms. The Government had declared its respect for free enterprise, but such freedom was extended only to the economically strong sector - the 2 per cent of the population which held 80 per cent of the land and all the economic advantages. The development centres established by Decree-Law No. 65-84 were composed of communities which had been displaced as a

result of the massacre and scorched-earth policy; their purpose was to subdue the rural population which had taken refuge in the interior of the country.

127. A further form of violation was the enforced enrolment of rural workers in the civil defence patrols controlled and organized by the army. Some 800,000 had been permanently enrolled in such patrols, those who refused to join being dubbed subversionists, communists, guerrillas or terrorists and thus marked down for murder or enforced disappearance. The compulsory activities of the patrols included participation in individual and mass murder. They received no pay and their rations were limited. All the measures and plans she had described were of a military nature and were designed to secure control over the population and its resources. They provided for no real development, nor was any real attempt made to meet the vital needs of the rural population. They were a violation of all the human rights that were respected in democratic countries.

128. Her organization hoped that, at its current session, the Commission would adopt a resolution and specific measures to oblige the Government of Guatemala to respect the right to life, freedom of association and freedom of opinion, and the right to democratic participation by the impoverished and enslaved majority of the Guatemalan people.

129. Mrs. ROMERO (International Federation of Human Rights) said that her organization was seriously concerned at the situation of human rights in Guatemala, Peru and El Salvador. One of the many reports on the subject stated that: there had been an increase in abductions and disappearances in Guatemala in 1984, about which the security forces had repeatedly denied any knowledge; abductions of students and staff of San Carlos National University had continued, some cases having been attributed to government forces acting against left-wing sympathizers or supporters; according to substantial evidence, cruel treatment and torture had been inflicted on detained persons; there were secret government prisons in which cruel treatment was customary; and illegal detention continued to be a serious problem.

130. The report she had cited was not among the most critical of the situation. Still less could that be said of the report of the Special Rapporteur (E/CN.4/1985/19), which did not reflect the actual situation in Guatemala. There had been no respect for human rights and fundamental freedoms in Guatemala since the Commission's previous session; the Special Rapporteur's reference to an improvement in the situation was therefore astonishing. The persons who had been detained or had disappeared had suffered the most cruel physical and mental torture in the knowledge that the very mention of another person's name would condemn that person to a similar fate. Those who were not killed immediately sometimes spent long periods of solitary confinement in secret prisons. Bodies of victims had been found on roadsides and doorsteps, in ravines and secret burial places. The families of disappeared persons moved from place to place in an effort to discover whether mutilated corpses were those of their relatives. The families had decided to join together in seeking their missing relatives and appealing for the support of national and international public opinion. In view of the difficult conditions in which the Mutual Support Group was working, its anger at the unsatisfactory response and partiality of the Special Rapporteur and at his failure to portray the true situation in Guatemala was understandable.

131. Her organization had noted the two criticisms of the Special Rapporteur made by the Government of Guatemala. The first was that the conclusions in his report should have included a statement that all accusations of human rights violations were false. The Special Rapporteur had been unable to come to such a conclusion since, as he himself admitted, his assessments were based on insufficient evidence. The Government's second criticism was that the Special Rapporteur had failed to give any recognition to the policy of establishing development centres and civil defence patrols. The Special Rapporteur could obviously not commend a policy that had been expressly condemned by the Commission and other competent bodies, which had noted the similarity between the situation of the rural population in Guatemala and the apartheid conditions in South Africa.

132. The International Federation of Human Rights, which was also concerned about the situation in Peru, intended to provide the Commission with a transcript of the oral statement it had made on the subject at the Commission's thirty-ninth session, together with the Peruvian delegation's reply.

133. Mr. ZELAYA (International Federation of Human Rights) said that his organization also wished to express concern at the many continued and serious violations of human rights in El Salvador. The fact that the statistics showed a decrease in the number of cases of political murder, illegal detention and disappearance did not mean that there had been any substantial change in the situation. While institutionalized violations might have diminished, the structure had not been done away with. There had, indeed, been a renewed increase in violations in recent months. The inefficacy of criminal justice in El Salvador had been described by the Special Representative in his report (E/CN.4/1985/18). The perpetrators of violations continued to go unpunished. The scene of the most serious violations had shifted from the city to the rural areas, particularly those under the control of the FMLN or those affected by armed conflict. Most of the victims' names were missing from the lists compiled by the Salvadorian humanitarian organizations, which had no access to the areas concerned. The Salvadorian Human Rights Commission (non-governmental) had recorded 201 bombardments of the civil population between 1 June and 31 December 1984 compared with 145 in the corresponding period of 1983. It had also recorded 2,242 violent deaths of civilians in 1984 and had received information concerning over 200 death squad victims and some 100 cases of disappearance, together with information on many other cases of violation of human rights.

134. The Special Representative's report showed that government forces continued to massacre the non-combatant population. The civilian status of non-combatant sympathizers with the FMLN should be respected in accordance with the Geneva Conventions. As a party to the Additional Protocols of 1977, El Salvador should set an example in that respect, particularly since the conflict had been recognized both by the General Assembly and by the Commission as a non-international armed conflict, to which Additional Protocol II should apply. His organization, which was concerned at the serious and continuing violations of the norms of international humanitarian law, requested the Commission to call upon the parties to humanize the conflict and, in particular, to respect the status of civilians, health personnel and hospitals throughout Salvadorian territory, and of members of Salvadorian humanitarian organizations. It was aware of the threats that had been made against the Salvadorian Human Rights Commission following its first congress and the publication of its resolutions in November 1984. The Archbishop of San Salvador had also been threatened in December 1984 for encouraging dialogue.

135. Certain members of the Commission on Human Rights continued to give increased military support to an army that was systematically violating the humanitarian rules of war. The Commission should renew its appeal to all countries not to supply any type of military assistance to El Salvador, but rather to encourage a dialogue between the Government and the FDR-FITLN, leading to a just and lasting peace. So long as the war continued, there would continue to be serious violations of human rights. The suspension of talks with the dissidents, under pressure from right-wing elements, was therefore disturbing. He urged the Commission to appeal to the parties to the conflict to resume the dialogue as soon as possible and to make every effort to achieve a negotiated settlement.

136. Mrs. FLORES (Women's International League for Peace and Freedom) said that she was representing the League as a member of the Salvadorian committee of mothers and relatives of persons detained, disappeared and murdered for political reasons. She wished to describe briefly what was happening in El Salvador.

137. She expressed astonishment and regret at hearing a delegation which had sponsored a draft resolution on El Salvador state that the situation of human rights in that country had substantially improved as a result of the Government's policy. That delegation had no doubt been deceived by the promises of President Duarte, who, on 8 June 1984, had promised to telephone her committee about the whereabouts of 650 disappeared persons detained by the security forces. The President's telephone call was still awaited and nothing was known about the fate of the victims, whose mothers and families were suffering untold anguish at the thought that they were being tortured and kept in solitary confinement. They felt that they had been deceived by President Duarte's failure to keep his promises. They had similarly been deceived by the President of the Supreme Court, who, on being asked to take action in the case of Archbishop Romero, had replied that the case had been filed for lack of witnesses or evidence. That reply had caused great distress and anger, since there was known to be evidence, including that of the United States Ambassador. Despite the amnesty declared by the previous Government in 1983, there were still 392 political prisoners in Mariona prison and 24 in the women's prison. The activities of the death squads had been renewed at the beginning of 1985 and the number of political murders had increased in January to 113 and in February to 250. The number of disappearances had also increased.

138. A further matter of serious concern was the systematic bombardment of the civilian population. It was unimaginably distressing to hear evidence from mothers who had lost their young children or to see the tears of children who had lost their brothers, sisters or parents or who had lost a limb in the attacks. It was deeply regrettable that such serious violations of human rights and of the humanitarian rules of war were not condemned in the draft resolution on El Salvador (E/CN.4/1985/L.12). She urged the Commission to call upon the Government of El Salvador to end its bombardment of the civilian population, and to call upon the Governments that were supplying El Salvador with weapons to end their shipments and encourage continued dialogue as the only way of achieving peace.

139. Her committee's work had been given international recognition. In November 1984, the Kennedy Foundation in Washington had awarded it the human rights prize. Its members had wished to go to Washington to receive the prize and to tell the women of the United States of their grief and suffering so that they could help to put an end to repression in El Salvador, to find missing relatives and to call a

halt to military assistance from the United States. However, they had not been permitted to do so since the Department of State and the United States Embassy in El Salvador had refused to issue the necessary entry visas on the ground that her committee's presence would endanger State security.

140. She urged the Commission to call upon the Reagan Government to cease its arms shipments to El Salvador, to call upon President Duarte to continue the dialogue until peace had been achieved and to call upon the Salvadorian Legislative Assembly to approve the amnesty bill submitted on 17 December 1984. She invited all participants in the Commission's session to visit the rural areas in El Salvador affected by the government bombardment and massacre. The members of her committee were humble women who wished for nothing but the return of their children and relatives, who had been taken away alive and whom they wished to have back alive. As Salvadorians, they desired peace for their people and an end to the many serious violations of human rights that caused them so much suffering.

141. Mr. AVERY (Amnesty International) said that, despite the prohibition of summary and arbitrary executions in international conventions and in Commission, Economic and Social Council, and General Assembly resolutions, the report of the Special Rapporteur (E/CN.4/1985/17) showed that such practices were continuing. The facts fully justified the Special Rapporteur's recommendation that the Commission should not only continue to monitor situations of summary or arbitrary executions which had occurred and which were imminent, but should consider ways and means by which all such cases could be brought to its attention so that an effective way could be found to eliminate the abhorrent phenomenon of summary or arbitrary execution.

142. The Special Rapporteur's urgent appeals to Governments made an important contribution to efforts to prevent summary or arbitrary executions, particularly those following death sentences without the minimum internationally-agreed safeguards. Unfortunately, however, some of those appeals had been unsuccessful. As could be seen from paragraph 19 (1) of the Special Rapporteur's report, a 76-year-old man, Mahmoud Mohamed Taha, had been publicly executed in the Sudan simply for the non-violent exercise of his right to freedom of conscience and expression, while Abdul Nazir Baluch, to whom reference was made in paragraph 19 (j), had recently been executed in Pakistan following a trial held in camera before a special military court and allowing of no review of conviction or sentence by any court of law.

143. The urgent appeals reproduced in paragraph 19 gave a useful, though incomplete, picture of the practice of imposing and sometimes executing death sentences without respect for the minimum internationally-agreed standards, and thus unlawfully. The report was less informative regarding the practice of killing by the authorities with no pretence of legal process, nor in legitimate self-defence nor by way of lawful conduct of armed conflict. Of the Special Rapporteur's urgent appeals, only the one relating to Guatemala dealt with executions of that type. Paragraph 15 of the report referred briefly to allegations of such executions in Libya and Malawi in 1983, to which the Governments of those countries had failed to respond since the publication of the previous report. Annex V described the Special Rapporteur's visit to Suriname to investigate reported executions of that type in December 1982.

144. The practice of such executions was a serious problem that must not be passed over in silence. The reported killing of some 70 civilians in the Cabanas and Chalatenango provinces of El Salvador in July 1984 were referred to in an Amnesty International statement that had been circulated in the Commission. In Guatemala, eye-witness testimony had been given to Amnesty International concerning the alleged kidnapping, torture and extrajudicial execution by the military authorities of 47 people in Santa Lucia la Reforma, Totonicapán, and the killing of 39 people in Xeaiguán, Rabinal, Baja Verapaz, in August 1984. Executions of the same kind had also taken place in East Timor in 1984. In the west of the territory, some 100 men living near Bobonaro were reported to have been killed by Indonesian troops in March 1984, while in Baucau, in the east, three men suspected of contact with Fretilin forces were reported to have been killed on 30 May 1984.

145. Several Libyan political leaders had publicly proclaimed a policy of liquidating opposition elements, whom they described as "stray dogs". In addition to the cases mentioned in paragraph 15 (b) of the Special Rapporteur's report, other summary executions had taken place in Libya. In June 1984, eight "enemies of the revolution" had been hanged. The Libyan leadership did not confine such practices within its frontiers. Political opponents abroad were declared to be targets for assassination by secret suicide squads. Under that policy, in Athens a Libyan-born shopkeeper had been wounded in June 1984 and two Libyan students killed in July 1984. There had been an abortive attempt on the life of a former Libyan prime minister in Egypt in November 1984.

146. At Misamis Occidental in the Philippines, five armed men had entered the house of Julian Bonane, the secretary of a church group, on 17 March 1984. Later that morning his body, together with those of his wife and three children, had been found, each with multiple stab wounds. Amnesty International had received the names of the military personnel alleged to have committed the killings. Church sources had reported that witnesses who had identified the soldiers involved had been under pressure from military officials to retract their statements and sign counter-affidavits.

147. Despite the Commission's hope for a solution to the continuing problem of human rights violations in the intercommunal strife in Sri Lanka, many non-combatant civilians had been killed by military and security personnel during the past year. Over 100 had been killed in the Mannar area on 4 December 1984, and it had been alleged that in one massacre at least 90 unarmed civilians, mainly Tamils, and many of them women, children and old men, had been shot dead in retaliation for the death of a soldier caused by a land-mine.

148. Amnesty International continued to receive reports of serious and widespread unlawful killings by the Ugandan army. At the end of May 1984, soldiers had killed some 100 civilians, including the principal of the Uganda Martyrs' Theological College and the Imam of the Kito Mosque, at Namugongo, near Kampala. The Government had condemned the killings and admitted that soldiers might have been involved, and one officer was said to have been charged, but no formal inquiry was known to have been established.

149. Amnesty International considered that the examples he had given illustrated conclusively the need for the Commission's continued concern with the problem. It hoped that the Special Rapporteur would continue his work and that his next report would give more substantive information about the serious practices he was required to deal with.



150. Mrs. SLAMOVA (Observer for Czechoslovakia) noted that, in spite of United Nations resolutions, violations of human rights continued in South Africa, the Arab territories occupied by Israel, El Salvador and Guatemala. It was apparent from the report on El Salvador (E/CN.4/1985/18) and from statements in the Commission that the situation had not really improved there and that concern was well-founded. The situation in Guatemala also continued to be deplorable, as shown by the relevant report (E/CN.4/1985/19). The Government had not ceased its repressive activities, and there were numerous disappearances and an unending flow of refugees. The anti-popular régimes in both countries could not have survived for so many years without outside assistance and persistent efforts to mislead world public opinion. Mention of human rights in Latin America recalled the case of Grenada, where a people which had tried to opt for independent development had been subjected to military occupation, and the undeclared war against Nicaragua, where an attempt was being made to overthrow the legally elected Government.

151. In considering human rights, it was impossible not to refer to the millions of people suffering from poverty, hunger and illiteracy and the numerous unemployed, including many young people. No figures could convey the extent of the tragedy of individuals thrown out of work through the capitalist system, in flagrant violation of article 23, paragraph 1, of the Universal Declaration of Human Rights.

152. United Nations documents showed how the basic right to life had been flouted since the Second World War. Armed conflict had claimed 21 million lives, which was tantamount to a rate of some 10,000 every month since 1945, the majority in the developing countries. Furthermore, through such conflicts, millions more had been rendered homeless or forced to become refugees.

153. Her delegation had already said that world attention should be directed not only to massive violations of human rights but also to their basic underlying causes. The most dangerous violations were military and other assistance to dictatorial régimes, racism, foreign exploitation, vestiges of colonialism and the emergence of neo-colonialism, and ideologies such as nazism, fascism and neo-fascism. The Commission should draw attention to such negative developments rather than to other situations which had nothing to do with its terms of reference. She had in mind the so-called Afghan question. Independent Afghanistan was the victim of an undeclared war by imperialist forces using mercenaries; its efforts to reach a settlement had been ignored and it was the object of a campaign of slander, including the report by Mr. Ermacora (E/CN.4/1985/21), which could be described only as a biased fabrication. Its lack of objectivity came as no surprise since, as could be learned from the Frankfurter Allegemeine Zeitung of 25 February 1985, its author had spoken in favour of revanchism at a meeting of a revanchist organization, the Sudetendeutsche Landsmannschaft, held the preceding day. It was also noteworthy that the report had been released to the press before it had been distributed to members of the Commission.

154. Her delegation endorsed the statement made by the observer for Afghanistan and advocated the immediate cessation of interference in the internal affairs of that independent country.

155. Mr. LECHUGA (Observer for Cuba) said that there was nothing new about the massive violations of human rights, and above all the right to life, in El Salvador and Guatemala. For many years in the two countries, murder, torture and disappearances had been daily occurrences. The announcement that the death toll had been smaller during the past year than in the previous year did not alter the substance of the problem. It was a standing reproach to the international community that such truly genocidal régimes continued to misgovern, with every kind of backing from foreign interests.

156. On Guatemala, the Special Rapporteur had stated that there continued to be apparent numerous examples of violations of human rights in individual cases, notably murders, disappearances and woundings (E/CN.4/1985/19, para.11). That was a case in which appearances were not deceptive. The murders, disappearances, woundings were real enough. For 30 years Guatemala had suffered from a rule of terror, and violation of human rights had become a habit with the forces of repression. There was not much point in quoting lists of victims. The essence of the problem was social injustice, army men who enriched themselves and who committed every sort of illegal action to keep power in the hands of the privileged classes. A document published by the Guatemalan Human Rights Commission was illuminating: it pointed out that human rights were indivisible and that there could not be a partial improvement in certain human rights. Until the structures which had given rise to social injustice and finally armed revolt were abolished, changes in the legal machinery could only be cosmetic. Government propaganda and that of its foreign patrons spoke of elections, but the majority of Guatemalan citizens were ineligible to vote because they were illiterate. In certain regions, where the indigenous population lived, the illiteracy rate was as high as 80 per cent. Human life would not be respected until the machinery of repression was dismantled and those guilty of human rights violations were brought to trial.

157. El Salvador was another country in which human rights violations continued to be a constant feature of power politics, as did the indiscriminate repression practised by military and paramilitary forces against the civilian population in combat areas. The judiciary was incapable of imposing punishment on those guilty of human rights violations. The immediate issue, to which a number of United Nations and other international bodies had addressed themselves, was to endeavour to humanize the war and persuade the military authorities to respect the status of prisoners. It was to be hoped that the positive response by the parties concerned to an international appeal for constructive dialogue would continue so that there could be a political solution which would bring peace to the country and the chance to improve the economic situation. According to the Economic Commission for Latin America, five years previously 20 per cent of the population had received only 2 per cent of the national income while the richest 20 per cent had received 66 per cent. Today the situation was worse.

158. The bombardments of the civilian population were reminiscent of Dante's "inferno". They spared neither elderly people nor women, and houses and crops were also destroyed. It was hard to conceive that a national army would behave in such a fashion against its own people. In spite of world public opinion, as expressed for example in General Assembly resolution 38/101, the United States was helping the government forces to continue their bombing by providing them with helicopters carrying approximately double the fire-power of the aircraft previously supplied and three additional A-37 bombers. The Commission must keep the cases of El Salvador and Guatemala on its agenda.

159. Thousands of innocent victims were also being caused by the United States policy of aggression against Nicaragua. Mercenary bands directed by the Central Intelligence Agency, with plentiful supplies from the United States Government, were engaged in murder, abduction and torture. It was hard to find in the history of international relations another case in which a major Power had been bent on bringing to its knees a small country heroically struggling for its sovereignty, independence and development. In Nicaragua, the United States had torn in shreds every human right and violated the international commitments to which it was a party, while constantly rejecting proposals for a peaceful solution to the dispute put forward by the Government of Nicaragua. The most recent proposal, relating to the withdrawal of military advisers and a ban on the acquisition of weapons, was still awaiting an appropriate reply.

160. In conclusion, he reiterated his Government's solidarity with the Cypriot people and its support for their struggle against the violation of the territorial integrity of Cyprus.

161. Mr. MATARASSO (International League for the Rights and Liberation of Peoples) said that his organization attached great importance to respect for the laws and practices of war relating to the treatment of prisoners and civilians in all armed conflicts. At its previous session, he had informed the Commission that, in spite of El Salvador's ratification of the Geneva Conventions of 1949 and the additional protocols of 1977, the government armed forces were not observing their provisions. Hopes had been aroused by the initiation of a high-level dialogue between representatives of the parties to the conflict, but the attitude of the government armed forces remained a matter of grave concern.

162. He would refer to two matters, the first being the indiscriminate bombing of the civilian population. During 1984, there had been over 377 cases of bombardment of the civilian population living in FMLN-controlled or disputed areas. The bombardments showed that the government forces, assisted by United States advisers, intended to apply in El Salvador a strategy designed to deprive the guerrillas of popular support. The government forces could undertake such action only because they had acquired rapid-fire helicopters and C-47 aircraft equipped with cannon with a firing capacity of 1,500 rounds a minute. Such equipment used without discrimination would certainly increase the number of civilian victims, in violation of the humanitarian law relating to armed conflicts. The second point related to the treatment of the sick and wounded, medical personnel and medical equipment. The laws and customs of war, and more particularly Additional Protocol II of 1977 relating to the protection of victims of non-international armed conflicts, provided for the protection of the wounded, sick, medical personnel and medical installations and equipment. From all the information it had received, his organization was in a position to affirm that the provisions of the Protocol were not being respected. FMLN hospitals were systematically destroyed, and wounded prisoners and medical personnel were often killed on the spot or tortured. The Government of El Salvador had even opposed the evacuation of FMLN wounded and disabled through a competent international organization.

163. It was the responsibility of the entire international community to ensure respect for the Geneva Conventions, particularly by States parties to the Conventions and the additional protocols thereto. He therefore requested the Commission to bring that matter to the attention of all States.

164. Mr. Chowdhury (Bangladesh) resumed the Chair.

165. Mr. LAURIJSSEN (International Confederation of Free Trade Unions) reviewed some of the cases of systematic violation of trade union rights which were taking place in countries under varying types of authoritarian régime. The methods used by Governments to prevent the development of a democratic trade union could range from dissuasive tactics to intimidation and outright oppression.

166. In Paraguay, which had been under the same dictatorship for over 30 years, independent workers' organizations had been brutally wiped out in 1958, most of their leaders and activists being imprisoned or forced into exile, where many had remained. The situation had by no means improved. Intimidation of workers suspected of involvement in democratic trade union activities was widespread and systematic, and those who persisted in their efforts invariably became the victims of more severe forms of persecution. Among the main targets of oppression were members of the National Federation of Building Workers (SINATRAC), the Bank Employees' Federation (FELTRABAN) and the Paraguayan Journalists' Union (SPP). In 1984, five building workers' leaders had been arrested by the military for being involved in the establishment of a new union and when after some weeks they had been released they had immediately been dismissed from their jobs at the explicit request of the Ministry of Labour. Many bank employees had also been dismissed and the only opposition newspaper, ABC Color, had been closed down indefinitely, while the head of the SPP had been arrested and held in detention for several months on three occasions since 1979.

167. Another group subjected to constant harassment by the Paraguayan authorities were the rural workers. Hundreds had lost their means of livelihood when the Government had sold agricultural land to foreign companies and multinational corporations, forcing them and their families to evacuate without compensation or alternative means of income. Those opposing the measures were brutalized by the landowners, or arrested and deported by the authorities. In December 1984, his organization had received a letter signed by six rural workers who had been in prison since March 1980, announcing that they were going on hunger strike in protest against their unjust detention. ICFTU had received detailed evidence of similar practices being applied on a wide scale against rural families and indigenous peoples in Brazil and Ecuador, together with numerous cases of assassinations, in which the authorities or paramilitary groups were sometimes involved. However, both Brazil and Ecuador had at least achieved some progress towards democracy; his organization therefore hoped that the Governments concerned would give priority consideration to ensuring that their rural populations enjoyed their basic human rights, in particular security and decent living conditions.

168. In the very recent past, a high-level delegation from ICFTU had conducted an on-the-spot inquiry into human and trade-union rights in Guatemala. Unfortunately, its findings did not coincide with the optimistic views of the Special Rapporteur (E/CN.4/1985/19). The ICFTU delegation had collected evidence from trade union and religious leaders, political and trade union detainees, and relatives of imprisoned, disappeared and murdered workers and trade unionists. It had been deeply perturbed by the prevailing climate of terror. Guatemala was a country where repression was the rule and workers had only the right to work and keep quiet about their miserable living conditions. Democratic trade unionists could pursue their activities only at the risk of their own safety and their families' income.

169. In Turkey, the transition to democracy was proving an extremely slow process. Martial law was still in force in several provinces, while in others a state of emergency was maintained, giving extensive powers to the provincial governor. The right to conduct collective bargaining and to strike was seriously restricted by the 1983 Turkish labour legislation. The National Trade Union Confederation, DISK, continued to be suspended and about 15,000 of its members were still on trial, charged with anti-government activities. No less than 76 of them were facing the death penalty. The trials, which had started in December 1981, were proceeding extremely slowly and DISK's entire leadership had been released on bail only in August 1984, after almost four years in detention.

170. In Poland, the principle of freedom of association continued to be violated and a report by an independent ILO commission of inquiry, published in June 1984, had severely criticized numerous violations by the Polish authorities of ILO Conventions Nos. 87 and 98 and had made recommendations to bring the 1982 Polish Trade Union law into conformity with them. Unfortunately, the Polish Government had rejected the commission's report. Although the amnesty announced in Poland in July 1984 had ended a great deal of suffering, it had not brought to an end severe restrictions on trade union rights. Solidarnosc leaders and activists were still subject to harassment, employment difficulties and rearrest. Under the terms of the amnesty, prison sentences were conditionally suspended but might be reimposed if another similar offence was committed. Such offences included holding or attending trade union meetings other than those convened by the official trade unions, printing or distributing pamphlets stating workers' claims or criticizing the Government's policies, or calling for workers' protest actions. At the end of February 1985, more than 70 Solidarnosc leaders were still in gaol. In the course of 1984, reports of torture and brutality inflicted on Solidarnosc members continued to reach his organization. During the same period, ICFTU had received documented information about 17 cases of murder involving the security forces; six of them concerned Solidarnosc supporters and eight of them had occurred since the murder of Father Popieluszko.

171. Unfortunately, serious violations of trade union rights did not occur solely in countries under totalitarian rule. In the Dominican Republic, excessive price increases for basic commodities, announced by the Government in April 1984, had sparked off popular demonstrations which had been violently repressed by the armed forces and the police, causing the deaths of some 100 people, with 600 wounded and over 4,000 detained. Subsequently, the national trade union federations had called for a national strike on 9 May. The Government had again intervened with excessive use of force, occupied the trade union offices and arrested the leaders of the major trade union. The original problem still remained and a further popular protest had occurred later in 1984, when more people had been killed and many arrested and detained. Similar events had taken place in Ecuador in January 1985, when 15 workers had been killed by the security forces, dozens injured and hundreds arrested during a 48-hour general strike in protest at steep price increases for basic commodities.

172. ICFTU regretted that in countries such as Colombia, the Dominican Republic, Peru and Sri Lanka, which had a solid human rights record, there had been retrogression. It hoped that the Commission would follow the events in those countries in an objective and determined manner, as it had done in the case of Argentina, Bolivia, Brazil, El Salvador and Uruguay, where international guidance and pressure had made a significant contribution towards the recent democratization in those countries.

173. Mr. NCHAMA (International Movement for Fraternal Union among Races and Peoples) observed that only when flagrant and systematic violations of human rights throughout the world had been brought to an end could the international community concern itself with true peace. In Equatorial Guinea, forced labour still existed on the cocoa plantations. The practice had begun in 1976, after the Nigerian Government had withdrawn thousands of its nationals who had hitherto worked in that country, on the grounds that they were being ill-treated by the security forces. The Government of Equatorial Guinea had then proceeded to recruit peasants by force and had obliged them to work on the plantations. After the coup d'état, the military had shown themselves unwilling to discuss the problem and his organization had subsequently realized that forced labour had been legalized by the introduction into the Basic Law of Equatorial Guinea of article 58 forbidding workers to strike. Many cocoa and coffee plantations were the property of State officials and were known as State plantations. Hence any worker who protested at conditions was regarded as an opponent of the Government and subjected to ill-treatment, torture or even death. Plantation workers had a 60-hour week, under the supervision of the national police force. However, as long as repression was applied only to nationals, there was a conspiracy of silence. Word of conditions got out only when a foreign worker was concerned. His organization condemned forced labour whenever it was inflicted on any person. After centuries of slavery and colonialization, what happened to some Africans should be regarded as happening to all of them. It was impossible to estimate the extent of ill-treatment of Africans in Africa since 1960. Everyone on the continent must be made to realize that it would be impossible to overcome the apartheid system if Africans themselves behaved in a similar fashion to their brothers.

174. In February 1985, Nigeria had had to intervene again in order to repatriate some of its citizens working in Equatorial Guinea, which was proof that an intolerable policy of repression still prevailed there.

175. The paramilitary organization created by Macías continued to exist; only the name had changed, it now being known as the Equatorial Guinean Security Service. However, it continued to be an instrument designed to disseminate terror throughout the countryside. It was a fallacy that human rights violations occurred because a country was a new one or because it was encountering certain problems. Neither old nor new States had a monopoly of human rights. What could be made of a Government that arrested and tortured its citizens merely because they had criticized it for failing to dispatch to their town internationally-supplied assistance? That was what had happened in April 1984, when the citizens of a small town had heard that the medicines sent as aid had been sold on the market at exorbitant prices. In Equatorial Guinea it was customary to hold certain individuals in preventive detention, and there was no inviolability of domicile, no freedom of expression, and no law which guaranteed that those arrested should be informed of the charges against them. And yet the countries of the south, and in particular Africa, could survive only by protecting and promoting human rights. They should not cherish the ambition to participate in the arms race; on the contrary, they should form a common front to call to order those countries which were involved in that race.

176. In a statement to the World Conference on Religion and Peace held in Nairobi in August 1984, the Nobel Peace Prize Winner, Bishop TuTu, had said that, as a black man, he was sorely afflicted by the fact that there was often far less individual liberty and justice in numerous independent African countries than there had been in the darkest period of colonial domination. The international community must not condone violations of human rights in Africa, irrespective of what form they took.

177. Mr. BEFFA (International Young Catholic Students) said that his organization (IYCS) was represented in over 80 countries. At its ninth world conference, the participants had stated that most countries did not have an independent student movement: student organizations were often controlled by the Government or confined themselves simply to student welfare or activity on behalf of a political party. Students who were active in independent organizations ran the risk of prison or suspension or expulsion from their courses.

178. The truth of that statement had been confirmed in Liberia, which was passing through a serious economic and political crisis owing to the fact that the current ruler, General Samuel K. Doe, in order to ensure his election as President of Liberia when the country returned to civilian government in 1986, was committing unscrupulous human rights violations to weaken his political opponents. Decree No. 88 A, which had been described by the Liberian Council of Churches as an unjustified restriction on liberty of expression and of the press, made it possible to keep under surveillance, arrest and torture many civilians on national security grounds. It was under that legislation that Mr. Amos Sawyer, Vice-Rector of the University of Liberia and President of the organizing committee of the opposition Liberian Popular Party, had been arrested. The arrest had provoked a peaceful student demonstration to demand his release, a demonstration which had been violently repressed. According to experts, the army had killed 7 and wounded 100 demonstrators.

179. His organization was particularly concerned about the fate of Mr. Ezechiel Pajibo, current President of the Liberian National Students' Union (LINSU) and former President of International Young Catholic Students in Liberia, who had been arrested on 3 December 1984. He had previously been arrested in 1982 under the military régime of President Doe and sentenced to death on a charge of high treason, but had been released shortly before the time appointed for his execution. Information reaching IYCS and confirmed by local student sources indicated that Mr. Pajibo had not yet been charged nor had he appeared in court; he was being flogged twice a day and subjected to daily interrogations with a gun at his head. He was receiving very little food and, never robust, his state of health had deteriorated greatly since his arrest. Mr. Pajibo acknowledged that as President of LINSU he had written a letter of protest, dated 22 August 1984, to President Doe about the arrest of Mr. Amos Sawyer. The Catholic bishops of Liberia had condemned arbitrary arrests, detention without trial and the abuse of force, and power, saying that such practices could lead only to popular unrest and frustration. In view of the gravity of the situation, IYCS requested the Commission to take all necessary steps to ensure that Mr. Pajibo's elementary rights were respected, together with those of other persons arrested in Liberia, and that he was released if no charge was brought against him.

180. Mr. ZOLLER (Pax Christi International) recalled that his organization had submitted written communications about three situations, namely Afghanistan, Guatemala and East Timor (documents E/CN.4/1985/NGO/34, 20 and 25 respectively). In Afghanistan, the Soviet troops and Afghan armed forces were continuing to carry out executions on a large scale in districts where they encountered resistance. Such massacres were often acts of brutality which had no direct bearing on the conduct of hostilities, as was confirmed by eye-witness evidence received by his organization. They were of acts of vengeance and hatred directed even against children in the villages. The seriousness of such acts made it essential to extend the mandate of the Special Rapporteur, who had produced a remarkable study (E/CN.4/1985/21) in spite of the pressures to which he was subjected.

181. Contrary to what might be gathered from the report on Guatemala (E/CN.4/1985/19), the situation in that country was far from settled. A régime should receive a diploma in human rights not when it held an election, but rather when it did away with abduction and torture and re-established the fundamental liberties of the people. That had not occurred in Guatemala. There were 1 million displaced persons and 100,000 orphans; many villages had been destroyed by the armed forces and repression continued unabated. The Guatemalan election had had little effect on the methods used by the armed forces, the police forces and other paramilitary groups. The view of his organization that the situation in Guatemala was very serious was echoed by statements reflected in document E/CN.4/1985/NGO/20, by the Episcopal Conference of Guatemala, Archbishop Monsignor Próspero Penados de Barrio, the Inter-American Commission on Human Rights and members of both Houses of Parliament of the United Kingdom. It was to be hoped that in a further study the Special Rapporteur would take more seriously Guatemalan organizations operating within the country, in particular the Mutual Support Group, consisting of the mothers of missing persons.

182. His organization was again raising the question of East Timor because the right to life did not exist there. Members of the Commission were sufficiently well informed about the situation in East Timor, so he would not dwell on the genocide which was being perpetrated there and in which the international community, through its silence, was becoming an accomplice.

183. With regard to El Salvador, his organization shared the views expressed by the Special Representative, whose report (E/CN.4/1985/18) was thorough and objective. President Duarte had clearly stated his intention of putting an end to human rights violations and it was to be hoped that he was sincere; however, the armed forces' attacks on the civilian population were continuing and over the preceding two months the number of murders had again risen. There must be a political settlement to the conflict and the negotiations between the Government and the FMLN-FDR must continue. In the discussions, priority should be given to securing an undertaking from both sides to respect the humanitarian law applicable to armed conflicts!

184. His organization had joined eight others in submitting to the Commission a memorandum on the situation in Sri Lanka, which had deteriorated immediately after the end of the fortieth session of the Commission in March 1984. The Sri Lankan Government seemed to have abandoned its pursuit of a negotiated settlement to the ethnic conflict and to have opted for a military solution. It had enlisted foreign advisers and mercenaries, including Israeli experts. In certain regions, the Tamil population had been expelled from its traditional lands, and Sinhalese settlements had been established on the pattern of the settlements in the occupied territories in Palestine. Summary executions were frequent. The new colonists were armed and formed paramilitary groups which attacked the Tamil population. It was difficult to describe such a policy as one of reconciliation. The murder of the leaders of several religious faiths, including that of Father Bastian by the security forces on 6 January 1985, illustrated the regrettable use of force by the Sri Lankan authorities.

185. Information from Equatorial Guinea referred to forced labour, the suppression of social and political organizations, and the absence of open and democratic elections, just as had been the case earlier. Events in that country showed that the consultative services on human rights could be useful only if the Government concerned genuinely had the political will to improve the situation of human rights.

The meeting rose at 11.40 p.m.