

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL  
E/CN.4/1985/SR.46  
13 March 1985  
ENGLISH  
Original: FRENCH



COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 46th MEETING  
(First part)\*

Held at the Palais des Nations, Geneva,  
on Thursday, 7 March 1985, at 3 p.m.

Chairman: Mr. CHOWDHURY (Bangladesh)

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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 second part of the meeting is contained in document E/CN.4/1985/SR.46/Add.1.

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This record is subject to correction. Participants wishing to submit corrections during the session of the Commission are asked to hand them, in typewritten form, to the Secretary of the Commission. A consolidated corrigendum of the summary records covering the closed meetings of the Commission will be issued shortly after the session.

The meeting was called to order at 3.15 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued) (E/CN.4/1985/2; 7/Rev.1, 9 and Add.1, 17-21, 54, 57, 58, 60; E/CN.4/1985/NGO/4, 8, 13-15, 20; 21, 25, 28, 29, 34, 36, 38, 44, 50, 52; E/CN.4/1985/L.12 and L.30; A/39/635 and 636)

1. Mr. DICHEV (Bulgaria) said he could not fail to observe that, since the previous session, there had unfortunately been a further increase of tension in the world, accompanied by death, suffering and mass and flagrant violations of human rights. Apart from a few encouraging signs, international peace and security remained tenuous, the right to life was seriously threatened by the prospect of a nuclear cataclysm and, what was worse, outer space was being transformed into a new battlefield.
2. The most serious and dangerous situations had been on the Commission's agenda for a number of years: their causes had been identified, and ways and means of putting an end to the mass and flagrant violations of human rights had been proposed, but unfortunately a solution had not yet been found.
3. It was of course gratifying to note that the majority of States Members of the United Nations and members of the Commission were determined to continue their efforts to eliminate human rights violations which as a rule could be traced back to apartheid, racial discrimination, colonialism, neo-colonialism, aggression and threats against national sovereignty, the denial of the right of peoples to self-determination and of the right of countries to exercise full sovereignty over their wealth and national resources in the face of the eagerness of some well-known circles to obtain concessions through pressure and ill-concealed intimidation. His delegation could only regret the attitude and policies of those responsible for that situation, who even posed as the sole and authentic defenders of the cause of human rights.
4. Without wishing to reopen the discussion, it wished to direct the Commission's attention once more to the mass and flagrant violations of human rights in the occupied Arab territories, in South Africa and in Namibia. Those situations were deteriorating steadily, while the perpetrators of those violations were receiving increased economic, political, diplomatic and military support from imperialist circles eager to preserve their strategic or economic positions in those regions of the world. In fact all means, ranging from direct military involvement and overt intervention to sophisticated diplomatic manoeuvres designed to undermine the constructive efforts deployed within the United Nations, had been used to prevent the settlement of those grave problems, and thus to perpetuate injustice, suffering, the denial of human rights and continue to threaten international peace and co-operation.
5. Similar situations with the same common denominator were to be found in other parts of the world - a case in point being that of Central America. In El Salvador, decades of social inequality, brutal repression and exploitation of the Salvadorian people by a reactionary oligarchy had developed into a real war, waged by that oligarchy with strong support from abroad, against the entire population. Nearly 50,000 people had perished merely during the past five years. The sinister "death squads" had virtually become a part of the institutionalized system of terror and repression.

As their allies supplied them with more and more funds and weapons, less and less was said about their murderous activities, so powerful was the tendency to decriminalize their activities and those of the reactionary forces both inside and outside El Salvador. Attempts were being made to convince world public opinion that responsibility for the dramatic human rights situation in the country lay with the Salvadorian people. His delegation obviously rejected those initiatives, aimed at discrediting a heroic people struggling for the exercise of its most basic human rights, for social justice and progress. The growing involvement of a major imperialist Power in El Salvador should be halted forthwith, since it was detrimental to human rights as well as to peace and stability in the region as a whole. The Commission should concentrate its efforts on exposing the sources of the situation, and adopt an appropriate resolution for which a number of observations appearing in document E/CN.4/1985/18 might provide useful guidance.

6. The Commission had been concerned for many years with the serious human rights situation in Guatemala, and for the second time had before it a report on the subject (E/CN.4/1985/19). Unfortunately, as in the case of the report submitted at the previous session (E/CN.4/1984/30), it needed to be completed and often corrected in the light of the abundant information contained in the reports of the Human Rights Commission of Guatemala, the Guatemalan Committee for Justice and Peace, the Guatemalan Committee of relatives of the detained and disappeared, or even the report of the British Parliamentary Human Rights Group mission to Guatemala in October 1984. All those documents contained information on the real human rights situation in Guatemala: 100,000 people had been killed and 38,000 had disappeared over the last 30 years; political assassinations had continued in 1984 at the rate of 100 a month and disappearances at 40 a week. There too, "death squads" were at work and strong external support for the reactionary military oligarchy accounted to a very large extent for the perpetuation of the situation. A report issued by the Representación Unitaria de la Oposición Guatemalteca on 26 October 1984 gave a clear picture of what had recently been announced in some quarters as a "democratic opening": the so-called "security and development plan" had systematized the practice of massacres, extrajudicial executions and enforced and involuntary disappearances, clandestine imprisonment and torture, which affected all sectors of society. The Representación Unitaria report also noted that the plan covered psychological warfare and military intelligence activities on which the Israeli Government acted as an adviser, as well as the military control of the population through intimidation and terror, searches without a warrant, the creation of military villages known as "development centres", etc. His delegation hoped that the additional information provided would contribute to the Commission's efforts to put a stop to the mass and flagrant violations of human rights in Guatemala, in accordance with its mandate.

7. His delegation also wished to give a clearer picture of the kind of situation that led peoples to defend their dignity and strive for social justice and equality even at the risk of becoming victims of aggression, as in the case of the people of Grenada.

8. Bulgaria had always supported the legitimate right of peoples to self-determination and was accordingly of the opinion that any violation of that paramount right was inadmissible. It naturally took the same view with regard to the undeclared war against Nicaragua and the constant provocation, acts of aggression and slander deployed against the people and Government of Nicaragua. One could easily imagine what a hysterical outcry there would be if any State officially proclaimed its intention to

"remove" the very Government which made no secret of its aggressive attitude towards Nicaragua. At the present juncture, his delegation wished to reiterate its firm support for the people and Government of Nicaragua and its rejection of the policy directed against them. That policy, characterized by covert and overt subversive activities, and the financing, training and encouragement of mercenaries even to the point of issuing them with handbooks on killing and terrorism, was none other than a policy of State terrorism.

9. The same policy, pursued with similar means, was being applied against Afghanistan. The people of that country were the target of an undeclared war, waged by counter-revolutionary bands and generously paid mercenaries, and fuelled and fanned by the same imperialist circles - which had never been able to accept that a people should take its destiny into its own hands. His delegation had frequently had occasion to state its position on the situation in Afghanistan; nevertheless, it would like once again to draw the Commission's attention to a number of basic elements in that situation. First, a comprehensive political, economic and cultural programme had been launched by the Government to eliminate backwardness, poverty, illiteracy, disease, exploitation, medieval prejudice and social injustice, and to promote genuine democracy and social progress. That programme was already bearing fruit, despite efforts deployed from outside to obstruct it at any cost. Second, the efforts in question sought to restore the old feudal status quo by means of escalation of tension, armed aggression and sabotage. They were encouraged, financed and guided by the imperialistic circles, which were also responsible for unleashing a vast slander campaign against the Democratic Republic of Afghanistan. Third, Afghanistan had the legitimate right, in conformity with the Charter of the United Nations, to take any measures it deemed necessary to safeguard its security and independence against the continued armed intervention from outside. Fourth, the Government had put forward a number of proposals, constituting a realistic basis for the achievement of a just political solution to the problems existing in the region. Those who had chosen to ignore them and to obstruct the efforts deployed by the Secretary-General in order to achieve such a solution bore a heavy responsibility for the continuation of the difficulties.

10. His delegation regretted that document E/CN.4/1985/21 on the "situation of human rights in Afghanistan" was calculated to frustrate those efforts. Indeed, the publication of extensive extracts from the document in the press even before it had been submitted to the Commission went to show that the report was not intended to assist the Commission in its task of promoting human rights. The political motivation of the campaign against Afghanistan had once again been revealed. As far as the content was concerned, the document did not take account of the four points to which he had just referred, and it also contained a number of distortions and biased or even false allegations; the latter might serve the political ends of certain States, but could only be detrimental to the work of the Commission. His delegation rejected them, as it rejected the unabated attempts to mislead the Commission and cause it to view the situation in Afghanistan from a totally false and ill-founded perspective.

11. Mr. ENGO (Cameroon), referring to the report on summary or arbitrary executions (E/CN.4/1985/17), noted the delicate nature of the Special Rapporteur's task. He received volumes of information, some of it full of pitfalls. He had to be careful in the course of his investigations not to be seen to interfere with matters which might pertain to domestic sovereign jurisdiction, and he should restrict his activities to the quest for information and to drawing attention to the provisions of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

12. On page 13 of the report, the Special Rapporteur reproduced a communication addressed to the Minister for Foreign Affairs of his country, to which no reply had been received. No undesirable conclusions should be drawn from the delay, the cause of which might not now be particularly relevant. His delegation would communicate to the session the information sought by the Special Rapporteur, in the place of a formal reply by his Government.

13. The Special Rapporteur had informed the Government that his attention had been drawn to "the allegation of the possible execution of 46 persons who were sentenced to death ... in secret trials by military tribunals following events reported to have occurred on 6 April 1984. Three of the 46 were allegedly sentenced to death in absentia". The communication had also contained an appeal to the Government "on a purely humanitarian basis to ensure that no executions take place especially if such executions result from a summary trial or any other procedure in which the rights of the individuals are not fully protected". From the way the communication had been worded, it had not been easy to determine the nature of the information sought. Indeed, if the Special Rapporteur, when introducing his report, had not reiterated the fact that a reply was still not forthcoming from Cameroon, the Government would have simply assumed that none was necessary, having regard to the public pronouncements it had made since the Special Rapporteur had dispatched the communication to it.

14. On 8 August 1984, the Cameroon Tribune had published an important official statement in response to mischievous reports of arbitrary executions, made by some sections of the international press and echoed with almost boyish enthusiasm by Amnesty International. That statement had been reproduced, with commentaries, outside Cameroon. On 15 November 1984 President Biya of the Republic of Cameroon had been invited to give an international press conference by journalists of the "Club de la presse du tiers monde", representing Radio-France Internationale, French television, Le Monde, Le Figaro, Les Echos and La Croix. There again, he had supplied full details including figures, and they had been widely published by both the domestic and the international news media. Copies of the articles immediately available to his delegation were at the disposal of the members of the Commission.

15. The "events reported to have occurred on 6 April 1984", as mentioned by the Special Rapporteur, concerned an attempted coup d'état involving members of the Republican Guard and accomplices, and aimed at setting up a new régime. The criminal conspiracy had been frustrated by more disciplined and loyal armed forces, defending the internal security of the State as well as the constitutional institutions of the nation, but not before blood had been shed in the course of a highly traumatic experience.

16. There was no need to retrace the sequence of unfortunate events that had followed the voluntary, peaceful and constitutional transfer of power to Mr. Biya in November 1982; a brief account of them had been provided by representatives of the International Federation of Human Rights (see confidential report to the Commission No. G/SO/215/I CAME of 26 June 1984). It sufficed to note that the Republican Guard had been established by the former President, mainly to ensure the personal safety of the holder of the office. The remunerations were liberal and loyalty was more to the person than to the office. The attempt to destabilize the State and to overthrow constitutional authority had not been spontaneous or sparked by indignation over a provocative act alleged to have been performed by the Head of State. On the contrary, there were broad underlying motivations, borne of intense nostalgia, propelled by lewd ambition and based on dangerous illusions that took little account of the right to life, liberty and security of person of the rest of the Cameroonian people.

17. At the aforementioned press conference, President Biya had revealed that 1,205 persons had originally been held for questioning: of that number, only 491 had later been charged with offences relating to the attempted coup; 232 had been acquitted and discharged after a proper trial; 205 had been sentenced to various terms of imprisonment; 51 had been sentenced to death; and one case had had to be abandoned following the death of the accused. Thus over three quarters of those originally arrested had subsequently been released for want of sufficient evidence.

18. Cameroon was the child of international planning and the Trusteeship system had greatly influenced its perspective of the world, giving it an awareness of the need for internal as well as international peace and security. The preamble to the Constitution made specific mention of the Universal Declaration of Human Rights. The Government had consistently set aside the concept of absolute sovereignty, and endeavoured to reassure the international community, including jurists, the media and other interested institutions, about its respect for the rule of law. There was separation of powers, and the Executive was not required to account for the evolution of legal procedures.

19. He outlined the legal provisions governing offences against the security of the State and related infringements. Ordinance No. 62/OF/18 of 12 March 1962 had been instituted to deal with the repression of subversion following civil strife that threatened the security of the State; it had modified the old colonial rules applicable to the French sector of the Trust Territory.

20. The Penal Code (Book I of which was promulgated on 12 November 1965 and Book II on 12 June 1967) set out general principles and norms of criminal law, based on the British and French codes. The first part of the Code contained provisions in respect of felonies against the external security of the State and misdemeanours against the internal security of the State. The former category was punishable by the death penalty and the latter, also clearly defined, by detention for life if the infringement occurred in peace-time. The Code stated: "In time of war or in a state of emergency or siege, the penalty shall be death". Provocation of civil war, also clearly defined, was also punishable by death.

21. In normal times or in times of peace, the regular courts administered justice according to the Penal Code. In times of war or states of emergency, felonies and misdemeanours against the security of the State came within the competence of a Military Tribunal, under Ordinance No. 72/5 of 26 August 1972 (modified by Law No. 74/4 of 16 July 1974 in respect of the organization of the Tribunal). Ordinarily, the Tribunal dealt with purely military infractions of the Code of Military Justice; offences under the Ordinance concerning the repression of subversion; offences of any nature involving military or assimilated services, committed in a region where a state of emergency had been declared; offences against arms legislation; and offences of any nature committed by military persons, with or without civilian accomplice, within a military establishment or in service. Those offences were outlined in article 5, chapter II of Ordinance No. 72/5. The Cameroon judicial system did not permit specially created or ad hoc tribunals.

22. On the question of procedure and evidence, the Military Tribunal as a general rule applied the rules that bound the regular courts. There was a presumption of the innocence of the accused person and the right to call witnesses. If the accused spoke neither English nor French, translation of documents and interpretation was provided under article 20 of the Ordinance, and he had the right to be represented by counsel.

23. An action might be initiated either by the Minister of the Armed Forces or by order of a jugé d'instruction or under a mandamus issued to that effect by the Court of Appeal in appropriate cases.
24. Under article 21 of the Ordinance, the proceedings of the Tribunal were ordinarily public. However, the article also prescribed that the President of the Tribunal might order trial in secret where publicity might be dangerous to public order and good judgement. In matters involving the security of the State, it might be necessary to protect witnesses and to avoid public exposure of classified military or other State information.
25. On the point raised by the Special Rapporteur concerning trial in absentia, the previously mentioned report by the International Federation of Human Rights explained the procedure followed in such circumstances. The procedure was no different from that applied in a number of European systems. Irresponsible persons could not be allowed to infringe the law. It was common knowledge that culprits in a conspiracy involving serious crimes endeavoured to avoid prosecution. When irrefutable evidence was collected against them, it would not be consistent with the norms of justice and fair play to expose the names of some and not others in a conspiracy.
26. Notices of trial were posted at the normal places of residence in the country. The national radio and press also carried and announced the summonses to appear in court. In the case in question, even the international media had publicized them. Protracted and unexplained absence by an accused person from his normal residence or country of domicile raised a presumption of deliberate absence to defeat the course of justice. The trial had taken place long after 6 April, even though the culprits had been caught in the act and documents outlining their evil designs were available. Some had not even been tried until November, because it was deemed necessary to make fuller investigations in certain instances. The three persons tried in absentia had had time to return but had failed to do so. They were still permitted by law to appear and request retrial. The Code of Military Justice provided for their right to be represented.
27. The aforementioned official statement of 8 August 1984 constituted a direct response to the mischievous allegations of Amnesty International. The present Government of Cameroon, which had come to power in November 1982, had not promulgated any new laws regarding State security and subversion.
28. In an effort to co-operate with the Commission, his delegation had endeavoured to provide as much information as it considered appropriate in respect of the communication sent to his Government by the Special Rapporteur. His country had nothing to hide and nothing to be ashamed of in the system it had chosen for the administration of justice.
29. His delegation believed that the Commission had not been established as a political forum, or one for unproductive confrontation and recrimination. Nor was it a tribunal to which all manner of unsubstantiated accusations might be brought, and which could compel sovereign States to defend their systems or ideologies. In setting up a system for monitoring and promoting human rights, it had not been the intention to harass Governments, but to encourage them to respect the International Bill of Human Rights. That perspective would enhance the Commission's debates and avoid the condescending attitude shown by some countries for the efforts being made by others. Most young

nations in the African continent were artificial extractions, inhabited by people with diverse history and cultures. In order to survive, they had to infuse a sense of national unity into the geographical entity to which a name had been assigned. Those nations must struggle in a cruel world. They must compete with other countries, adopting measures and systems of association alien to them. With comparatively little experience to go by, they had to impress on all the communities within their borders a sense of interdependence and sharing of a common destiny, if they were to prevent greedy outside interests that coveted their natural resources from threatening their survival.

30. In the face of such difficulties, young nations should not be exposed to slander, which had the disastrous effect of scaring away the aid and foreign investment they critically needed to feed their citizens, ensure their well-being and give them reasonable expectations for the future. Unless there was economic and social viability, there was no possibility of enjoying the rights enshrined in the International Bill of Human Rights.

31. While continuing to endeavour to identify breaches of human rights, it was important to avoid measures and procedures that encouraged irresponsibility and which, in the long term, might cloud the work of the Commission. Young countries were the target of criticism levelled by sensation-seeking journalists who did not hesitate to present rumours as truth, and opinions as fact; disregarding their professional code of ethics, they misled the public that was anxious to hear the truth. The humanitarian ideals of the non-governmental organizations ought to make them immune to such practices. Unfortunately, that was not the case, and recently some had allowed themselves to favour sensation at the expense of truth. In such circumstances, a conscientious special rapporteur had a very difficult task. In his desire to be fully informed, he was overwhelmed by information which then had to be compared with the statements by Governments.

32. His delegation took the view that the collective interests of all peoples that made up a nation should be considered as paramount. It was imperative to have a good knowledge of the history and organization of each nation, to know its laws and constitution as well as the workings of its institutions, and to avoid making generalizations on the basis of isolated cases. It was essential to establish that a particular act was contrary to the law of the land, rather than contrary to the ideals of right and wrong held by foreign individuals. Facts must be checked before confronting the Government of a country. Like individuals, Governments were entitled to presumption of innocence. The burden of proof must rest mainly with those who made charges.

33. In future, all sources of information should be fully disclosed since the accused must know his accuser, in the interests of justice and the authenticity of allegations. Broad generalizations by unknown authors should be discounted, remembering that the humanitarianism that had launched the International Bill of Human Rights did not tolerate imprecision and capriciousness. It was important not to discourage States from co-operating with the United Nations in promoting universal respect for human rights and fundamental freedoms.

34. The right to life, liberty and security of person applied to a greater extent to the majority of the citizens of a State than to any individual who undertook, knowingly and with intent, to prevent the enjoyment of that right by the rest of the community.



35. Mr. FATEH (International Youth and Student Movement for the United Nations) recalled that for more than 35 years ISMUN had been working actively to promote the principles and ideals underlying the establishment of the United Nations. One of its main tasks was education for the promotion and defence of human rights, particularly with regard to young people. His organization sought to stress the need for each community to comply with respect the international instruments relating to human rights adopted by the United Nations. It had therefore learned with dismay that the Iranian Ambassador had stated in the Third Committee of the General Assembly that his country had no intention of respecting the principles contained in the Universal Declaration of Human Rights and considered itself in no way bound by that instrument.

36. ISMUN also worked to promote peace and international understanding so as to strengthen the role of the United Nations in settling international conflicts in order to save the young generations from war. The Head of State of Iran had stated in a French magazine that war must continue until all Iran's enemies in all countries of the world had been totally eliminated. He had thereby shown a complete lack of respect for life, international codes of conduct and all instruments relating to human rights.

37. At the inception of International Youth Year, ISMUN wished to state its deep concern at the situation of the young generation of Iran, a country where 65 per cent of the population was under 30 years old. In the past four years, 22 universities had been closed, thereby affecting 120,000 students. Although some had reopened, only a third of the students had been taken back, due to the examination of conscience and opinion that each had once to undergo. As a result, one third of those enrolled in 1984 belonged to the Government security forces. According to the Iranian Ministry of Education, 7,400 teachers and research workers had resigned and some had left the country. Students' associations in Iran, including ISMUN's national affiliate, had been compelled to discontinue their activities.

38. The sending of teenagers and children to the front was naturally a matter for deep concern. The situation of youth could not be dissociated from that of Iranian society as a whole, although students and intellectuals were the main targets of the summary executions and countless arrests. Since the summer of 1981, there had been 40 summary executions and 120,000 prisoners of opinion had been put in jail. Each day, over the last four years, 50 prisoners had been executed and 100 persons arrested and imprisoned. Some were executed immediately, the verdict being announced in a few minutes, with no judicial procedure worthy of the name. Out of 10,300 victims whose names had appeared in a list recently published by the Iranian Mujahidin-i Khalq, 55.8 per cent had been students and academics. The others had included many teenagers and pregnant women as well as elderly and sick persons. The majority of the victims had died under torture or in public executions in the street. In the past two years, involuntary disappearances as well as secret arrests and executions had become common practice. Like prisoners of opinion, the victims were subjected to brutal torture prior to their execution. The list published by the Iranian Mujahidin-i Khalq had also revealed the names of 1,185 torturers and 500 secret and official prisons.

39. According to witnesses who succeeded in escaping from Iranian prisons, both the physical and the psychological conditions in them were intolerable.

40. Women suffered particularly under the Iranian system, as they were deprived of equal educational opportunities and of the exercise of civil, political and economic rights. Out of 40,000 persons executed, 20 per cent had been women.

41. The situation warranted the extension of the Special Representative's mandate for a further year and the submission of a report on the human rights situation in Iran to the fortieth session of the General Assembly and to the forty-second session of the Commission on Human Rights. ISMUN would give every assistance and full co-operation in that respect.

42. Miss PINTAT (Inter-Parliamentary Union) recalled that the IPU, which was currently composed of representatives of 103 national parliaments, had developed a confidential complaints procedure which enabled it to assist parliamentarians who were victims of human rights violations. The procedure was applicable irrespective of the political affiliation of the individual, the country or the régime concerned. Each case was examined confidentially in accordance with an adversary procedure by a committee composed of five parliamentarians elected in a personal capacity on the basis of an equitable geographical and political distribution. Only when a satisfactory settlement was not achieved within a reasonable period of time was a case brought to the attention of the Inter-Parliamentary Council, IPU's plenary governing organ.

43. Members of the Commission would note in document E/CN.4/1985/NGO/28 the encouraging results obtained by the IPU since the previous session. A total of 140 individual cases had been examined in 23 countries, nine of them in Africa, five in Latin America, seven in Asia and two in Europe. About 50 of the cases concerned parliamentarians or former parliamentarians held without charge or trial, or imprisoned by order of the court. To date, 25 were still being detained, while almost half of the others had been released. The document indicated the cases on which there had been public resolutions in 1984 and the number of detainees released. Moreover, the first act of the new Uruguay Parliament had been to call for the release of the remaining parliamentarian in prison. Reference was also made to 17 cases of Turkish parliamentarians currently on trial; three had recently been acquitted. The results were still more encouraging if it was borne in mind that, since January 1977, when the complaints procedure was established, 89.2 per cent of the 253 detainees still alive had been released. However, out of the 274 parliamentarians detained without charge or trial, or imprisoned under a judicial warrant, 19 had been executed after summary judgement or died of various causes, and two were missing.

44. It would be presumptuous to claim that all the releases were directly due to action by the Inter-Parliamentary Union, since the release of a politician detained for political reasons was often the result of various internal or international factors. But it proved, if proof was necessary, the usefulness of international action and the effectiveness of a procedure applied to all cases in the same spirit.

45. The number of cases submitted to the Inter-Parliamentary Union also demonstrated the imperative need to protect parliamentarians, who were the guarantors of the human rights of all citizens. The Inter-Parliamentary Council was of the firm opinion that protection of the rights of parliamentarians was essential for the defence of human rights and fundamental freedoms of their fellow citizens.

46. Mr. KNIGHT (Baha'i International Community) regretted that he was again compelled to bring to the attention of the Commission the continuing gross violations of the human rights of the Baha'i religious minority in Iran. It was common knowledge that, ever since the start of the Islamic Revolution, the 300,000 followers of the Baha'i faith in Iran had been the victims of an official campaign of persecution described by many independent observers as "religious genocide". The Baha'is of Iran were being imprisoned, tortured and executed, denied jobs and education, and deprived of their homes, possessions and means of livelihood solely because of their religious beliefs. Their holy places had been desecrated and destroyed, their community properties confiscated and their financial assets seized by the Government.
47. The Special Rapporteur on summary or arbitrary executions had intervened in August 1984 on behalf of 32 Baha'i prisoners, but without success; eight of the condemned Baha'is had been summarily executed, as well as a further six whose death sentences had not been publicly announced. The most recent execution had actually taken place during the current session of the Commission. To date, a total of 140 Baha'is had been summarily executed in Iran, and a further 54 had been either murdered or assassinated, or had died mysteriously in prison, or had simply disappeared.
48. The persecution had been accompanied by a campaign to discredit the Baha'i faith and its teachings in the eyes of the international community. At the thirty-seventh session of the Sub-Commission on Prevention of Discrimination and the Protection of Minorities, the Iranian delegation had circulated a pamphlet accusing the Baha'i faith of being a subversive political organization, actively opposed to Islam. It certainly seemed strange that the same material, specifically designed to incite intolerance, had been disseminated by Iranian representatives at a recent United Nations seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief.
49. The Iranian authorities were making strenuous efforts to manufacture "evidence" to support the Government's false allegations against the Baha'i community. Torture was being used increasingly to force Baha'i prisoners to confess that they were spies. Despite appalling torture, often lasting for months, the authorities had failed to obtain a satisfactory "confession" and were now exploring new ways of forcing Baha'is to incriminate themselves. As a condition of their release from prison, Baha'i detainees were now being asked to sign a statement identifying themselves as members of the "misguided, Zionist, espionage group of Baha'is", which they refused to do.
50. The reason why the Government of Iran was so determined to eliminate the Baha'i religious community, thereby risking international condemnation, was partly because Iran's fundamentalist religious leaders were unwilling to tolerate the existence of any religion that appeared after Islam, and partly because it would not tolerate the principles in which Baha'is believed and the teachings they espoused. The entire campaign of persecution was intended to ensure that those teachings did not gain currency among the population at large, since the Baha'i faith taught unity and equality, and rejected any philosophy propounding the superiority of one particular race, nation or religion. Baha'is believed in the oneness of the human race and sought to eradicate all forms of prejudice based on race, class, colour, nationality, sex or religion. They believed that all the

major world religions proceeded from the same divine source, that their basic principles were in complete harmony, and that their fundamental purpose was to promote amity and concord. The Baha'i faith had no clergy and taught that it was the right and duty of each individual to investigate truth for himself, rather than passively accepting the opinions and beliefs of others. It upheld the principle of equal rights for men and women and advocated universal compulsory education. It taught that the dignity and worth of every human being must be respected, and laid upon its followers the duty to promote and protect human rights and to contribute in whatever way they could to the betterment of the social and economic condition of their fellow men. Baha'is believed in the necessity of the unification of mankind and endorsed the establishment of a world federation of nations which would secure justice, peace and prosperity for all. It was for those principles that the Baha'is were being persecuted.

51. The Government of the Islamic Republic of Iran had proclaimed to the international community its contempt for the principles enshrined in the Charter of the United Nations and its intention of violating, at will, the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights. The remorseless campaign against the Baha'is was a flagrant violation of the letter of those instruments, but in seeking to discredit and ultimately extinguish the teachings in which Baha'is believed, the campaign was doing something much worse, for it was violating the spirit of the instruments.

52. The Baha'i international community wished to express its gratitude to the Commission on Human Rights for the steps it had already taken to try to alleviate the condition of the Baha'i minority in Iran, and for its many resolutions on the issue. However, the community was not blind to the fact that countless individuals and communities throughout the world were suffering equally serious violations of their human rights, and it was working to break down prejudice, to foster co-operation and understanding, to promote the economic and social development of the communities in which they lived, and to champion the causes of human rights and peace. Therefore, the Baha'i international community wished to express its whole-hearted support for the work of the Commission in every area and to assure the Commission that it would continue to make an active contribution to those endeavours.

53. Mr. COE (Four Directions Council) said that, as the representative of the indigenous population of Australia, his organization welcomed the Australian Government's commitment to spare no effort to support the universal realization of human rights. At the same time, it was aware of the difficulties Australia faced in realizing its stated ideals.

54. Indigenous Australians, the original people of the Australian continent, believed that they were entitled to exercise the right of self-determination, and that the essential first step towards that goal was the return of all their land. Fundamental to land rights was the right to control land use, particularly mining activities, which were a source of substantial wealth but were also associated with potentially catastrophic environmental consequences for the communities involved. Claims to land should also be based on such considerations as traditional association, spiritual links and economic need, and in addition compensation should be paid for cultural and territorial dispossession.

55. In his intervention under agenda item 9, the Australian representative had appeared to endorse the view of the indigenous communities that there was a need to affirm the right to self-determination for all peoples at all times. At the third session of the Working Group on Indigenous Populations the previous summer, the Australian Minister for Aboriginal Affairs had recognized that the aboriginal people had been dispossessed of their land, and had acknowledged their prior occupation and ownership of Australia. He had also recognized all the rights of the indigenous population, as enumerated by the Four Directions Council. Yet Australia was now retracting on the question of the control of mining activities on aboriginal land. All major national aboriginal organizations had been disappointed by the Government's most recent proposals.

56. It should not be forgotten that the indigenous people occupied the entire Australian continent until it was colonized by Europeans. No part of the continent had ever been ceded or sold; on the contrary, there had been continuous armed resistance. European claims to the territory were, and continued to be, based on the racist theory of terra nullius, which had been condemned by the International Court of Justice in its advisory opinion on Western Sahara in 1975, and condemned by the Commission on many occasions. Recognition of the rights of the indigenous population to its own land was therefore not a matter of generosity, but of justice and respect for international law.

57. The difficulties encountered in giving expression to those basic human rights were diverse in nature, being related to national economic interests, internal constitutional arrangements, and strategic considerations. To be sure, the vigorous implementation of human rights required a great deal of political effort, and often economic concessions, but the cost of justice was no excuse for half-way measures.

58. There was a certain parallel between the difficulties the indigenous population faced in realizing its rights in Australia, and the problems of the people of the neighbouring countries in the South Pacific region. The violence against the people of East Timor was appalling and it was difficult to reconcile Australia's support for the self-determination of the people of New Caledonia with its failure to press the same issue in relation to East Timor. The indigenous people of Australia were particularly distressed by their country's recognition of Indonesian sovereignty over the sea-bed surrounding Timor, in a recent treaty concluded with the Government of Indonesia.

59. In that case, too, the problem was one of priorities. There were strategic reasons why Australia would avoid confrontation with Indonesia over human rights issues but the expansionism in the region, at the expense of the rights of the indigenous peoples of East Timor and neighbouring islands, was an extremely serious matter that would haunt Australia for a long time. Australia's apparent indifference to the legitimate claims of the people of West Irian was another cause for concern.

60. As in the case of East Timor, the indigenous population had often heard the argument that the loss of freedom was justified by the benefits of economic growth and modernization brought by the colonists. Yet experience showed that it was the colonists who reaped the benefits of industrialization, and the indigenous population that paid for it with their lives, their land and their labour. In any case, improving living standards was no substitute for the right to self-determination, which now seemed to be accepted, at least in principle.

61. For nearly 200 years, the indigenous people of the Australian continent had suffered not only violence, but deception. Their representatives would like to believe that the Australian Government had the will, the capacity and the integrity to negotiate, at long last, a just reconciliation with the indigenous Australians. While there had been some positive indications, the Government's most recent retractions did not augur well for the future. Nevertheless, the indigenous people hoped that such an interpretation of recent events was mistaken.

62. Mrs. FARHI (International Council of Jewish Women) said that developments in the situation of Jews in the Soviet Union had now become a cause for anxiety, rather than for concern. A violent campaign had been launched in that country, which although it was called anti-Zionist was in fact anti-Jewish. Jews in the USSR were denied the right of minorities to lead their lives according to their own culture, religion and language. For example, the teaching of Hebrew was punishable by several years' imprisonment. She was able to cite a number of cases in that respect.

63. Moshe Abramov, a Hebrew teacher, arrested on 19 December 1983 and charged with "aggravated hooliganism", had been sentenced on 23 January 1984 to three years in a general régime camp. Yosif Begun, a mathematician, had been arrested for the third time on 6 November 1982 for teaching Hebrew; he was charged with "anti-Soviet propaganda and agitation", and sentenced on 14 October 1983 to seven years in a prison camp, followed by five years' internal exile. Yuri Edelstein, a professor of modern Hebrew in Moscow, had been arrested on 19 December 1984 and sentenced to three years' imprisonment, on a trumped-up charge of possession of drugs; all his Hebrew books were confiscated. The case of Alexander Kholmyansky, also a professor of Hebrew, sentenced to 18 months' imprisonment for "hooliganism", was one of the four cases raised by the Foreign Secretary of the United Kingdom, Sir Geoffrey Howe, during a discussion with Mr. Mikhail Gorbachev in London in December 1984. Vera Albert, a teacher, had been arrested on 13 December 1984 following threats from the KGB, because she gave a recital of Hebrew songs in Kishinev and Odessa. Dan Shapiro, a programmer aged 24, had been arrested on 22 January 1985 for "slander against the Soviet State"; the police confiscated a dictionary, a prayer book, a Bible and phylacteries.

64. All that those convicted had done was to teach or use Hebrew. They had been denied the rights set forth in article 18 of the Universal Declaration of Human Rights and article 27 of the International Covenant on Civil and Political Rights. In her view, articles 6 and 13 of the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief were also applicable to those cases. However, reference should above all be made to articles 34, 36 and 52 of the Soviet Constitution which expressly guaranteed the cultural, religious and linguistic rights of all citizens of the USSR, without distinction of race or nationality.

65. In spite of those many instruments, the Soviet Government was seeking to deprive the Jewish community of its history, its religion, its language and even its memory. Bibles and Hebrew texts were becoming increasingly rare in the country, and the wretched situation of the synagogues was public knowledge. There was no school worthy of the name where Jews could learn about their history or literature, even in a language other than Hebrew. Such facilities were granted to all other minorities, even those that were smaller in number or more dispersed. Yet the contribution of Jewish culture to civilization could not be denied, even

within the geographical area of the present-day USSR, any more than its contribution to the development of human rights. By taking upon itself to cut a people off from its culture and roots, the USSR was assuming a fearsome responsibility vis-à-vis the future generations.

66. Mr. DOWEK (Observer for Israel) recalled that the world community would be celebrating that year the fortieth anniversary of the victory over Nazism, which had made hatred of the Jew the centre of its ideology. Today, 40 years later, it seemed that anti-Semitism was once again becoming an official State ideology in some parts of the world. The Syrian Arab Republic and the USSR were taking stringent measures against the Jewish minorities, and indeed endangering their very survival. It was hardly surprising that Syria, a country which had hurried to give shelter to prominent Nazis and SS officers, showed no sensitivity towards its defenceless Jews. But it was totally beyond understanding that the USSR, a country which had been at the forefront of the struggle against Nazism, could fall to such abysses of irrationality and callousness.

67. In the Syrian Arab Republic, the once flourishing Jewish community had been reduced to less than 5,000 people. Jews were not allowed to emigrate, and individuals travelling abroad had to leave their families behind; Jewish girls were not permitted to marry outside the country; the Jewish religion was stated on identity cards; the right to work was limited; Jewish schools were nationalized; civic rights of Jews were annulled. Now and again pogroms were perpetrated at the instigation of the authorities. If they were not rescued in time, the Jews of the Syrian Arab Republic were doomed to a cultural and social death: cultural death because there was no more Jewish culture, and social death because Jews could no longer marry for lack of suitable spouses. He therefore appealed to the Government of the Syrian Arab Republic to respect its international commitment to re-establish the civic rights of the Jews, to grant them effective protection and to permit them to emigrate if they so wished.

68. As to the plight of the 2 million Soviet Jews, he recalled the concern expressed by the European Parliament in its appeal to the President of the Soviet Union on 11 April 1984. It had expressed regret that the number of Jews permitted to emigrate had been drastically curtailed; called on the Soviet Government to permit all Soviet Jews wishing to leave the country for reunification with their families to do so without impediment; called for an end to the persecution of those Soviet Jews who had expressed a desire to leave; and requested the Soviet Government to allow the Jews of that country full religious and cultural freedom. On 7 January 1985, representatives of the Jewish communities of Western Europe had addressed a cable to the Ministers for Foreign Affairs of the USSR and of the United States of America stating that, in response to the repeated appeals of Soviet Jews, deprived of their fundamental rights, they expected a significant gesture of appeasement from the USSR. They requested for their brethren the free exercise of all their cultural and religious rights, the authorization of family reunion and the return to Israel, their ancestral home, for all those who had asked to emigrate.

69. Whether what was involved was "anti-Zionism" or "anti-Semitism", the Soviet authorities were creating a climate which might endanger the very physical existence of Soviet Jews. At the same time, the USSR was taking the lead in the international arena in propagating hatred and slander against the Jewish people and the Jewish State. The Soviet authorities had halted Jewish emigration as a matter of calculated policy. While 51,000 Jews had left the USSR in 1979, fewer than 9,000 had been allowed to leave in 1984. Close to 400,000 Jews were forced to remain in the USSR after applying to leave. Thousands had received repeated

refusals; they were called "refuseniks". They were treated as outcasts in Soviet society. As a rule, they were dismissed from their jobs as soon as they applied to emigrate. They were then denied work appropriate to their qualifications, and at the same time threatened with criminal prosecution as "parasites" if they remained unemployed. Their telephones were disconnected; their correspondence was opened; and they were searched, arrested, slandered in the official media and even physically assaulted by hooligans and the police - and all without the slightest possibility of legal redress. Meanwhile, statistics were being produced which purported to show a decline in the number of Jews wishing to emigrate; yet those statistics ignored the hundreds of thousands of Jews seeking to emigrate to Israel who had been prevented even from applying.

70. Yet Soviet Jews were driven to emigrate by the pervasive officially inspired anti-Semitism in Soviet society, especially in the matter of university admission and employment. The Soviet authorities were aware that outright attacks on Jews as such were not well viewed in the post-Nazi era; consequently the attacks professed to be directed against "Zionism". A typical example was a recently published pamphlet entitled the "Poison of Zionism" by E. Modrzinskaya and V. Lipsky, which accused the "Zionists" of being responsible for the deterioration in East-West relations through their alleged domination of the Western media and the armaments industry. Even the activities of the Mafia were attributed to the influence of Zionism.

71. In spite of those attacks, it was clear that Jewish activists had not been intimidated. On the contrary, they identified even more strongly with Israel. Almost 400,000 Soviet Jews had requested relatives in Israel to send them invitations to rejoin their families. Many thousands had applied for exit visas and hundreds had requested and been granted Israeli citizenship. He could name nine Jews who had been arrested in 1984 for struggling to secure the rights of Jews, particularly the right to emigrate to Israel: Alexander Yakir, Zakar Zunshain, Alexander Kholmiansky, Yuri Edelstein, Yaakov Levin, Mark Neponniashsky, Nadeghda Fradkova, Yosif Berenshtein and Dan Shapiro. Prisoners were being treated with increasing severity. Rights to parcels, correspondence and visits were denied more and more frequently. Families were given no information about the health and even whereabouts of prisoners. The parents of some of the prisoners had sent a telephone message to the United States Secretary of State, Mr. George Schultz, to draw attention to the increased number of terms of imprisonment, cruel treatment involving destruction of health, trumped up charges, and persecution directed against those already serving long sentences. Several of the prisoners were teachers of Hebrew. The Jewish cultural activist Yosif Begun had been convicted in October 1983, on charges of anti-Soviet propaganda. Those measures showed that it was the intention of the Soviet authorities to eliminate the Jewish cultural heritage, and in particular the Hebrew language, without which Jews could not read the Torah and profess their religion.

72. Although eager for good relations with all countries, and certainly with a super-Power such as the Soviet Union, Israel refused to remain silent about the plight of the 2 million Soviet Jews. Israel therefore called on the USSR to bring its policy towards Soviet Jewry into conformity with its international obligations and with its own law; to end the anomalous status of the Jews as the only Soviet ethnic minority forbidden to study its own language and enjoy its own culture; to release all those unjustly imprisoned; and to allow all Jews seeking to emigrate to Israel to do so.



73. Mr. KHAN (Anti-Slavery Society) said that if the Commission failed to express concern about blatant violations of the freedom of conscience and the freedom of religion, which were guaranteed by the Universal Declaration of Human Rights, it might well lose its credibility. The persecution of the small community of Ahmadi Muslims in Pakistan was a particularly serious instance of religious intolerance. On 26 April 1984, the present military ruler of Pakistan had promulgated an ordinance which cut at the very roots of religious freedom by forbidding Ahmadi Muslims to call themselves Muslims. The 3 to 4 million members of that faith in Pakistan could no longer be called to prayer or designate their places of worship as mosques. If they posed as Muslims, in accordance with their strongest conviction, they committed an offence punishable by three years' imprisonment and a fine; those offences precluded the possibility of release on bail.

74. No Government was entitled to outlaw the beliefs of one section of its citizens. The ordinance was a gross violation of basic rights, and had no place in civilized society. If one were to accept that a law could prevent a section of the citizens of a country from practising their faith and force them to adhere to other beliefs, the Governments of countries with a Catholic majority, for instance, could put Protestants in jail if they called themselves Christians, and vice versa. The Government of a country with a Protestant majority might forcibly remove the symbol of the cross from Catholic churches.

75. In fact, the issue was political rather than religious. Religion was being misused for political ends in violation of the most sacred rights of the Ahmadi community in Pakistan. It was not the masses who had forced the Government to act thus. Indeed, how could they have coerced a military régime in any way? It was the military dictatorship that had set the scene, giving the impression that it was responding to the demands of the public. The régime had carefully engineered the shameful situation, in full knowledge of the mentality of the uneducated masses.

76. The authorities were not going to stop there. Further demands included the demolition of the minarets of Ahmadi mosques; forbidding Ahmadi Muslims to face Mecca whilst praying; making discriminatory entries in their passports; and requiring them to adopt a special mode of dress so that they could be easily picked out as targets of persecution. Worse still, it had been proposed that Ahmadi Muslims should be declared apostates and stoned to death.

77. Public opinion did not support Government policy, but all forms of opposition were muzzled. Newspapers, television and other media were controlled by the Government. The recent elections had revealed the disaffection of the people for the régime: the Minister for Religious Affairs and Information, who had been the architect of the infamous ordinance, and the Minister of Labour had been defeated.

78. Not content with internal measures, the Government had launched a propaganda campaign against Ahmadi Muslims throughout the world. The founder of the Ahmadiyya Movement was being defamed in a shameful manner, while Ahmadi Muslims were not allowed to reply to the false accusations, on pain of imprisonment.

79. The Ahmadi Muslims were not a threat to Pakistan, their homeland. They served it in the front line. One of Pakistan's ambassadors to the United Nations was an Ahmadi Muslim. Not a single member of the Ahmadi community had ever been charged with spying or subversion against Pakistan. Yet they were treated as second- or even third-class citizens; their promotion in the civil service and armed forces had been blocked; they were being refused admission to universities; they had to

go through a special procedure when applying for a passport and, if they stated that they were Muslim, they were required to sign a declaration that their founder was an impostor. They were not even allowed to vote unless they abjured their faith. It was a clear case of the worst form of religious apartheid.

80. Recently, the Government had decided to force the Ahmadi community to remove from their mosques the words of the Kalima, the article of faith shared by 800 million Muslims. That had been done in 79 mosques and over 100 Ahmadi Muslims had been arrested merely for displaying the Kalima.

81. The ordinance was a constant threat to the Ahmadi community, which was virtually under siege - both physically and mentally. The Government had gone as far as to proclaim that, with the promulgation of the ordinance, the problem of Ahmadi Muslims had entered the last phase towards its final solution. Those words had an ominously familiar ring. Would 4 million Ahmadi Muslims have to be liquidated before the conscience of the international community stirred?

82. Mr. BARRAGE (Union of Arab Jurists) said that the war which had been waged in Lebanon for the past 10 years had deeply marked Lebanese society - to say nothing of the victims and destruction it had caused. However, the crucial turning point of the war had been the invasion and occupation of Lebanon by Israeli forces. While the Israeli occupiers had achieved their initial essential objective, namely the destruction of the PLO infrastructure, they had not succeeded in their second, which had been to establish in Lebanon a "strong central power" under their control. That was because they had been confronted by an uprising of the population in the south of the country, as well as military operations by the Lebanese Patriotic Resistance Front, which harassed the occupying forces.

83. Did Israel have other goals in Lebanon, and more particularly in the south, than those it proclaimed? According to the traditional Zionist theory, as evolved in 1949 and in 1954, the idea was to split Lebanon up into mini-States, each directly linked to Israel: in fact, the Labour Party currently espoused that theory to the letter. As Israel was unable to carry out the plan, it proposed to remove the population from the area bordered by the Litani River, thus producing a major demographic upheaval, and to impose on it a special status similar to that of West Bank. That area was vital to Israel, not for alleged reasons of security, but because of its water resources, and it was also the area where all the combing and encirclement operations affecting villages were occurring. Israel was currently continuing its acts of aggression against the population of southern Lebanon, involving the encirclement of neighbourhoods, the destruction of dwellings and, very recently, the destruction of a mosque causing 15 deaths; and the imposition of a curfew on the occupied villages and a blockade that affected food and fuel supplies. All those machinations were **directed** solely towards overcoming the heroic resistance of the people of southern Lebanon to the neo-Fascist invader.

84. To achieve its ends, Israel had recourse to a number of measures, such as the occupation of southern Lebanon, Rashaya and the West Bekaa, in conjunction with large-scale destruction, transfer of populations, combing operations and house searches followed by massive arrests of civilians, both men and women.

85. It was not the first time that Israel had flouted the decisions of the international community. Even before deciding unilaterally to withdraw in stages, it had refused any deployment of United Nations force south of the Litani River, thus violating Security Council resolution 425 which had envisaged that the deployment of UNIFIL would proceed from north to south, as far as the Lebanese-Israeli border.

86. Israel was circulating sinister rumours about certain Palestinian refugee camps. In that way it hoped to incite its agents who had infiltrated the Lebanese army and the Kataeb Party to engineer massacres, with the aim on the one hand of overcoming the Palestinians, and on the other of misleading international public opinion by giving the impression that the Palestinians had been safe as long as the Israeli forces were present, and that they had been massacred by the Lebanese after those forces had been withdrawn. But those manoeuvres were being foiled by the popular uprising in the south and the heroic operations of the militants of the Patriotic Resistance Front. As a result Israel was continuing its reprisals and repression, spreading terror and violating international law and the Geneva Conventions. Because of the increasing number of operations mounted by the resistance, the number of prisoners in Israeli concentration camps had risen steadily to the present total of 2,340. For its part, the Patriotic Resistance Front was bringing growing pressure to bear, and was currently mounting about two operations a day. Against that background of growing tension, Israel's disregard of all the tenets of international law made it glaringly obvious that the humane and civilized image that some people tried to attribute to that country was completely false.

87. Israel's invasion of the territory of a State which was a founder Member of the United Nations was a violation of the fundamental principle of refraining from the use of force. The conduct of Israel, an artificial State that had never respected the decisions of the United Nations since 1948, required the imposition of diplomatic and economic sanctions, and should even be excluded from the United Nations.

88. By claiming that its forces were merely stationed in Lebanon and not occupying it, Israel was trying to avoid all sanctions and to evade the issue of the international rules governing the status of occupied territories and the treatment of civilian populations, and to justify its non-observance of Security Council resolutions. The inhuman way in which the Zionist occupiers were treating the civilian population - and especially Lebanese and Palestinian prisoners in Israeli concentration camps - revealed their true face. In the camps in southern Lebanon and the occupied territories of Palestine, prisoners were maltreated, denied water, tortured, and even physically liquidated by torturers worthy of their counterparts in Nazi concentration camps. As to the bullets fired every day at the civilian population by Israeli soldiers, their sole purpose was to force the inhabitants to leave the area or to accept the fate the Zionists had in store for them.

89. It was also worth while to mention the orders denying access to certain areas and other forms of harassment to which public figures, notably spiritual leaders and representatives were subjected, as well as the repeated attempts by Israel to sow dissension among the population by playing on religious differences: but the alliance of the various denominations had thwarted the Zionist plot.

90. The Israeli forces were currently holding the eight bodies of heroes of the Patriotic Resistance Front, in violation of international law. Several cases of tuberculosis had been reported in the camps, as a result of the use of gas and bacteriological weapons. Collective punishments were being imposed in the camps in order to demoralize the prisoners.

91. Those were the direct consequences of the Zionist occupation. But its indirect effects on the rest of the country were equally apparent: following the death of Bashir Gemayel, many crimes had been committed, including the brutal occupation of West Beirut by the Israeli forces, massacres in the Sabra and Chatila areas carried out by the Kataeb Party and its military arm, the Lebanese Armed Forces. Towards the end of 1982, hundreds of people had been abducted by Phalange elements and were now reported missing. It was important to note that the massacres and abductions had taken place in the presence of the Israeli forces, thereby engaging their responsibility, particularly under the fourth Geneva Convention of 1949. That did not, however, absolve the Kataeb Party which at the time had carried out mass and illegal arbitrary arrests among the civilian population of West Beirut at the time. Evidence of the illegal nature of what ought in fact to be termed kidnappings was provided by the fact that the Military Prosecutor had signed blank warrants, which the officers filled in after making arbitrary arrests. Some of the activists arrested by the Lebanese Army had simply been charged with attacking the Israeli forces. Following the combing, encirclement and arrest operations, 13 prisoners died under torture in Yarzeh. Currently, 530 people were being held in buildings adjoining the Roumihieh prison, under the supervision of officers of the Lebanese Army.

92. Numerous examples could be given, attesting to the fact that there was no longer any form of democratic life in Lebanon. The freedom of the press and freedom of belief and expression were being flouted by over 150 anticonstitutional decree-laws whose only purpose was to maintain the privileges of the Gemayel family and its party. For the first time in Lebanese political life, the army had been used to destroy towns and villages, and heavy artillery had been deployed with the support of American and French fighter planes - to say nothing of the American battleship New Jersey which was in the area; the cost of the arms and munitions had been borne by the Lebanese people. The unspeakable intrigues of the Lebanese régime would have been impossible without the Israeli occupation, which constituted the main threat to the unity, integrity and independence of Lebanon.

93. The liberation of the country thus met the twofold need of preserving its integrity and independence, and ensuring that democracy prevailed. The Union of Arab Jurists called for the unconditional withdrawal of the Israeli forces in order to establish in Lebanon a democratic, Arab State that was progressive, secular and non-aligned.

94. Mrs. PARKER (Disabled People's International) recalled that by resolution 1984/31 the Commission had authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a Special Rapporteur for human rights and disabilities. She noted with great satisfaction that the Sub-Commission had nominated a Special Rapporteur who would present a draft report to its thirty-eighth session as well as a final report to the forty-second session of the Commission. She anticipated that the report would be a historic document in the long struggle of disabled people to achieve full human rights.

95. Her organization had previously drawn the attention of the international community of the relationship between human rights violations and the incidence of disability. She would like to comment on a number of situations of extreme urgency.

96. The famine in Africa was one such situation. At the present time, malnutrition was one of the major causes of temporary and permanent disability. Conservative estimates indicated that 25 per cent of the survivors of the famine in Africa would be

permanently disabled. That was particularly true of children. An entire generation of Africa's peoples would contain an unusually high number of disabled persons. It was true that famine stemmed from natural causes and did not in itself constitute a human rights violation. Yet African countries had for several years, drawn the attention of the international community to that serious problem, but the international community had not responded with a major effort until the autumn of 1984. Her organization reminded the international community of its obligations under the Charter of the United Nations and the Universal Declaration of Human Rights to assume collective responsibility in such situations. Failure to act constituted a violation of human rights.

97. Her organization urged WHO to submit to the Special Rapporteur its assessment of the long-term needs of famine-disabled people. It exhorted the international community to meet its obligations not only regarding short-term but also long-term care and rehabilitation of victims in conformity with the World Programme of Action concerning Disabled Persons.

98. Grave breaches of the Geneva Conventions were taking place in the world. Although war always produced injuries, large numbers of permanent disabilities were being caused by illegal military operations, mistreatment of prisoners of war, refusal to treat the wounded, and interference with the flow of humanitarian relief. The International Committee of the Red Cross had been obliged to suspend its operations in the Islamic Republic of Iran because of the gravity of violations in that country. The DPI and other impartial humanitarian organizations had protested against violations in northern and southern Africa, Central America and several Asian countries. The international Community should be aware of its individual and collective obligations under the Geneva Conventions of 1949 to ensure respect for humanitarian law in all circumstances. It was not enough to make an occasional desultory gesture: what was needed was active and sustained collective intervention. The Special Rapporteur should pay particular attention to that requirement, and the Commission should reflect it in a resolution.

99. There was a relationship between apartheid and disability. There was the example of a foreign group visiting South Africa that had been involved in a traffic accident. The black member of the group had been denied medical care and as a result would be permanently quadriplegic. Her organization deplored the fact that what was an everyday occurrence for the majority of the population of South Africa only received notoriety when a foreigner was involved. Most of the South African population was systematically denied medical services that could prevent disabilities. Furthermore, once disabled, black South Africans received little if any of their fair share of rehabilitation and health services. The Sub-Commission had in fact asked the Special Rapporteur to report on the subject. The Commission should ensure that the Special Rapporteur was given every possible facility for the purpose.

100. The tragedy at Bhopal had highlighted the need for effective international standards for industrial safety. The ILO and other United Nations agencies should submit their views to the Special Rapporteur on the present status of international industrial standards as well as problem areas in their development. The Special Rapporteur should indicate which Governments had adhered to Vocational Rehabilitation (Disabled) Recommendations 99 and 168 of the ILO. All States should ratify ILO Convention 159 on the same subject as soon as possible.

101. Several States had reported that their national constitutions contained provisions for the protection of disabled persons. Her organization urged those Governments to submit their views to the Special Rapporteur on how the rights of disabled persons could be effectively promoted and protected by constitutional guarantees. Organizations

of disabled persons in those countries should state how they invoked constitutional guarantees to protect their rights. It should be noted that the World Programme of Action required all Governments to promote the formation of organizations of disabled persons and to assist them in their efforts. Her organization was monitoring those activities closely, and it urged all Governments to ensure that the organizations were given meaningful assistance to enable them to submit their views to the Special Rapporteur.

102. In conclusion, the Disabled Peoples' International urged United Nations bodies, Governments and non-governmental organizations that had not already done so to submit their views to the Special Rapporteur. It asked that due attention should be given to the issues set out in documents E/CN.4/1984/NGO/30 and 44 as well as in Commission resolution 1984/31, and in Sub-Commission resolution 1984/20.

103. Mr. MacDERMOT (International Commission of Jurists) said that he wished to comment on the situation in Sri Lanka, where ethnic conflict had escalated in recent months. Between August and December 1984, violence had increased and, as was often the case, civilians in no way connected with the violence were the principle victims.

104. After the previous session of the Commission, it had been hoped that the All Party Conference convened by the President of Sri Lanka would find a solution to the ethnic conflict; however, the crucial question was that of the powers the Central Government was prepared to delegate to the provincial authorities of the five predominantly Tamil districts in the north of Sri Lanka, so as to give them a fair measure of self-government without destroying the unity of the State.

105. Towards the end of 1984, the President had made proposals to create: 25 district councils with broader powers than the former development councils; provincial councils if two or more district councils in a given province surrendered certain of their powers to them (the provincial councils would have only such powers as the district councils agreed to surrender); a 75-member Council of State which would have 50 members representing the district councils, 18 appointed from communities inadequately represented in the district councils and 7 appointed by the President, and which would have an advisory role.

106. In the opinion of the ICJ, those proposals offered little in the way of self-government for the Tamils. It was well known that local authorities were always reluctant to surrender any of their power. Hence, the likelihood of any provincial councils being introduced was remote and, even if they were, they would certainly have few real powers. The district councils would deal with minor matters of local interest and have no decision-making powers of the kind to be associated with provincial authorities. Moreover, the legislative powers of the district councils would be subject to veto by the President, as would be those of the provincial councils. As for the Council of State, it was well known that bodies that were of a purely advisory nature merely reinforced the central power.

107. The President's proposals had been rejected by the Tamil United Liberation Front, which considered that they in no way constituted a true plan for autonomy, i.e. one whereby the regional body would be empowered to enact laws and exercise some executive powers. As the Government was not prepared to contemplate setting up a regional structure, for instance on the lines of the cantonal system in Switzerland for the predominantly Tamil area, it had withdrawn its proposals and the All Party Conference ended without finding a political solution.

108. While the Conference was still in progress, a concerted attack has been mounted by Tamil extremists, probably with the intention of sabotaging the talks: it had included attacks on police stations and on Sinhalese civilian population. The Government, to its credit, had immediately taken steps to prevent a backlash by the Sinhalese civilian population, comparable to that which had occurred in August 1983. Unfortunately the measures had not been applied to the Sinhalese security forces which on many occasions had committed acts of violence against Tamils. In one incident over 100 Tamil civilians had been killed in the Mannar district in reprisal for the death of a soldier in a land-mine explosion. In other incidents, soldiers had opened fire arbitrarily on groups of people selected at random among the civilian population. There had also been cases of indiscriminate destruction of goods and property.

109. The International Commission of Jurists had received photocopies of 108 affidavits deposited with justices of the peace by relatives of Tamils killed or injured by the security forces in 74 incidents between August and December 1984.

110. It was important that the Government of Sri Lanka should inquire into all arbitrary actions perpetrated by the security forces and prosecute the offenders. It was true that the Government was handicapped in doing so by the unwillingness of the Tamils to complain or testify, apparently because they feared for their lives. That illustrated how excessive countermeasures against terrorism were placing the law-abiding members of the Tamil community in an impossible situation and playing into the hands of the extremists. Difficult as its task might be, the Government had to restore discipline in its security forces. That was the only way to regain the confidence of the Tamils and to find a political solution.

111. The Tamils were suffering many other hardships, particularly as a result of the creation of a prohibited zone and a security zone under the recent emergency regulations. Nearly 80,000 people had been evacuated from the prohibited zone, which covered the entire coast of the Northern Province; the fishing industry in that area, which had provided a living for about 20,000 families, had come to a complete standstill as a result. In the security zone, which covered two whole districts, economic and social life had been totally disrupted and shortages of food and other essentials had been reported.

112. The International Commission of Jurists requested the Commission to retain the question of the human rights situation in Sri Lanka on its agenda, and to monitor the developments.

113. The summary record of the second part of the meeting is contained in document E/CN.4/1985/SR.46/Add.1