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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 28th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 17 February 1989, at 3 p.m.

Chairman: Mr. BOSSUYT (Belgium)

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

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

- (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;
- (b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;
- (c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES (agenda item 10) (continued) (E/CN.4/1989/3-E/CN.4/Sub.2/1988/45 (chapter I, section B, decision 2), E/CN.4/1989/15, 17, 18 and Add.1, 19, 50, 58 and 63; E/CN.4/1989/NGO/3, 12, 30, 38, 40, 49 and 52; E/CN.4/1988/17 and Add.1; E/CN.4/Sub.2/1988/12, 15, 18/Rev.1, 20 and 20/Corr.1, Add.1 and Add.1/Corr.1; A/43/779; A/C.6/42/L.12)

1. Mr. DAHL (Sweden) said that the Working Group on Disappearances, whose report appeared in document E/CN.4/1989/18 and Add.1, had carried out its work efficiently, without making accusations or judgements; that was probably why a number of Governments had entered into the dialogue with it which was essential when trying to solve past cases which had often occurred under a previous Government or régime. A Government's readiness to enter into a dialogue also indicated the importance it attached to the problem. His delegation thus regretted the lack of co-operation noted in the report with regard to the Governments of Afghanistan, Angola, Chile, Guinea, the Islamic Republic of Iran, Nepal and the Seychelles.

2. As could be seen from paragraph 10 of the report, 392 of the 3,440 newly reported cases transmitted to the Governments concerned had allegedly occurred in 1988, the majority of them in Colombia, El Salvador, Guatemala, Peru and the Philippines. Compared to 1987, the number of countries affected had increased and the number of individual cases had practically doubled - a cause for serious concern.

3. The report on the visit to Colombia by two members of the Working Group (E/CN.4/1989/18/Add.1) gave a disquieting picture of disappearances in that country, the concern being heightened by the threatening and harassment of witnesses. The report stated that the problem of disappearances could not be completely divorced from the overall situation of human-rights violations or the underlying socio-political processes, and showed how the violence, prevalent in that country for decades, had recently escalated.

4. Despite the difficulty of attributing responsibility on account of the complexities of Colombian society, the report concluded that, on the basis of circumstantial evidence or precise information, units of the armed forces or security services had been involved in most of the cases it had transmitted.

5. It was comforting to learn that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had so far been ratified by 40 States; and that many others were taking the necessary steps to accede to it. The Committee against Torture had been entrusted with the important tasks not only of considering the reports submitted to it by States parties but also of inviting States to co-operate in examining information, and could make confidential inquiries, including visits to States. His delegation

regretted that a number of reservations had been made in that regard, but urged the States parties to consider the possibility of making the declaration provided for under article 22 of the Convention, which would enable the Committee to receive and consider communications from or on behalf of individuals; for an individual who alleged that he had been subjected to torture, such recourse to an international body was essential.

6. His delegation also urged one State party to withdraw the declaration it had made, which could undermine the efficient functioning of the monitoring machinery established by the Convention. It had noted with concern the Chilean Government's reservations about article 2, paragraph 3, to the effect that an order from a superior or a public authority might not be invoked to justify torture, and article 3, which prohibited expulsion or extradition to States where persons would risk torture; his Government was examining the implications of those reservations.

7. His Government had been contributing since 1981 to the United Nations Voluntary Fund for Victims of Torture. Its 1988 contribution had amounted to \$95,655 and the average annual contribution had been roughly \$60,000. It intended to contribute similar amounts in the future. His delegation would table a draft resolution on the status of the Convention and another on the Voluntary Fund, in the hope that, as in previous years, they would be adopted by consensus.

8. The report of the Special Rapporteur on questions relevant to torture (E/CN.4/1989/15) concluded that torture was still widespread in various parts of the world. A number of Governments the Special Rapporteur had approached had co-operated with him; some had been commendably prompt to respond and had initiated serious investigations, including legal proceedings against those found responsible. His delegation urged those Governments which had not responded satisfactorily to the Special Rapporteur to co-operate fully; the country list presented in the report showed that many Governments had seemingly ignored his communications or taken little or no action.

9. His delegation attached the greatest importance to those cases brought to the Special Rapporteur's attention which required urgent action, and called upon the Governments concerned to respond promptly. It shared the view that the prohibition of incommunicado detention would greatly reduce the overall number of torture cases and welcomed the Special Rapporteur's visits to Peru, the Republic of Korea and Turkey.

10. Legal provisions to ensure access by a person to a lawyer within 24 hours of arrest, as mentioned by the Special Rapporteur, would normally be an effective remedy against torture, if strictly monitored; authorities should also be obliged to inform the relatives of an arrested person within 24 hours of the arrest, giving the exact location of the place of detention. In that context, his delegation welcomed the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, approved by the General Assembly at its forty-third session.

11. No country was immune from torture; even societies where it was almost non-existent needed to be scrutinized. Only constant focus on all situations involving the risk of such degrading acts would enable torture to be eventually eradicated.

12. Mr. WALKER (Observer for Australia) said that, although his country had not abolished the death penalty until 1985, it had not imposed it for 20 years. During that period, the number of homicides in relation to population size had fallen by over 25 per cent. The country had not, therefore, lost a deterrent against serious crime - nor an effective measure against terrorists, because the latter often viewed the prospect of judicial execution as an opportunity for publicity and "martyrdom".

13. Australia was one of the many countries which deemed the death penalty a cruel and inhuman punishment and regarded the proposed second optional protocol to the International Covenant on Civil and Political Rights a logical extension to the Covenant itself. The recent statement by the Soviet delegation showed that not only abolitionists were in favour of an optional protocol. His delegation believed that Governments could be allowed further time to consider and comment on the proposals, in the manner proposed by the representative of the Federal Republic of Germany, without introducing new delays for a project which had been before the world community for 10 years.

14. The protocol's existence would place no legal constraint on countries which felt they had good reasons for retaining the death penalty; only States which freely chose to adhere to that protocol - which was optional - would be bound by it. It was not a question of whether or not all States should immediately abolish capital punishment but whether States choosing to give an international undertaking to abolish it should be enabled to do so.

15. It had been said that such an instrument had little chance of achieving universality, because the "retentionist" States were in a majority; but that category currently included 80 States - and the number was growing - in which the death penalty was retained only for wartime offences or in which no execution had been carried out for at least 10 years, thus making them potential adherents to such a protocol.

16. Although diametrically opposed views could be held on the subject by those whose moral integrity was unquestionable, it was to be hoped that no member of the Commission would feel that its domestic laws, policies and practices required it to prevent other countries from adopting an international instrument to which they wished to adhere; such obstruction would be hard to understand. His delegation hoped, therefore, that the Commission would agree to having the current draft of the second optional protocol forwarded to the General Assembly for consideration at its forty-fifth session.

17. Mr. TREJOS FLORES (Observer for Costa Rica) said that the question of the human rights of detained or imprisoned persons was of deep concern to the international community, since it was in places of detention or imprisonment that it was easiest to violate the integrity of the individual. Persons were not detained solely on penal grounds, however; the worst human-rights violations seemed to occur in cases of detention or imprisonment as a result of political or religious intolerance, under totalitarian régimes or in situations of political destabilization and unrest.

18. His country's system of democracy under the rule of law inhibited violations of the human rights of detained or imprisoned persons. Since, however, there was always the risk of irregularities, the Supreme Court of Justice had long established that the results of police questioning not

confirmed by the accused before a competent court was not admissible as evidence; an accused person could therefore rely on respect for his constitutional rights. Domestic policy was entirely in the hands of the civil authorities; the Constitution had abolished a standing army and made a preventive police force responsible for public order; criminal investigation was in the hands of a professional police force independent of the executive and answerable directly to the Supreme Court of Justice.

19. The Constitution of Costa Rica provided that no one could be submitted to cruel or degrading treatment, perpetual sanctions or confiscation, and that any statement obtained by force was invalid. His delegation had sponsored a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; although the Commission had had to postpone consideration of the matter, the Convention itself had entered into force, as had a similar instrument promulgated by the Council of Europe, and draft instruments similar to that presented by Costa Rica were under consideration. His delegation thus again invited the Commission to take up its proposal.

20. One of the most effective ways of promoting respect for human rights and the integrity of the person was to strive to eradicate intolerance and to promote democratization and the peaceful settlement of disputes. In that connection, the Central American peace plan would make an enormous contribution to respect for human rights in Central America. The positive results achieved at the summit meeting of Central American Presidents, including the Peace Declaration signed on 14 February 1989, was a most important step towards peace in the region, including relief for the plight of refugees and displaced persons, socio-economic recovery and the restoration of economic integration projects, and should thus make a major contribution towards eradicating the factors of human-rights violations of the sort dealt with under the current agenda item.

21. Mr. LITTMANN (World Union for Progressive Judaism) said that a meeting of Soviet and United States experts had recently been held in Moscow, as reported by TASS on 26 January 1989, to discuss problems of international terrorism, described as one of the most obvious evils of the contemporary world; while, on 10 December 1988, a group of 12 European Community interior and justice ministers had met at Athens to devise common legislation on extradition to combat the continuing threat from international terrorism. On 20 December 1988, the leaders of the seven most ruthless Middle East terrorist organizations had met at Beirut to unify their actions and had decided that the jihad (holy war) would continue; the next day, Pan American flight 103 had been blown out of the sky at Lockerbie, causing the deaths of 259 persons in the air and 20 on the ground. The United Kingdom Foreign Secretary, denouncing that deed, had mentioned the need for much greater international co-operation in the hunt for those responsible.

22. It was notable that the Commission's deliberations, over the past few years, on the current agenda item had virtually ignored the issue of hostage-taking, hijacking or bombing civilian aircraft and international terrorism, although a face-saving resolution on hostage-taking had been automatically adopted by consensus. Everyone recognized that the phenomenon had become a universal plague, but few, unfortunately, had the will or courage to say so.

23. The story of Frankenstein's monster, composed not far from Geneva, had a current sequel, in the form of a Cerberus-like monster with three heads, symbolizing hostage-taking, civil aircraft hijacking or bombing, and international terrorism. It was created by sick minds, fuelled by fanaticism and petrodollars, and fed by dictatorial régimes. At previous Commission and Sub-Commission sessions, he had provided details of hostages held, released or executed, and had named the four well-known Middle East States that were implicated.

24. Every national leader knew who was behind those deeds; and it was hard to understand the cowardice of the world as a whole, the evasion of the plain truth about international terrorism's roots and the refusal to take a moral decision backed by economic and political sanctions. It was high time for the international community and the world's spiritual leaders to denounce the ideologies which underpinned those despicable organizations.

25. There had recently been incidents, widely reported in the media but mortally dangerous even to mention directly, about a certain book. The issue was of relevance to the current agenda item, since it related to the right to freedom of opinion and expression as laid down in the International Covenant on Civil and Political Rights, regarding which the Commission, by resolution 1988/37, had requested the Sub-Commission to continue to consider and make recommendations on further measures which might be required at national and international levels to promote and safeguard that right.

26. As reported in the International Herald Tribune on 16 February 1989, the Egyptian Nobel Prize Laureate Naguib Mahfouz had declared that the idea of killing someone because of what he had written was unacceptable in principle and constituted intellectual terrorism. It was to be hoped that the Commission, inspired by that statement, would adopt a resolution by consensus on the subject; silence would make everyone the accomplices of terrorism and tyranny.

27. Ms. BROCH (Minority Rights Group), referring to the replies to the Special Rapporteurs on torture and on summary executions, which appeared in documents E/CN.4/1989/15 and 25 respectively, said that her organization had tried to clarify with representatives of the People's Republic of China the allegations concerning the case of Tibet and had been told that there was no torture in Tibet. That was not easy to accept since official Chinese publications had announced that the Chinese authorities recognized that torture and abuses of power occurred with distressing regularity throughout the provinces of China. The explanation given was that poorly trained police and cadres left over from the Cultural Revolution were to blame for such excesses.

28. On the basis of interviews with many released prisoners, her organization was aware of widespread and systematic torture within prisons in Lhasa. Some of the persons interviewed were still receiving treatment for the injuries sustained and two had suffered irreversible damage. Reports stated that victims had died from the brutal treatment inflicted. The methods used in Tibet were identical with those in China. Some could be traced back to the Cultural Revolution, while others were older. Technological advances had brought the electric baton or cattle prod into frequent use, as African students at Nanjing had testified.

29. It was distressing to note that the general level of abuse had intensified over the past year and a half, and not only for the purpose of extracting "confessions". Hundreds of people had been detained, tortured and questioned as a form of intimidation. They were asked whether Tibet was part of China and what material progress China had brought to Tibet. Correct answers led to release, while those with minds of their own were held in jail.

30. Her organization applauded the keen interest that the People's Republic of China had taken in human-rights issues throughout the world, as exemplified by its ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It wished China full success in the implementation of its commitments which, it hoped, would also benefit Tibetans. It welcomed China's concern for the fate of political prisoners in other countries and hoped that such concern would be extended to persons imprisoned for their political beliefs by the Chinese authorities themselves.

31. On 19 January 1989, Yulu Dawa Tsering, a lecturer at Lhasa University, had been sentenced to 14 years' imprisonment for "counter-revolutionary" propaganda. He had taken part in none of the demonstrations that had occurred in Lhasa during the past year. His only crime appeared to be that he had talked to an Italian tourist in his own house. His fate was cause for concern not only to human-rights groups in the West but even more to a growing number of Tibetans, for whom he had become a living symbol of their tragic situation, particularly after the death of another national figure, Geshe Lobsang Wangchuk, two days after his release from jail.

32. Yulu Dawa Tsering was only one of 13 Tibetans sentenced for "counter-revolutionary activities". To date, the Government of China had provided neither the names of those persons nor the details of the charges against them. Hundreds of Tibetans had been arrested in the wake of the demonstrations that had occurred in Lhasa since the autumn of 1987. Many had been released - a fact which she recognized and wished publicly to commend - but many were still in detention. According to evidence in her possession, those remaining in detention were Tibetans who had been singled out because of their political beliefs. They included a factory worker and a monk who had both been arrested for writing letters to the United Nations. A number of monks were in prison for refusing to attend the Mon Lam Great Prayer Festival in March 1988, an event promoted by the authorities to illustrate religious freedom in Tibet.

33. At least 45 monks and nuns from nine monasteries and nunneries in the Lhasa area were still in detention, a fate shared by more than 50 lay people, most of whom had not been formally charged or tried, nor had any official acknowledgement been made to their families of their arrest.

34. With regard to the report submitted by the Special Rapporteur on summary executions, evidence in her organization's possession supported the contention that over 50 persons had died in the three demonstrations that had been met with the "merciless repression" promised to Tibetans by Mr. Qiao She, Head of Security, during his visit to Lhasa in 1988. She also had names and details in connection with the incident on 5 March 1988, when Chinese security forces were accused of having beaten to death a dozen monks inside the temple itself. The authorities had made much of the unfortunate death of a Chinese policeman on that day and had publicly admitted the death of 5 to 7 Tibetans, but not to the Special Rapporteur. In paragraph 72 of the Special Rapporteur's report, there was reference only to the policeman.

35. After the Special Rapporteur had complained about the summary sentencing of 10 people at the earlier mass rally in September 1987 and the International Commission of Jurists had asked permission to attend the trial of the four young men identified as the "killers" of the policeman, the authorities had held a public four-day trial, which her organization welcomed as a considerable improvement over the mass rally approach. Not surprisingly, the Tibetan public had complained about the fact that four people were being tried for the death of one single man when 50 people had died without anyone being arrested. The four young men had been returned to jail and nothing more was heard until a student was suddenly sentenced to death in January 1989.

36. In Lhasa and Beijing, hundreds of Tibetan university students had marched in protest against the bloody repression of the peaceful demonstration of 10 December 1988, the anniversary of the Universal Declaration of Human Rights. Although the authorities admitted the death of only one person, her organization knew of at least seven victims. Many of the wounded were said to have died since.

37. The fact that China was a large country could create difficulties in carrying out detailed investigations in a short time. That should not, however, preclude the equitable administration of justice in remote areas under China's jurisdiction. In view of the difficulties, she wondered whether it would be possible to ask the Special Rapporteurs to undertake a mission of inquiry to Tibet, in their official capacities. If the allegations were unfounded, her organization would be only too happy to close the case. If they were justified, however, the information collected would undoubtedly help the authorities in coming to grips with the situation.

38. Ms. ASSAAD (International PEN) said that her organization welcomed the détente initiated some time ago because it had resulted in the release from prison of writers and publishers in places such as South Korea. However, other books had been confiscated in South Korea and other publishers imprisoned.

39. In Iran, summary executions had terrorized the defenders of imprisoned writers. Amnesties had been granted on the occasion of the tenth anniversary of the Islamic Republic, but she wondered what would be the fate of two women writers, aged 80 and 60 years respectively, if they did not publicly admit that they were wrong.

40. There were still inhuman dungeons for those who were unwilling to parrot the voices of their masters. In that connection, she described a new prison in occupied Kurdistan, built on the model of a medieval keep with narrow cells and heavy iron doors.

41. Her organization considered that the freedom of creation was a fundamental right which must be respected for the very future of man. When a writer was isolated, tortured and deprived of his most elementary tools, those of writing, he was quite simply stripped of his humanity.

42. Ms. FERNANDEZ de POMAJAMBO (Indian Council of South America) said that since 1980, her people in Peru had been living through a nightmare as reflected by the figure she gave of the persons who had been killed. They included farmers, students, mayors, teachers, merchants, and policemen. Human-rights violations were becoming more and more common in the mountain and jungle departments where the state of emergency had been declared.

43. Some 3,000 cases of enforced and involuntary disappearances had been recorded by the Office of the Attorney-General of the Nation over the past eight years. Many cases had not been reported because of a lack of information, fear or the fact that they had taken place in remote areas. She read out the names of some persons who had disappeared and the circumstances of their disappearance. Those responsible enjoyed full impunity and in some cases they were even promoted, such as three officers whom she named. Until the authors of such crimes were punished in accordance with the law, human rights would continue to be violated, including the right to life.

44. The Peruvian prisons were full of detainees, most of them between 18 and 30 years of age. The trials were very slow and the accused were frequently too poor to pay for legal assistance. They lived in inhuman conditions that caused them to contract contagious illnesses. In short, they were being slowly liquidated. Their relatives were attacked and all their rights violated.

45. There were daily massacres on the pretext of combating the insurrection, one of the most horrible being that which had taken place in the prisons of El Frontón and Lurigancho, at the cost of more than 300 lives. Although the persons responsible had been identified they had not been appropriately punished. The peasants massacred by the military forces had not been killed in so-called "clashes", since the victims had been found blindfolded with their hands tied behind their back. Witnesses to the massacres at Ajamarca, Umara, Bella Vista, Parco Alto and Cayara, had been murdered because they had reported them.

46. The paramilitary groups calling themselves the "Rodrigo Franco" Death Squads were threatening and killing journalists and lawyers who defended and publicized human rights. The International Red Cross and other international NGOs had been obliged to leave the emergency zones and the international press was prevented from covering the events. Although enforced disappearance was unfortunately not itself characterized as a crime in Peru, Peruvian legislation and international law condemned that repressive activity in various ways and, if the political will existed, all those acts could be punished. However, human-rights violations in Peru occurred either by the direct order, or with the complicity, of the Government, although it cultivated a different image abroad.

47. The country was undergoing a severe economic, social and political crisis. The people were short of food and the age-old poverty in which the peasants lived was aggravated by the fact that farmers were unable to continue working their land in the existing repressive conditions.

48. The victims of political repression and their relatives had appealed to the national bodies for justice and for an end to that generalized violence. They had resorted to the courts and to the Attorney-General of the Nation to no avail. They had even requested an audience with the President of the Republic on several occasions, but he had not granted their wish.

49. Having exhausted all national remedies, they had turned to the international community hoping that it would take up the difficult situation facing the people of Peru. The relatives of the disappeared therefore made the following requests: that a study and analysis be made of all reports of human-rights violations in Peru so that a special rapporteur could be

appointed and that, to confirm the need for the appointment of a special rapporteur, the Commission should send a mission to visit Peru and examine the situation there. Her organization would also welcome a further visit by the Working Group on Enforced or Involuntary Disappearances and asked the Peruvian Government to extend an invitation to that body.

50. The Government of Peru had asked her organization, through the Working Group, to provide the addresses of the relatives of the victims they had reported, but the Commission would understand why the relatives had refused to do so when the State security bodies included paramilitary groups which would undoubtedly try to kill them. However, the reports her organization had submitted to the United Nations were all duly documented and authenticated. There had, in fact, been numerous threats to the organizations of relatives in Ayacucho and her organization asked for guarantees that they would be enabled to carry out their work normally in the defence of human rights and the search for truth and justice.

51. Mr. CRESPO (International Association for the Defence of Religious Liberty) said that he himself had been subjected to horrible torture because of his religious faith. He had attempted to give his testimony to the mission presided over by Mr. Sene in Cuba but had been prevented from doing so by a colonel of the national police at the entrance to the hotel where the mission had been working.

52. He was an evangelical pastor and President of the Board for the Defence of those Persecuted for Religious Reasons (JARPE) founded in February 1985 in Cuban prisons. At his trial on 26 December 1984, after detention for nearly a year, he had been sentenced to six years' imprisonment for "other acts against State security". Those "acts" had been writing letters to His Holiness the Pope and the Secretary-General of the United Nations, seeking urgent action in Cuba to ensure respect for human dignity and religious freedoms.

53. During his first 107 days under detention, he had been tortured both physically and psychologically. He had been hit on the head and back, and dosed with chemicals which had temporarily impaired his sight, hearing, memory and concentration. His muscles had become inflamed and his face partially paralysed. The chemicals had been used when other forms of torture had not succeeded in making him sign a statement that had been prepared in advance by his torturers and which he had not been allowed to read. Previous interrogations had, however, made it clear to him that he was accused of spying for Israel and the United States.

54. He had copies of the written testimony of two former teachers from the Eduardo Solis Rente Technical and Vocational School at Havana, stating that they had attended a meeting at which attempts had been made to force a pupil to renounce his faith publicly. Those witnesses had been expelled from the school when they protested, privately, at what had taken place. He also had a list of persons murdered in detention following the First Congress of Education and Culture, held on 30 April 1971, which had marked the beginning of the most cruel persecution of believers. Before leaving Cuba on 23 September 1988, he had personally verified that Jehovah Witnesses were subjected to fines amounting to 600 pesos for having posters with biblical texts on the walls inside their houses. It should be noted that the average monthly wage was 148 pesos.

55. After so many years of silence and indifference, his association felt sure that the Commission would make an urgent appeal to the international community to call for respect for human rights in Cuba. His presence before the Commission was proof that it had contributed to the release of some Cuban political prisoners, but many others were still being subjected to torture and ill-treatment in Cuban prisons and a humiliated and fearful people was anxiously waiting for the Commission to focus its attention on their case.

56. Mr. OBAFEMI (Indigenous World Organization) said that the phenomenal material progress of the United States of America had been built upon three gross and well-documented violations of human rights: the dispossession and disenfranchisement of indigenous peoples, the kidnapping and enslavement of Africans and the imposition of United States rule on Puerto Rico. Historically, the continued violation of the human rights of the disenfranchised United States "minorities" had always brought forth protests from the victims. In the twentieth century, such justified protests had invariably been viewed as "subversive" and "criminal" by the Federal Bureau of Investigation (FBI).

57. In 1971, a group of anti-war activists had released to the public a series of internal FBI documents revealing an elaborate, 20-year-old programme, officially called COINTELPRO (Counter-Intelligence-Programme), which was designed to "discredit, disrupt and neutralize" political opponents of United States domestic and foreign policy. The FBI apparently believed that it had a mandate to destroy effective organization among black, Puerto Rican, Mexican and native American peoples in the United States. The Programme had been the subject of United States Congressional hearings, whose findings documented FBI approval of lies, fabrications and violence to silence political opposition.

58. Despite strong evidence indicating their innocence, some of the explicit targets of COINTELPRO were still in prison nearly 20 years later. His Organization called upon the Commission to conduct a thorough investigation of those cases to determine whether the incarceration of those persons was in keeping with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

59. Blacks and native Americans were not the only political prisoners in the United States. Eighteen Puerto Ricans were currently in prison for their political activities, associations and beliefs, serving sentences ranging from 30 to 90 years. All had asserted that, under international law, the United States had no jurisdiction to try them for acts conducted in pursuit of self-determination. Although entitled to a jury of their "peers", the prisoners in question had been judged by North Americans who did not speak their language or understand their history and culture. The evidence presented at their trials revealed far-reaching invasions of privacy by means of video and electronic surveillance of their homes and offices.

60. Conscientious white people who supported those oppressed by United States society or who sought to change policies of the United States Government, were also subject to imprisonment and denial of their human rights. Once incarcerated, virtually every political activist in the United States was subjected to extremely harsh conditions of confinement, which included assignment to "behaviour modification" units employing sensory deprivation techniques. His Organization urged the Commission to investigate the

conditions in those and other "high security" units where political prisoners were held in order to evaluate the effects of prolonged sensory deprivation and isolation.

61. In the United States, the practice of internment without trial was becoming increasingly common. The first application of the Bail Reform Act of 1984 designed for use against professional criminals, had been against a group of eight black political activists. The person held longest under that Act, the Puerto Rican independentista Filiberto Ojeda Rios, had been in prison for over three years. Laura Whitehorn, one of five white North Americans awaiting trial on charges of conspiring to influence United States foreign policy with regard to Central America and South Africa, had been in prison awaiting trial for more than two years. In addition to the Bail Reform Act, the federal Grand Jury continued to serve as a mechanism for incarcerating activists without trial. He urged the Commission to pay particular attention to abuses of the Bail Reform Act and of the Grand Jury, as well as other aspects of the United States criminal justice system.

62. As the living conditions of black, Puerto Rican and native American people in the United States declined, their protest movements would become more militant, and it was likely that the level of both legal and illegal repression against them would increase. Only international vigilance could help to avoid many miscarriages of justice.

63. Mr. WYLER (International League for the Rights and Liberation of Peoples) said that the living conditions of the Kurdish people in Turkey had continued to decline since the military coup d'état of September 1980 and had given rise to a Kurdish armed national liberation resistance movement, which had grown stronger in recent years. To deal with that situation, the Turkish Government had declared a state of war in the east of the country and had sent an army of 450,000, supported by special units composed of 64,000 men trained to combat terrorism, to crush Kurdish resistance.

64. The sources of that information were threefold. First, Kurdish refugees and asylum-seekers talked, published journals and organized hunger strikes in order to inform the world about the suffering of their people. Secondly, communiqués had begun to appear in Turkish newspapers, since it was no longer possible to be completely silent about the serious events taking place in the eastern part of the country. The third source included official reports, such as the Helsinki reports of 1984 and 1986, numerous Amnesty International reports and a document submitted to the United Nations by the American organization, Human Rights Advocates, Inc. There were also reports by observers who had been appointed by various European humanitarian associations to inspect Turkish prisons or to observe trial procedures. All of those sources of information confirmed that the Kurdish people were being subjected to abominable forms of repression.

65. In each village, the Turkish police sought to intimidate the civilian population to prevent it from supporting the resistance movement. Villages were often surrounded by the army, the population gathered in a square, forced to lie on the ground and savagely beaten. Quite recently, the people of one village, near Mardin, had been forced to eat human excrement. In the same region, a number of bodies had recently been found buried in the middle of a field.

66. Despite the fact that Article 17 of the Constitution of the Republic of Turkey clearly stipulated that no individual should be subjected to torture or ill-treatment incompatible with human dignity, torture remained a state policy and, since the coup d'état, had increased considerably. Turkish military and police authorities resorted to all kinds of torture, both at local police stations and in prisons. The families of suspects, including even children, were also subjected to torture.

67. The members of the Kurdish armed resistance were pursued and savagely repressed. According to a recent report, the Turkish army had used chemical weapons during skirmishes on 1 April 1988, which had led to the deaths of 20 Kurds. The Turkish military authorities also made use of psychological warfare against the families of the combatants.

68. Turkey's response to Kurdish demands would be different if its Government were not unconditionally supported by the international community, in particular the Western countries. The Commission should acknowledge the plight of the Kurds of Turkey, call upon the Turkish Government to halt all forms of torture in its territory, appeal to the international community to stop aiding Turkey in its repression of the Kurds, and affirm the rights of the Kurds to choose their own future.

69. Mr. ZOLLER (Pax Christi International) said that, at the International Conference to Examine the Human-Rights Situation in Colombia, organized by Pax Christi and Justice and Peace (Netherlands) and held at Geneva from 2 to 4 February 1989, more than 300 participants had listened to the testimonies of 26 Colombians who had been victims or witnesses of torture, abductions and massacres. The poignant testimonies and detailed explanations had directly implicated the armed forces in the activities of most paramilitary organizations.

70. During a round-table discussion, a representative of the Colombian Government had set forth his country's policy with regard to the promotion of human rights, which was in no way commensurate with the gravity of the situation. Neither the wide distribution in Colombia of the text of the Universal Declaration of Human Rights nor calls for a new "cult" of human rights would put an end to the all-too-frequent massacres.

71. At the Conference, Pax Christi and Justice and Peace had presented the report of the international delegation which they had sent to Colombia in October 1988. The delegation had come to the conclusion that the main problem in Colombia was impunity. During the Conference, other reports of missions, recently sent to Colombia by human-rights organizations, had also been examined. All those reports had laid emphasis on the close link between the armed forces and paramilitary groups, the responsibility of the Government, the fact that no serious steps had been taken to try and condemn the offenders, and the new legislative measures which would give increased scope to arbitrary rule. The Conference had adopted a number of recommendations, including one that urged the Commission to appoint a special rapporteur.

72. Since the beginning of 1989, more than 500 Colombians had been murdered, and the country was rapidly heading towards a general blood-bath. If the Commission on Human Rights did not take action to stop the bloodshed, the military and other murderers would continue their barbarous acts with complete impunity, confident that the international community would not lift a finger to stop them.

73. Ms. SALAZAR (Grand Council of the Crees) said that the Indian population of Guatemala had been particularly affected by the practice of enforced disappearances and had been subjected to policies of genocide and ethnocide. Of the more than 40,000 missing persons, most were Indian. Since the beginning of enforced disappearances in Guatemala in the 1960s, no Government had taken effective measures to end that inhuman practice, which had affected all sectors of Guatemalan society.

74. In the past, such repressive measures had occasioned major protests against the military régimes and demands for the clarification of the whereabouts of missing persons. Such demands had been made not only because of the large number of persons involved but also because, as long as the whereabouts of a person was unknown, the hope persisted that he would be seen again alive. Many of the civilian and military practitioners of repression, who were responsible for the illegal detention, disappearance, torture and execution of thousands of Guatemalans, were still enjoying legal impunity as a result of decrees and amnesties which they themselves had promulgated; many of them were currently holding diplomatic posts in different parts of the world.

75. The number of disappearances under previous military régimes made the current, decreased, number of disappearances seem like a substantial improvement, but that was not the case and such an attitude only helped to legitimize that inhuman and repressive practice. In 1988, 109 families had been affected by the disappearance of their loved ones. When that number was compared with those of other countries - even with those of the Pinochet régime in Chile - the number was still too high, especially since Guatemala had a civilian Government. All of the cases of enforced disappearances required clarification, and it was the duty of the Commission to call for an investigation so that those responsible could be prosecuted and punished.

76. She expressed surprise at the views expressed by Mr. Gros Espiell, appointed by the Secretary-General to assess the human-rights situation in Guatemala, which conflicted with those of all the trade-union, humanitarian and other qualified bodies that had investigated the situation. It was quite wrong that his obvious support for the Government should prevent him from expressing his opinion on the systematic violations of civil and political rights, particularly, the continued occurrence of enforced or involuntary disappearances.

77. It was most regrettable that experts such as Mr. Gros Espiell should consider that the human-rights situation had improved because the number of disappearances had fallen under the civilian Government. It was well known that the army controlled the police and that methods of repression were becoming more sophisticated. Under the pretext of consolidating the current Government in Guatemala, many other countries were offering police and military support so that the police forces of those countries could guarantee the safety of the population. Many of the policemen trained in those countries had been involved in cases of disappearance and torture however, and all such repressive measures served as a warning to anyone considering using civil means to oppose the civilian Government, which everyone knew was run by the military.

78. She expressed grave concern with regard to the impartiality of the judiciary and the independence of lawyers in Guatemala. The legitimacy of the entire legal system was being undermined. Although judges were constitutionally independent, their powers were severely restricted in practice by the direct interference of the military and, among other things, by the excessive centralization of power and poorly organized administration. Extra-judicial justice was administered by death squads, directed by the army and allowed to act with absolute impunity.

79. Lawyers were afraid to help the relations of victims of human-rights violations to the extent that they dared not accept cases involving members of the army. They feared that they too would become victims. The Guatemalan people were defenceless in a country which had many protective laws that were not being applied, and human-rights institutions that were inactive.

80. She urged the Commission to consider the situation in Guatemala under agenda item 12 and appoint a special representative or rapporteur to begin work immediately and report to the General Assembly at its forty-fourth session and to the Commission at its forty-sixth session.

81. Ms. LÜTHY-MAGNENOT (Centre Europe - Tiers Monde) said that there was indisputable evidence that the Yugoslav authorities were practising a policy of persecution and repression against the Albanian minority in that country. She cited the case of Januz Sahili, a refugee from Kosovo, who had been returned from Switzerland to Yugoslavia, where he had been committed to prison on political grounds.

82. Evidence, reflected even in the Yugoslav press, showed that, in recent years, thousands had been dismissed from their jobs or expelled from schools or universities for what the authorities regarded as moral and political non-conformity. The job prospects of entire families could be affected as a result. Ethnic Albanians were being forced to leave Yugoslavia. In 1988 alone, 17,000 had applied to live in exile in the Federal Republic of Germany.

83. Political opponents who succeeded in leaving the country were likely to be pursued by the Yugoslav secret police, which did not hesitate to kill them. Three Albanians had thus been murdered in Stuttgart in 1982. The Yugoslav police blackmailed Albanians working in western Europe by, for example, confiscating the passports of those who had taken part in demonstrations, or even imprisoning them upon their return to Yugoslavia.

84. Over 74,000 Albanians had been convicted and sentenced to up to 15 years in prison for their political opinions. Albanians received more severe sentences than Serbs or Macedonians. Trials and verdicts were rigged by the secret services and a number of Albanian judges who had objected, had been dismissed. Most of the political prisoners were subjected to torture and inhumane treatment and a number of them had died as a result. Prisoners were even forbidden to speak Albanian with their visitors, if visits were allowed. A number of prisoners had gone on hunger strike to protest.

85. The secret police continually tried to blackmail Albanian soldiers into becoming collaborators. Those who refused could be tortured to death or convicted on the basis of false evidence. A number of Albanians were alleged to have committed suicide while serving in the Yugoslav army.

86. That discrimination policy had created tension between the various peoples of Yugoslavia, resulting in a growing risk of civil war. The Commission should give the matter serious consideration, bearing in mind the repeated violations of human rights involved.

87. Mrs. SINNIGER (Women's International Democratic Federation) said that she hoped that the current climate of tolerance would result in the banishment of torture by the year 2000. Torturers were generally men, but men and women must henceforth act together to ensure that all forms of torture were eradicated.

88. Her organization opposed all forms of torture, summary executions, and the inhumane and degrading treatment of female political prisoners as violations of the Universal Declaration of Human Rights. It was particularly concerned that women were being denied the right to be represented by a lawyer and the right of appeal against the death sentence. Her organization had been informed by the Iranian women's organization DOIW of the execution of a female political prisoner in that country, and of the attempted murder of a number of others, including the former president of DOIW. She called upon the Commission to use its influence to put an immediate end to such executions in Iran, and to send an impartial delegation there to examine all the cases in question, seeking, in particular, the release of women prisoners.

89. She urged that the Lebanese citizen, Souha Bechara, imprisoned in South Lebanon, an occupied zone, be handed over to the International Committee of the Red Cross so that she could be delivered to the Lebanese judiciary, the only body competent to pass judgement on events occurring in Lebanon. She also asked for information concerning the woman's mother, who had disappeared.

90. Mr. de RIVERO (Peru), speaking in exercise of the right of reply, said he regretted that the Indian Council of South America, which was generally known for its balanced approach, had given a distorted account of terrorism in Peru. Its statement had not been objective and it had failed to name the principal agent of violence in Peru, the Sendero Luminoso group.

91. His Government, which had no policy of State terrorism, was endeavouring to defend democracy against terrorist attack. Under the state of emergency, the military had been used to combat terrorism and some excesses had occurred. All but one of those cases had been investigated, however, and penalties imposed.

92. Peru was a democratic country where all the major political trends were represented. Calling itself the Communist Party of Peru, the Maoist, Pol Pot-inspired Sendero Luminoso, had begun to wage its "people's war", rejecting the systems of almost all the States in the international community, an attitude that it had expressed by attacking various embassies and airlines in Peru. Its ideology embraced violent methods and allowed for no guarantee of individual human rights.

93. Other terrorist groups, such as the fascist right-wing group Roderigo Franco Commando, also used anti-democratic, repressive means. They were equally criminal and had to be combated, where necessary, by the military.

94. He wished to emphasize the links between terrorism and the narcotics traffic. Sendero Luminoso operated armed gangs in the coca-growing areas, violently resisting any opposition, asserting that cocaine helped to weaken the imperialist countries. Such problems affected not only Peru, but the international community as a whole. The Indian Council of South America had presented a biased, exaggerated view of events in a country seriously affected by the economic crisis and seeking to deal with its problems by democratic means.

95. Mrs. ILIĆ (Yugoslavia), speaking in exercise of the right of reply, said that the Centre Europe - Tiers Monde had made an unwarranted attack upon her Government. That organization had lately given protection to some doubtful individuals, one of whom was known to be a terrorist, organizing activities in Switzerland and the rest of Europe.

96. With regard to Januz Sahili, she pointed out that the Swiss Government had refused to give him asylum because it was not convinced that he was a genuine case. Most of the other allegations were unfounded. As a less developed region, Kosovo received special treatment, including the provision of extensive education. The fact that it had one of the highest birth rates in the world suggested that its people did not feel unduly anxious about their children's future.

97. The allegations concerning torture were all untrue since no prisoners were tortured in Yugoslavia. Those concerning the killing of soldiers in the army were unfounded.

98. The allegations had been made in bad faith. There was no question of trying to achieve ethnic purity in Kosovo, since that would amount to the worst form of racial discrimination, which no civilized society could accept. The Albanian minority in Yugoslavia received extremely favourable treatment.

The meeting rose at 6 p.m.