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COMMISSION ON HUMAN RIGHTS

Forty-fifth session

SUMMARY RECORD OF THE FIRST PART\* OF THE 45TH MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 1 March 1989, at 3 p.m.

Chairman: Mr. BOSSUYT (Belgium)

later: Mrs. ILIĆ (Yugoslavia)

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\* The summary record of the second part of the meeting appears as document E/CN.4/1989/SR.45/Add.1.

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

QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (continued)  
(E/CN.4/1989/7, 72; E/CN.4/1989/NGO/9, 29, 45, 58; A/43/624 and Corr.1)

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.4/1989/23-27, 58, 64 and 71; E/CN.4/1989/NGO/1, 5-7, 10, 31, 47, 54, 61 and 62; A/43/624 and Corr.1, 630, 705, 736, 742 and 743) INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued) (E/CN.4/1989/28)

1. Mr. PASTOR RIDRUEJO (Special Representative of the Commission on the situation of human rights in El Salvador), introducing his report (E/CN.4/1989/23) said that, since the accession of President Duarte in 1984, there had been a marked fall in attacks on human life and other serious human-rights violations. Regrettably, however, the trend had been reversed during 1988; the number of summary executions attributable to State agents, particularly members of the armed forces, had increased alarmingly, as could be seen from the figures in the report. Some of them had been reliably attributed to the "death squads", said to be associated with or tolerated by State bodies, although that had not been ascertained.
2. Despite the efforts of the Attorney-General of the Republic and a number of judges, the criminal justice system as a whole was not functioning. The murder on 11 May 1988 of the military judge Jorge Alberto Serrano Panameño illustrated the threat currently posed to an honest, independent judiciary and the climate of impunity strengthened by the Amnesty Act of October 1987. Nor were the prospects of reforming the judicial system very promising.
3. Action by the regular armed forces was still causing death and injury among the civilian population, albeit sporadically. In fact, most civilian deaths at the hands of the army were by summary executions, some on a large scale as at San Sebastián in September 1988. A recent communication submitted by FMLN had alleged killings and disappearances as a result of an attack by the army on a hospital of the guerrilla forces in the Chupadero canton - an allegation which he would compare with information provided by the Government and other sources.
4. He was nevertheless convinced that, during 1988, the Constitutional Government had continued to show sincere concern for human rights; but Government policy was proving unable to achieve the desired results, particularly with regard to the right to life. Indeed, the lack of control over the apparatus of the State observed in previous years seemed to have worsened in 1988. The reasons seemed to lie in the new balance of political forces following the legislative elections, the vacuum produced by President Duarte's grave illness and the effects of the Amnesty Act of October 1987.
5. Likewise disquieting was the overall pattern of human-rights violations attributable to guerrilla forces including the murder and abduction of democratically elected local officials, the collapse of municipal administration, attacks on the economic infrastructure and the indiscriminate explosion of car bombs in urban centres.

6. That discouraging picture emphasized the urgent need for a negotiated peaceful solution to the conflict. He regretted the interruption of the dialogue begun in October 1987 pursuant to the Esquipulas II Agreement - although the FMLN had agreed to abide by the outcome of the presidential elections planned for 19 March, if they could be postponed for six months. The alarming resurgence of violence on both sides, however, boded ill for dialogue. Regardless of any contention about military advantage, surely illegal violence and human-rights violations were incompatible with dialogue and negotiation - indeed, such acts would suggest a lack of genuine good will.

7. He appealed once again to the constitutional authorities and to FMLN to seek a negotiated settlement, which was what the Salvadorian people desired and needed. But the foremost need was an end to the violence, not only on legal and ethical grounds but in order to create a climate of mutual trust. Both parties must scrupulously observe the most important human right, the right to life.

8. He thanked the constitutional authorities, the FMLN and other persons and institutions which had co-operated with him in carrying out his mandate, and the Centre for Human Rights for its valued assistance.

9. Mr. GALINDO POHL (Special Representative of the Commission on the human-rights situation in the Islamic Republic of Iran) said that his interim report (A/43/705) and his final report (E/CN.4/1989/26) formed a whole. As indicated in both documents, allegations relating to summary executions had still been arriving up to January 1989, from sources inside and outside the country. Although the figures varied widely, the most conservative and careful calculations indicated that between one and two thousand political prisoners might have been summarily executed during the period under review. High Government officials had recently acknowledged, at press conferences, that there had been such executions, whilst claiming that they had been fewer than the figures published abroad.

10. Summary executions rarely allowed an opportunity to apply the safeguards for a fair trial set forth in international instruments, as reflected in paragraph 69 of the final report. The contentious aspect of the allegations related not to deaths in combat, of which there had undoubtedly been very many, but to the execution of prisoners, particularly those having already served sentences or under detention or investigation and in any case entitled to the benefit of due process of law pursuant to international instruments to which the Islamic Republic of Iran was a State party.

11. The final report considered at length the problems relating to safeguards in respect of judicial procedure and classified the alleged irregularities. In the section on general considerations and conclusions it indicated that in criminal proceedings there was a lack, inter alia of immediate information relating to the nature of the charge, legal counsel and public hearings. Allegations were still being received with regard to torture and ill-treatment, although the history of criminal cases amply demonstrated how often such practices had led to miscarriages of justice.

12. As the final report pointed out, the death penalty was admissible solely in cases of extremely grave crimes, and States parties to the International Covenant on Civil and Political Rights were required to align their domestic legislation accordingly. As noted in paragraph 68 of the report, it was hoped

that the Iranian Government would carefully consider its penal system in that light. Paragraph 77 indicated some administrative measures which might improve the human-rights situation in Iran, particularly in regard to the police, prisons and criminal procedure. The Iranian Government was asked to co-operate fully in investigating allegations of possible human-rights violations, the adoption of international standards for trial proceedings and the treatment of prisoners, the abolition of ill-treatment and a more restricted use of the death penalty.

13. The Iranian Government had shown willingness to co-operate with the United Nations competent organs under the Special Rapporteur in particular and had indicated that, since the ending of hostilities, attention could be given to human rights questions. There were a number of positive signs relating to the steps that Government could take to improve its international position in human-rights matters, as well as in dialogue with other countries with a view to mutually acceptable wording in United Nations resolutions. The final report briefly outlined what had taken place in New York and Geneva in that regard, including Iran's reiterated willingness for a dialogue aimed at giving effect to the Commission's relevant resolutions.

14. Two aspects of his mandate were of capital importance: the receipt of detailed replies to allegations about human-rights violations, which had been accumulating since 1984; and a visit to the country, which the General Assembly and the Commission had repeatedly called for. At the time when the final report had been completed, on 26 January 1989, nothing further had occurred with regard to compliance with the mandate. As the reports indicated, there were signs from Iran that replies were being prepared. In view of the improved situation in the Gulf region, it was to be hoped that the Iranian Government would be able to reply in detail to the allegations.

15. As mentioned in paragraphs 6-8, the New York talks had suggested that the Government might be prepared to accept a visit under certain conditions. He drew the Commission's attention to the amnesty granted to a considerable number of political and other prisoners - possibly around 4,500, although the various information sources differed as to the number - to mark the tenth anniversary of the Iranian Revolution. There were grounds for hope of further acts of clemency, paving the way to the complete alignment of Iranian criminal legislation and administration of justice with the provisions set forth in the relevant international instruments.

16. Mr. WAKO (Special Rapporteur on summary or arbitrary executions), introducing his report (E/CN.4/1989/25), said that the Governments of Ethiopia and Thailand should be added to the list in paragraph 16, of Governments from which replies had been received.

17. Paragraph 304 of the report listed the number of Governments to which allegations had been addressed and from which replies had been received from 1982 to 1989. Since compiling the latest report, he had received allegations that an order had been issued to kill a person in a foreign country who was not even a citizen of the country from which the order had emanated. As the Human Rights Committee had observed, arbitrary killings were forbidden; the law must strictly control and limit the circumstances in which a person might be deprived of his life. He supported the Secretary-General's appeal to the Government concerned in the allegation.

18. The year under review had shown the highest number of countries, apart from the period of his initial report, against which allegations of summary or arbitrary executions had been made. The numbers had steadily increased from 16 in 1985 to 36 in 1988. One reason might be that the machinery of his mandate was becoming more widely known; another might be, regrettably, that the abhorrent phenomena were becoming more widespread. The report concluded that although some positive initiatives had been taken in 1988, relating to areas of international conflicts, there had been little initiative to resolve internal armed conflicts, in which civilians continued to be killed indiscriminately by government and opposition forces alike. In some instances, the latter's wanton killing seemed to have been aimed at sabotaging government efforts to deal with local grievances and involve people in the democratic process.

19. As could be seen from the table in paragraph 304, the number of Governments to which appeals had been sent had reached the record level of 23. The figures also showed the level of co-operation he had received from Governments. Co-operation from Governments and NGOs had increased noticeably and for the two-year period 1987-1988 there had been only six cases of failure to respond to the reported allegations. In view of the importance attached by the Commission, the Council and the General Assembly, in their relevant resolutions, to the importance of government co-operation and action, he took the liberty of naming the countries concerned: Haiti, the Islamic Republic of Iran, Mauritania, Peru, Somalia and Sudan. Some replies, however, had consisted of a mere assertion that investigations had shown the allegations to be untrue; it would be extremely useful to have some details of such investigations.

20. Summary or arbitrary executions did not occur in a vacuum but stem from a given situation. And any effort to combat the situation must take into account the circumstances which gave rise to it. There was also the need to meet representatives of the countries concerned in order to discuss the allegations made. In that regard, he valued the discussions held with representatives of the Governments of Algeria, Benin, Burma, China, India, Indonesia, Iraq, Nigeria and Sri Lanka.

21. He also attached great importance to on-the-spot visits. During the year under review he had taken part in joint hearings with the Ad hoc Working Group of Experts on southern Africa at Geneva and subsequently in Zimbabwe, Zambia and the United Republic of Tanzania; the information obtained was reflected in paragraphs 236-248 of his report. He hoped that such joint meetings could be continued if necessary. His visits to Uganda and Suriname had likewise been important.

22. He was encouraged to note the co-operation he received from countries facing grave difficulties; such co-operation was one way in which the international community, through the Commission, could supplement national efforts aimed at protecting the right to life. Arrangements were being made for him to visit Colombia, following an invitation from that country's Government dated 30 January 1989. He hoped that the visit would lead, at very least to a greater awareness of Colombia's problems and needs.

23. He had spoken before of the need for the various United Nations mechanisms operating in the same area to co-ordinate and co-operate. He was currently co-operating on questions of summary or arbitrary executions with the Ad Hoc Working Group of Experts on southern Africa; in 1988 they had participated in the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and he had delivered a paper on the inception and development of his mandate. In addition, a seminar had been held on the human rights work of United Nations special rapporteurs. As indicated in paragraphs 300 and 301 of his report, further possibilities of co-operation among the special rapporteurs should be explored.

24. During the past six years his mandate had evolved through the experience gained by all involved in the tasks aimed at the elimination of summary or arbitrary executions. The objective called for determined efforts by all, and he would be grateful at any time for the Commission's ideas on how to proceed in future. He thanked the Under-Secretary-General for Human Rights and the Centre for Human Rights for their support, and hoped that they would be allocated the further resources they deserved.

25. Mr. KOPONEN (Observer for Finland) said that serious breaches of the most basic human-rights standards continued to occur in all parts of the world, sometimes in connection with widespread national or international upheavals, wars and conflicts and sometimes in secrecy through acts by the legitimate authorities against their own people. All too often they resulted from the actions of Governments which had signed and ratified the relevant international instruments. The means of ensuring compliance with human-rights instruments were weak and their use depended on the good will of the State whose acts were under scrutiny.

26. That did not mean that the system of country reports by individual rapporteurs served no useful purpose. On the contrary, such reporting was one of the few means whereby the international community could monitor the situation in some countries and decide what action should be taken in individual cases. The difficulty was, rather, the ad hoc nature of such reporting and its concentration on some countries only, with the result that no overall picture emerged from the various practices used to deny the enjoyment of human rights. In that connection, his delegation regretted the increasingly common practice of selecting certain countries to be repeatedly condemned while leaving others beyond the scope of international criticism, a selectivity which did not help the credibility of United Nations human-rights activities.

27. Hence the importance of the so-called thematic reports, reports on certain practices wherever they occurred. The compilation of those reports could even be increased and directed to the most varied practices, thereby enabling the Commission to obtain a more impartial and general picture of the situation. Furthermore, such reports would be of great importance to the future legislative work of the United Nations in the field of human rights, since instruments such as conventions and declarations should be prepared only after a careful and comprehensive assessment of the situation existing in different countries.

28. Of course, that did not exclude reporting on the situations of individual States. Indeed, thematic reports could and sometimes did include surveys of practices in individual countries, a good example being the report of the visit of two members of the Working Group on Enforced or Involuntary Disappearances to Colombia. However, what was important was that the subject matter and the countries should be chosen on the basis of an impartial overall assessment of the seriousness of particular practices and the widespread nature of that exercise in individual countries.

29. One of the most serious problems facing the United Nations in that area was the lack of central direction and adequate planning, as exemplified by the proliferation of international human-rights instruments without adequate implementation or follow-up mechanisms. New instruments should be prepared and adopted only on the basis of a comprehensive plan which would include an assessment of the seriousness of a particular problem and the need for and possibility of international action. Further legislative action might serve only to detract attention from the more effective implementation of the instruments that already existed and thus strengthen the formally legitimizing effect which instruments without adequate implementation had on negative practices engaged in by States parties.

30. The Commission should concentrate on strengthening the implementation systems provided for in the existing international instruments. The six Committees established on the basis of the United Nations human rights instruments had been unable, for lack of financial resources, to deal with the reports in as thorough a manner as would have been appropriate. While endorsing the attempts of those Committees to streamline their procedures, his delegation felt that more basic reforms were needed, in particular with regard to the problem of funding and adequate secretarial resources. The role of the United Nations Centre for Human Rights should be strengthened to provide adequate co-ordination of the various supervisory bodies and duplication of work already undertaken or under way in other United Nations organs should be avoided. The development of the United Nations Advisory Services Programme in the field of human rights was of vital importance also.

31. To avoid the problem of selectivity, additional emphasis should be placed on thematic reporting, the themes being chosen on the basis of the need for further action in that particular field, and reporting on unnecessarily general and academic subjects being avoided. In the preparation of reports, there was a need for co-operation on the part of the Governments concerned and the more impartial the reporting practices, the less the likelihood of Governments being unjustly criticized and the greater the reason for the international community to regard non-co-operation as an admission of guilt. The use of independent, highly competent experts and consultants should be encouraged when reports were being prepared or background work for international action undertaken.

32. Mr. NOGUES (Observer for Paraguay) said that some events of great significance had recently occurred in his country. After an unexpected military intervention in which, unfortunately, many young persons had lost their lives, there had been a change of Government and the Executive Power had been taken over by General Andrés Rodríguez who had promised to initiate democracy in Paraguay. The new President had called for understanding and the

support of the countries represented in Paraguay, since he intended to defend the precepts of genuine democracy and ensure respect for human rights. The entire nation had received the statements of the new President with justified enthusiasm.

33. Some of the events which had taken place in Paraguay were the following: the Chambers of Senators and Deputies had been dissolved, since they could not be expected to identify with the new Government; a new Supreme Court of Justice had been appointed; the President had received the directors of political parties, representatives of production, industry, trade and the information media and had presented his Government's programme; several newspapers and radio stations that had been closed down by the previous Government were beginning to operate again; the case of the so-called "Argentine orphans" was in the process of resolution in final hearings before the Supreme Court of Justice; and lastly, his country's new authorities had offered full guarantees for the freedom of political expression, peaceful assembly, and the return of exiles without any restriction.

34. He was also authorized to announce that the new Government of Paraguay would strongly combat drug trafficking, that it would adopt measures for the effective participation of political parties in the forthcoming elections of 1 May 1989, that it intended to ratify or to accede to the International Covenants on Human Rights and that it would undertake the review of legal provisions considered incompatible with the enjoyment of such rights.

35. Mr. CALDERON (Observer for Chile) said that some delegations had expressed dissatisfaction with the way in which the Commission was fulfilling its function. There was a systematic distortion of standards, in that what applied in one instance did not apply in others and the selective manner in which the Commission examined the questions before it had resulted in entire regions in which mass, flagrant and systematic violations of human rights occurred escaping its scrutiny. It seemed that some of the Governments in the Commission were exerting greater efforts to protect their friends than the rights of thousands of persons which were violated on a daily basis. The countries of Latin America and Chile, in particular, could fully support that statement since in practice they had been the scapegoat of the Commission in recent decades.

36. However, despite Chile's negative experience, it had continued its unrestricted co-operation, in which connection, he drew attention to the Special Rapporteur's statement in his reports that the co-operation shown by Chile was broad, generous and exemplary and had greatly helped to achieve progress in respect to the protection of human rights.

37. Another fundamental criticism was the lack of moral authority of some of the Commission's members who arrogated to themselves an authority given them by no one to criticize and judge other countries, generally for political reasons. A case in point was that of a country in the western hemisphere where a personal and totalitarian régime which had been in place for 30 years claimed to give lessons with regard to representative and pluralistic democracy.



38. That situation frustrated those who were working for the lofty goal of promoting respect for human rights and, in particular, those who were the object of unjustified selective and discriminatory treatment. The very fact that Chile was - with the doubtful exception of Cuba - the only country to constitute a special agenda item as if it were the only one to deserve such attention, was a good illustration of that treatment.

39. Three years previously, his delegation had said that its Government, its armed forces and the country had explicitly undertaken fully to restore representative democracy in the form established in the 1980 Constitution, which had been approved by a majority of the population. His delegation had also said that measures were being adopted and laws enacted to achieve that objective. In that connection, the Special Rapporteur had told the Commission that there would certainly be a plebiscite in Chile in which the people would freely decide on their institutional future.

40. It was public knowledge that, on 5 October 1988, a presidential plebiscite had been held in Chile and that the people had freely taken a decision on the alternatives envisaged in it. The plebiscite had been carried out in conditions of absolute freedom, with numerous monitors of various nationalities and journalists and, it should be pointed out, during the visit of the Special Rapporteur of the Commission. On the very night of the plebiscite, the Government had published the official results of the expression of the popular will.

41. However, the plebiscite constituted only one phase which had led to the following phase envisaged in the Constitution: the electoral process, namely, the election in December 1989 of President of the Republic and the Parliament. That process was being fully developed with the active participation of political parties of various trends, which was taking place in conditions of absolute freedom. That entire institutional and political process was being carried out with the greatest transparency, a fact which everyone could verify.

42. In his reports to the General Assembly and to the Commission, the Special Rapporteur drew a parallel between the situation that had been denounced by various sectors in 1985, when he had assumed his duties, and the current situation which could be summarized in the following manner: there was no longer a state of siege; there were no states of emergency of any kind, with all the favourable implications of such a situation for human rights and individual guarantees; the political parties had been legalized and operated in absolute freedom; the universities were carrying out their activities normally; effective measures had been taken to prevent and punish any illegal acts; both the United Nations Convention against Torture and that of the Organization of American States had been adopted, ratified and publicized; all constitutional acts envisaged in the process of institutionalization had been enacted and were in force; and, despite all obstacles and disappointments, Chile had maintained its unrestricted co-operation with the Special Rapporteur, a fact he acknowledged in his current report.

43. It was true that much remained to be done in Chile but the Commission had overlooked the main reason for that situation, namely, the action of international terrorism of foreign origin. As the Special Rapporteur had noted, terrorism constituted the most dangerous factor preventing the full

restoration of democracy in Chile, its victims being not only members of the police but also civilians unconnected with any political activity. It was the main obstacle hampering the Chilean institutional process and had the support of the Chilean Communist Party. The Commission bore much responsibility for that unfortunate situation, since it had never condemned such terrorism openly.

44. With regard to the most recent report of the Special Rapporteur, he reiterated his Government's disapproval of the practice of mentioning complaints which had been received from the opposition but of not including at the same time the replies of the Government. It should be pointed out that the previous report had included in an annex all the Government's replies to each of the cases raised by the Special Rapporteur.

45. The cases mentioned concerned essentially situations which were no longer current, either because the detainees had been released or because the allegations were unfounded. Any cases that merited investigations were being dealt with by the legal system. He had transmitted the replies to the complaints concerning the carabineros to the Special Rapporteur and had communicated a copy to the Centre for Human Rights. Those replies revealed that most of the cases had little foundation. Similarly, he had transmitted the reply of the Investigatory Police (policía de investigaciones). Therefore all the complaints in the report had been answered.

46. The process of the full restoration of representative and pluralist democracy in which the Government and the vast majority of Chileans were engaged was not easy. They had had to overcome the aggression of international terrorism, the hostility of a super-Power, the lack of understanding on the part of many, and the economic difficulties common to all countries in the hemisphere. However, they had succeeded in making progress with their own means in conformity with the Constitution and their international commitments. As the Special Rapporteur had said, both the Government and the political parties, with great seriousness and responsibility, had put into effect the Chilean people's right to political participation, as guaranteed by article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights.

47. It was to be hoped, in view of the positive facts he had mentioned and those contained in the reports of the Special Rapporteur, that the treatment by the Commission would henceforth be more equitable and realistic and would be helpful to Chile in that crucial phase of its existence.

48. Mr. YOUSOUFI (Arab Lawyers Union) said that 1988 had been marked by the persistence, to varying degrees, of serious human-rights violations in almost all of the 22 Arab countries, including occupied Palestine. In Iraq, many people had been executed following summary trials, and the Government of that country had been accused of eliminating its opponents. However, the most disconcerting reports concerned Iraq's use of chemical weapons, in March 1988, against its Kurdish population.

49. In Algeria, the tragic events of October 1988 had entailed serious human rights violations, and many people had been arbitrarily arrested. In the space of two weeks, the Commission of Inquiry established by the Algerian Human Rights League had collected more than 230 testimonies regarding

conditions of detention and the practice of torture. The League had investigated 11 cases of missing persons in Algiers alone. Algerian lawyers, doctors and journalists had courageously denounced such serious violations and had obtained the Algerian authorities' promise that they would punish the perpetrators of those "excesses".

50. In Somalia, the human rights situation had been disastrous for years. The entire Ishaq tribe, which lived in the northern province, was regarded by the Somali authorities as belonging to the Mouvement national somalien (Somali National Movement), which was waging an armed struggle against the Governments. Many members of the tribe had been removed from their administrative posts, arrested, tortured and executed after mock trials. More than 100,000 people had fled the region. The Arab Lawyers Union, which was concerned at the fate of a group of persons arrested in 1986 and sentenced in February 1988, had never been able to obtain any information from the Somali Government regarding the preparation of that trial, nor had it been able to gain permission for an Arab lawyer to enter Somalia.

51. Opponents of the Government could be sentenced to unlimited administrative detention and, if they were suspected of endangering State security, they could be detained indefinitely. Conditions of detention were excessively harsh, and several political detainees had died as a result of torture or lack of medical care.

52. According to information coming from Syria, a number of persons accused of belonging to unauthorized organizations there had been subjected to torture. One of them was reported to be almost blind. There had also been reports of deaths of detainees who had been subjected to torture and the declining physical condition of detainees who received almost no medical care. According to certain sources, hundreds of persons whose political views differed from those of the Government had been apprehended in various provinces of the country. Thirty-one women, whose names had been communicated to the Syrian authorities, had been detained since 1979, 1981 and 1982. Three of them had died as a result of torture.

53. In Morocco, a local daily newspaper had recently published a list of 267 human-rights violations which had occurred during 1988. Violations of every fundamental right had taken place every month in all regions of the country. The perpetrators had been officials responsible for enforcing the law at all levels. Their victims had been people of modest means living in towns and in the countryside. In addition, a social conflict which had lasted two months and which had just been resolved thanks to the combativeness of the miners concerned and the pressure of public opinion, had been a striking example of the violation of trade-union rights, the right to a fair trial and international norms relating to human rights.

54. In 1988, Egypt had returned a student from Bahrain, two Iraqis and a group of Somalis to their respective Governments. The Arab Organization for Human Rights, after having appealed in vain to the Egyptian Government, had called upon the Iraqi and Somali authorities to spare the lives of those extradited refugees. Arbitrary arrests, torture and ill-treatment of prisoners, as well as restricted freedom of movement, were disturbing examples of the persistence of human rights violations in Egypt.

55. In Saudi Arabia, there had been reports of the arrest without charge of a number of people. Other political detainees had been rotting in prison for several years without having been brought to justice. A number of them had been subjected to torture and ill-treatment. The names of those who had been released had been included on a list of persons forbidden to travel abroad; a list that currently bore the names of 816 persons.

56. The past year had also brought some signs of hope. The Arab Lawyers' Union had noted with satisfaction the November 1988 declaration by the President of Iraq regarding a general amnesty, which would be extended to the Kurdish opponents of the régime, the introduction of a multiparty system and the improvement of the human rights situation. Morocco had ended its opposition to the establishment of the Moroccan Organization for Human Rights, and the Arab States had not opposed the granting of advisory status to the Arab Organization for Human Rights at the last session of the Committee of Non-governmental Organizations of the Economic and Social Council. Algeria was progressing towards political pluralism and a new press code. Somalia and Jordan had announced the release of prisoners. The Constituent Act of the Union of Arab Maghreb, signed on 24 February 1989, was the first inter-Arab instrument to mention human rights in its preamble.

57. Mr. LITTMAN (World Union for Progressive Judaism) said that, on 22 November 1988, Mrs. Carmen Hertz Cádiz of Santiago had returned home to find that her employee, Mrs. Sofia Yáñez, had been executed, her throat cut by savages. Throat-cutting had become a symbolic form of execution used in Chile against those who sought to defend human rights.

58. Mrs. Hertz Cádiz was a lawyer who defended political prisoners. After the 1973 military putsch, her husband, Mr. Carlos Berger, a lawyer and journalist, had been arrested and incarcerated for 60 days. In October 1973, he had been taken out of prison and assassinated, along with 73 other political prisoners, without trial or judgement. Mrs. Hertz had begun legal proceedings against three senior military officers, but those responsible had later been amnestied. The body of Carlos Berger had never been returned to the family for burial. Last year, after a long depression, caused by the assassination of her son, Carlos Berger's mother had committed suicide.

59. Mrs. Carmen Hertz, in collaboration with the Vicaría de la Solidaridad, was currently defending several political prisoners who had been judged by a Chilean military tribunal. She had accused military officials and police of serious human rights violations and had initiated proceedings against police officers involved in the case of a gravely tortured political prisoner, Vasily Carrillo.

60. However, as soon as the civil law judge had identified the persons responsible and ordered their detention, the Police Investigations Department had published a declaration attacking human rights defenders, accusing them of promoting "the inactivity of the police". Three weeks later, the cut-throat thugs had murdered Mrs. Yáñez. It was thought that the purpose of that murder was to frighten all those - particularly lawyers - who had persisted in defending human rights during the 15-year military dictatorship.

61. On 5 February 1989, Mrs. Hertz had returned to Chile to continue her courageous struggle for human rights. The Chilean authorities should take all the necessary steps to protect her and all others who were at the mercy of hate-inspired killers. They should also return to her the body of her husband so that his corpse might finally receive a decent burial alongside that of his mother.

62. Mr. GRAVES (International Commission of Health Professionals for Health and Human Rights) said that the recent Paris Conference of the States parties to the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare and of other interested States, had not considered the matter of protecting and treating the victims of chemical weapons. The 1925 Protocol had not prevented some signatories from using chemical weapons, and the bombing of defenceless women and children last year at Halabja in Iraq was a disturbing example. The International Commission of Health Professionals proposed the convening of an international conference, with the participation of non-governmental and governmental experts, non-governmental organizations, specialized research institutes and the press, to discuss the disastrous effects of the use of chemical weapons and to determine the best possible methods for treating the victims of such weapons.

63. Such a joint initiative between the United Nations and non-governmental organizations would discourage States which had chemical weapons from using them either against enemy States or against their own populations, and would exert pressure on the manufacturers and the Governments which helped the chemical weapons industry. The United Nations should take every possible measure to inform the public of what to do in the case of a chemical-weapons attack, and should advise Governments how to prevent widespread death and destruction in the event of chemical or biological warfare, and how best to treat the victims.

64. In its resolution 1988/27, "Respect for the Right to Life: Elimination of Chemical Weapons", the Sub-Commission requested the Secretary-General to collect information on the use of chemical weapons and on the danger they represented to life, physical security and other human rights, and to report to the Sub-Commission at its forty-first session. His organization urged all Governments and non-governmental organizations to forward such information to the United Nations Centre for Human Rights and to support Sub-Commission resolution 1988/27.

65. Mr. ROSSI (International Association for the Defence of Religious Liberty) said that, despite the fact that the Albanian authorities had begun to admit the right to freedom of conscience and the right to have a religion, Albanian law continued to prohibit the holding of religious services and the existence of any religious organization. All that was permitted was religious feeling which, however, must not be expressed in public. Albania still did not recognize the right to true freedom of conscience and religion, and the Commission should adopt a resolution calling upon the Albanian Government to recognize and respect that freedom.

66. In Saudi Arabia, all religions were prohibited with the exception of Islam. Approximately half a million immigrant Christian labourers had been forbidden to practise their religion, either in churches or private homes.

The dignity of immigrants, including their right to practise their own religion, must be respected by all Governments, and the Commission should appeal to the Government of Saudi Arabia to redress the situation in an effective manner.

67. In Iran, the Bahá'í community continued to be subjected to religious intolerance and discrimination. Iranian courts considered the Bahá'ís to be infidels not protected by law. If they renounced their faith, the Bahá'ís could avoid discriminatory measures such as lack of access to primary, secondary and higher education, denial of the right to leave the country and permanent exclusion from all public offices. More than 100 Bahá'ís were currently serving prison sentences solely on the grounds of their religious beliefs. The Commission should therefore continue to monitor violations of the right to freedom of religion or belief in Iran, as well as in every other country in which that right was violated.

68. Mr. MacDERMOT (International Commission of Jurists) expressed concern at the tendency to reduce the number of countries subject to scrutiny at a time when the human-rights situation was deteriorating seriously in many parts of the world. The cause of human rights in Guatemala and Haiti, for example, would be better served by the appointment of a special rapporteur than by the provision of advisory services.

69. Attention had been drawn to alleged gross violations of human rights in Iraq, including mass extra-judicial executions. Large numbers of civilians had apparently been killed by the Iraq Air Force using chemical and incendiary weapons, whilst hundreds had apparently been executed either without trial or after brief trials conducted according to irregular procedures. In one incident, Iraqi troops had arrested over 1,000 Kurds, many of whom had been burnt or injured in previous attacks. According to reports, those detained had then been summarily executed and buried in mass graves. Between 60,000 and 120,000 Kurds had fled across the border into Turkey and Iran following those attacks.

70. The Working Group on Enforced or Involuntary Disappearances had listed 2,728 outstanding cases of disappearances in Iraq, many of which concerned Barzani Kurds removed by the army from resettlement camps in 1983. No explanation had been given by the Iraqi Government as to their whereabouts. Furthermore, arbitrary arrest and detention without trial of political prisoners, who were routinely tortured by Iraqi security forces, were widespread practices. The Commission should take note of the situation in Iraq.

71. With regard to Romania, world-wide protests at the Government's plan to replace many villages by "agro-industrial" centres had apparently induced the authorities to reconsider some aspects of the plan. Nevertheless, the level of repression, particularly against the ethnic minorities, had not diminished. It was clear that Romanian citizens were denied all the essential civil and political rights. All forms of communication were monitored by the secret police, and hundreds who had tried to leave the country without permission or attempted to monitor human rights had been imprisoned. Economic, social and cultural rights were also affected.

72. The ethnic Hungarian population faced discrimination at all levels because its efforts to retain its identity conflicted with the Government's policy of "Romanianization". Hungarian schools had been closed and the use of the Hungarian language restricted.

73. Demands for the restoration of democracy in Burma had been rejected by the military-dominated Government. According to unofficial sources, the army had killed as many as 3,000 unarmed demonstrators in one five-day period. Subsequently, after military control had been brutally reimposed, hundreds more demonstrators had been killed or wounded and thousands arrested. Those still under arrest were detained without trial or charge, many apparently having been tortured or ill-treated. He welcomed the recent announcement by the Burmese authorities that multi-party elections would be held in 1990, and hoped that all those detained the peaceful exercise of internationally-recognized human rights would be released.

74. Mr. GARCIA-SAYAN (Andean Commission of Jurists) said he welcomed the report of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1989/25), which indicated the extent of such phenomena. In the case of Colombia, one of the two Andean countries considered in the report, the situation had not improved despite the fact that the Government had sought to reinforce the institutions responsible for monitoring human rights. The number of summary or arbitrary executions had increased alarmingly in 1988. An average of 11 persons a day had been killed for political reasons, and during that period, there had been 60 mass executions, a new form of murder used by paramilitary groups acting with impunity.

75. Although members of the armed forces appeared to be linked with some of the groups concerned, nothing had been done to call a halt to murders which the Attorney-General had described as having all the characteristics of political crimes. He noted with interest that the Government of Colombia had invited the Special Rapporteur to visit the country, and hoped that his findings would be carefully considered by the Commission at its forty-sixth session. The Special Rapporteur should be provided with all possible means to fulfil his mandate.

76. Security forces and paramilitary groups were not the only ones responsible for the acts referred to in the report. Murder was also used systematically by armed subversive groups, thus provoking more violence on the part of the State. That was especially true of the extremely violent Sendero luminoso in Peru, which had murdered numerous peasants, democratically-elected representatives, policemen and others.

77. In Peru the State security forces and paramilitary groups, acting with total impunity, had been involved apparently in summary executions over the past year. Given the obligation of States to respect human life, special attention must be paid to murders committed by, or with the complicity of, agents of the State. Unless the situation were dealt with in the context of law and respect for human rights, violence would escalate.

78. Paramilitary groups had emerged as a new source of violence in 1988. They had kidnapped and murdered a lawyer, and been responsible for other murders, attacks and threats. While there was no proof that those incidents were linked with the authorities, all of the victims had been opponents of the

Government. Police investigations had failed to identify the culprits. In spite of the concern shown by the international community, the Government of Peru had failed to put an end to summary executions, and had not responded to communications from the Special Rapporteur.

79. In neither of the countries concerned, had the judiciary been able to investigate properly or to punish such activities, which were likely therefore to become more common. It was a matter of grave concern that such executions could be carried out with impunity. Furthermore, the increasingly high profile of the security forces, in particular, the military, in those countries indicated a risk of a state being created within the State. Accordingly, the international community should urge the legitimate authorities to prevent the security forces from operating outside the law, dismantle paramilitary groups and defend public order in accordance with the law.

80. Mrs. BRIDEL (International Association of Democratic Lawyers) expressed deep concern with regard to the total impunity enjoyed by those responsible for kidnappings in Guatemala, where that practice continued under an impotent civilian Government. Over 40,000 people had disappeared since 1963.

81. The "death squads", directed by the army's High Command, had recently intensified their activities. According to the Inter-American Commission on Human Rights, notwithstanding repeated denials, members of the security forces and the army were undoubtedly continuing to detain people. Those responsible for violations of human rights under past régimes had been guaranteed total impunity, thereby preventing them from being brought to justice. Worse still, impunity still applied to those currently engaged in such activities, and former human-rights violators were even appointed to the diplomatic service.

82. Because such cases tended to remain hidden, it was difficult to give exact figures for human-rights violations in Guatemala. Relatives of victims sometimes failed to report cases because they feared reprisals, were ignorant of their rights or unfamiliar with the legal procedures. The perpetrators concealed their practices under the guise of common crimes or used clandestine methods, involving "death squads", clandestine cemeteries and secret prisons. They also resorted to misinformation and misleading propaganda justifying such activities. It was clear, however, that massive violations of human rights were taking place. In his report (E/CN.4/1989/39), the Expert, Mr. Gros Espiell, had also referred to disappearances of children, indicating that the child protection system and the adoption law presented serious deficiencies.

83. Making advisory services available to the civilian Government would not permit adequate analysis and investigation of the systematic violations of human rights in Guatemala. It was imperative for the situation to be considered under agenda item 12. Action must be taken to prevent the military from using the civilian Government as a shield against international condemnation. The "dirty war" against the Guatemalan people must be brought to an end.

84. Ms. KIRCHER (Amnesty International) said that one of the most common techniques used by Governments to conceal their actions and to avoid accountability, was the recourse to paramilitary groups or "death squads". Far from being beyond official control, "death squads" were frequently used by



the security forces as a clandestine means of countering real or perceived opponents of the prevailing system or even common criminals. They were often wholly or partly composed of police or armed forces personnel and appeared able to function without let or hindrance. Investigations generally failed to yield results and if an individual officer was accused of crimes in that connection, the system of military justice typically claimed continuing jurisdiction, usually failing to pursue the case or imposing a derisory sentence.

85. The responsibility for thousands of extrajudicial executions and disappearances in Colombia in recent years had been attributed to such groups. A new pattern and magnitude of human-rights violations had emerged there recently, amounting at times to wholesale massacres of unarmed civilians. Recent judicial investigations had indicated that some of those responsible were acting with the support or co-ordination of armed forces personnel.

86. Since 1987, there had been an escalation of activities by "death squads" in El Salvador. Thorough research had led her organization to conclude that the existence of such groups was a convenient fiction used to shield the authorities from accountability for human-rights violations.

87. While the armed forces in Peru continued to carry out extrajudicial executions on a large scale in emergency zones under military control, since July 1988 such killings had spread throughout the country. The victims were often government critics. Although the Government had attributed such activities to what it described as a private group seeking revenge for guerrilla activity, her organization believed that regular units of the Peruvian armed forces and police services were responsible.

88. Some Governments, such as that of Ethiopia, used silence and evasiveness as a means of deflecting condemnation of their appalling human-rights record. Others, such as the Government of Burma, resorted to flat denials of unlawful conduct by their officials.

89. Seldom had denials been more brazen than those of Iraq, whose activities had been brought to the attention of the Commission by numerous participants over many years. Despite overwhelming evidence to the contrary, the Government of Iraq continued to deny that abuses such as the deliberate killing of thousands of innocent men, women and children, had taken place or that government forces were responsible for them. Her organization continued to receive information regarding flagrant abuses, including the widespread and routine use of torture in prisons, indefinite detention without trial of political prisoners and the execution of political opponents, the most recent wave of executions being reported during the current year.

90. Her organization believed that those violations were perpetrated as part of a systematic and deliberate government policy of political repression. Anybody perceived as demonstrating less than total support for the Government was at risk. Furthermore, there was abundant evidence that the Iraqi security forces were deliberately targetting the children of suspected political opponents, torturing them to force them to reveal information about their relatives, ill-treating them in front of their parents or holding them as hostages for family members being sought by the authorities. Others had disappeared or been among the victims of mass political killings.

91. More than any other, the situation in Iraq clearly and incontrovertibly presented flagrant mass violations of human rights. No such situation should be seen to be immune from the jurisdiction of the Commission. International public opinion had a right to expect the Commission to take steps to put an end to the cruelties described. She urged the Commission to preserve its credibility by taking the necessary action.

92. Mrs. ILIĆ (Yugoslavia) took the Chair.

93. Mr. BOS (Bahá'í International Community) said he regretted having to bring to the attention of the Commission for the ninth successive year the continuing persecution of the Bahá'í religious minority in Iran. His organization was convinced that the Commission had been instrumental in preventing the full-scale genocide of the Bahá'ís in Iran. In particular, it welcomed the report of the Special Representative, Mr. Galindo Pohl (E/CN.4/1989/26), who noted that the situation in that country justified international concern, study and constant monitoring.

94. During a decade of systematic persecution, the Bahá'ís in Iran had been deprived of their most fundamental human rights. The Government had consistently denied the existence of a campaign of persecution, justifying its actions by alleging, amongst other things, that the Bahá'ís constituted a subversive political organization, actively engaged in international espionage. Such allegations were utterly unfounded and had been rejected out of hand by every human rights body that had examined them. Religious belief was the sole basis for such persecution, and in almost every case the authorities had made it clear that persecution would cease immediately if those concerned renounced their faith and embraced Islam.

95. The Bahá'í communities were not opposed to the duly constituted Government of Iran. Their aim was solely to protect their rights and fundamental freedoms. There had been some improvements, however. Although two executions had taken place in the past year, no further arrests had been made since February 1988. The number of Bahá'í prisoners continued to decrease and some sentences had been reduced.

96. Most of the 10,000 Bahá'ís dismissed from their employment in the early 1980s were still without jobs or pensions, and some had even been instructed to repay their past salaries. Confiscated personal property had been returned in only a few isolated cases, but access was no longer denied to their special Bahá'í cemeteries. Bahá'í children were once again being admitted to primary and secondary schools.

97. In spite of recent improvements, there had been no general change in official policies and attitudes. Bahá'ís continued to be denied the right to profess their religion, to meet as a community or maintain places of worship or administrative institutions. Deprived of their human rights under the law, Bahá'ís were effectively "non-persons", liable to be persecuted again at any time. Iran's fundamentalist religious leaders were unwilling to tolerate the existence of any religion that had appeared after Islam, and were determined, therefore, to purge Iran of Bahá'ís, whom they regarded as the misguided followers of a "dangerous heresy".

98. His organization hoped that, through the vigilance of the Commission and of the international community as a whole, the plight of the Bahá'ís would not go unheeded. In continuing to pursue its campaign against the Bahá'ís, the Government of Iran was violating the spirit and letter of the major international human rights instruments, seeking to debase and destroy the very principles on which they were founded. His organization was committed to the interrelated causes of human rights and peace, and wholeheartedly supported the work of the Commission in every area of human rights.

The summary record of the second part of the meeting appears as document E/CN.4/1989/SR.45/Add.1.