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SUMMARY RECORD OF THE SECOND PART* OF THE 47th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 2 March 1989, at 6.25 p.m.

Chairman: Mrs. ILIC (Yugoslavia)

later: Mr. BOSSUYT (Belgium)

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* The summary record of the first part of the meeting appears as document E/CN.4/1989/SR.47.

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QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (continued) (E/CN.4/1989/7 and 72; E/CN.4/1989/NGO/9, 20, 29, 45, 58 and 60; 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, 57, 61, 62 and 66; 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. Mrs. SIMONOTTI (International Association against Torture) said her organization was most concerned at the structural nature of human rights violations in developing countries. In spite of the good will demonstrated by a number of States, the survival of democracy was basically menaced by the lack of national sovereignty, external debt, growing impoverishment and the increasing presence of transnational corporations which did not help the developing countries.

2. In El Salvador, where the persistence of human rights violations had been confirmed by the report of the Commission's Special Representative (E/CN.4/1989/23), the Government had been held responsible the previous year by the European Parliament for the murder of a Swiss citizen and his two Salvadorian companions. Considerable efforts had been made to resolve the conflict in that country, and it would be a very positive development if the Government of El Salvador were to give favourable consideration to the recent initiative by the FMLN to take part in the electoral process and accept the results thereof. It was to be hoped, also, that the Government would follow the example of those of Peru and Colombia and invite the Working Group on Enforced or Involuntary Disappearances to visit its country.

3. Repression was also continuing in Guatemala, where a large number of disappearances had been officially acknowledged and cases of torture and murder continued to occur. It was also disturbing that the army was still threatening human rights and other organizations. The problem of human rights violations in Guatemala could be permanently solved only through profound economic reforms, as social tension was a fertile breeding ground for such violations, and the existing constitutional Government had a special responsibility to act in accordance with the will of the people.

4. Outside Latin America, her organization was particularly concerned at the situation in Iran, where many thousands of people had been summarily executed and where members of the Bahá'í faith continued to be persecuted and denied their fundamental rights.

5. In Iraq too, as confirmed by the thematic reports, summary executions, forced disappearances and religious intolerance still persisted and the appointment of a Special Rapporteur to investigate human rights violations in that country appeared advisable.

6. In Africa, while the decision to suspend the confidential treatment of the situation of human rights in Zaire was reason for satisfaction the situation in Burundi was horrifying and should be considered by the Commission.

7. Mrs. QUADRADO (International Association against Torture) speaking on agenda item 5, said that Chile's institutional structure which was based on the National Security Doctrine of the United States State Department, inevitably led to repression and violations of human rights which despite some minor advances, had continued even after the referendum of 5 October 1988. In that connection, one of the prime concerns was the immunity from prosecution enjoyed by the perpetrators of heinous violations of human rights as a result of measures such as the Amnesty Act of 1978, the punishment of judges who attempted to investigate human rights violations, the enormous expansion of the jurisdiction of the military courts, the tolerance shown towards the groups responsible for kidnapping and murdering opponents of the régime and the use of the mass media to misinform the Chilean people.

8. It would be remembered that the Special Rapporteur had recommended to the Government of Chile that the United Nations Convention against Torture and the corresponding Convention of the Organization of American States should be published. The two Conventions had in fact been published in the Diario Oficial of 26 November 1988, which gave them the force of law in Chile, but they had been hedged about with so many reservations as to become a dead letter, with the result that torture remained unpunished in Chile.

9. In the circumstances, she asked the Commission to adopt a resolution maintaining the question of human rights in Chile as a separate agenda item having priority and extending the mandate of the Special Rapporteur.

10. Mr. HILL ARBOLEDA (World Peace Council) said he wished to draw attention to human rights violations in a number of countries. In the Federal Republic of Germany, despite widespread international criticism, the Berufsverbot continued to discriminate against members of the so-called extremist parties, despite its condemnation as a violation of the ILO Discrimination (Employment and Occupation) Convention of 1958 (Convention No. 111).

11. In El Salvador, where human rights violations had intensified since the previous session of the Commission, and where recent developments involving Government agents gave cause for deep concern, major steps had been made towards a definitive solution of that country's problems and the FMLN peace initiative deserved the support of all peace-loving persons. In the circumstances, the request by the Working Group on Enforced or Involuntary Disappearances that it should be enabled to visit El Salvador deserved support, and he appealed to the Government of that country to extend an invitation to the Group.

12. In Turkey, little progress had been made in normalizing the human rights situation. Three thousand persons were facing charges carrying the death penalty, 216 people were under sentence of death, the country's 600 prisons contained thousands of political prisoners in extremely harsh conditions, and Turkey was the only country in Europe which banned the Communist Party. Political trials were under way against politicians who had also been tortured, trade unions were repressed and universities deprived of their autonomy.

13. Turkey possessed three types of court: ordinary, military and special State security courts. The latter, though theoretically exceptional, had become the most active, and lawyers defending political prisoners often suffered repression similar to that of their clients.

14. Repression of the most humiliating kind continued against the Kurds, who were not only forbidden to speak their own language, but were constantly violated in their physical integrity.

15. Turkish troops continued to occupy more than one third of Cyprus in breach of the Charter of the United Nations and the Final Act of the Helsinki Conference. The inhabitants of the occupied territories were deprived of their civil rights and treated as second-class citizens. As a result, large numbers of them had emigrated to other countries. The Turkish Cypriots and Turkish colonists continued to ignore Security Council resolution No. 550, and persisted with their separatist policy in Cyprus.

16. In Chile, large numbers of people had been detained and tortured since 5 October 1988. Working-class districts and indigenous communities had been subject to large-scale searches involving violence, while repression against lawyers of the Chilean Human Rights Commission had continued. Furthermore, the responsibility of the Chilean régime in the murder of an ex-minister had been revealed by a former ambassador to Washington. Together with other occurrences, those events were a reminder of the essentially unchanged nature of the Chilean régime.

17. Mr. GONZALEZ (Christian Democratic International) said that the statements by previous speakers and the reports before the Commission provided sufficient specific details of cases covered by agenda item 12. Consequently, he would deal with what was required to rectify those situations and prevent the recurrence of human rights violations. There was an essential link between stable peace, real democracy and effective respect for human rights, which could be illustrated by reference to the situation in Central America subsequent to the Esquipulas Agreements of August 1987, the Declaration of San José of January 1988 and the recent Declaration signed by the Presidents of the Central American countries on 14 February in El Salvador.

18. One of the fundamental points of the Agreements, which had been complied with by the Governments of Guatemala, Honduras and El Salvador, was the release of political prisoners. Nicaragua, too, had released some prisoners, but they represented only some 13 to 15 per cent of the prison population, and a number of political activists had since been arrested for crimes they had never committed, although they were currently on conditional release.

19. At the recent meeting of Central American Presidents, the President of Nicaragua had announced the release of a large number of prisoners sentenced by the emergency courts - and it was to be hoped that the release would be effected without delay, thereby redressing, however tardily, the arbitrary decisions of those courts. The international community should continue to urge the Government of Nicaragua to release approximately 2,000 prisoners, mainly peaceful peasants, imprisoned by the so-called Anti-Somoza People's Courts that had been abolished in January 1988, as well as a further 2,000 prisoners sentenced under the Public Order and Security Act of 20 July 1979. There was also an unspecified number of prisoners held under the State Security Order, who were likewise the victims of unjust and arbitrary imprisonment.

20. He wished to emphasize the support provided by the European Economic Community to the peace process in Central America and to the efforts by various sectors of Salvadorian society to put an end to that country's

conflict. It was to be hoped that the Central American Parliament, designed to support Esquipulas II, would shortly be elected, and that the Nicaraguan presidential elections would be brought forward to February 1990.

21. Mr. SABORIO SOTO (International Union of Young Christian Democrats), having noted the progress made by the process of détente in Europe and the improvement in the human rights situation in a number of countries such as the Soviet Union, Hungary and Poland, said that there were other States which had signed the Final Act of the Helsinki Conference, such as Czechoslovakia, where political trials still took place. The situation in Bulgaria and the German Democratic Republic gave cause for concern, as did the situation, in particular, in Romania, where human rights were being violated by the transfer of rural populations to towns, the destruction of thousands of villages and the repression of the Hungarian and German minorities. The necessary steps should be taken to encourage all Governments, and particularly those of Western Europe, to exert pressure on the Government of Romania to observe its commitments as a signatory of the Final Act of the Helsinki Conference. His organization suggested that a committee be established to investigate events in that country.

22. His organization was also concerned at the serious human rights violations in Iraq, where chemical weapons had been used not only against Iranian forces, but also against the Kurdish civilian population, and in Iran where mass executions and the death sentence recently proclaimed against the English writer Salman Rushdie revealed the intolerant nature of the régime.

23. The ill-treatment of the Palestinian people in the occupied territories was causing grave concern to the friends of Israel, and the Government of that country should cease such actions which were unworthy of a democratic régime. His organization continued to denounce strongly the policy of apartheid in South Africa and expressed its deep concern at the repression which had followed the demonstrations of October 1988 in Algeria and similar repression in Sri Lanka and Burma.

24. He concluded by noting his organization's particular interest in human rights in Latin America, particularly Chile, where the victory of the "No" vote in the referendum of October 1988 had been achieved by the resolute efforts of democratic forces, and asked that appropriate steps be taken to secure the release of the imprisoned trade unionists and to put an end to the ill-treatment of opponents of the régime. The continued human rights violations in Cuba were also a source of concern, while the recently revitalized peace process in Central America held out hope that the peoples of the region, including the people of Nicaragua, would soon be able freely to choose their Governments.

25. Ms. GAER (International League for Human Rights), after urging the Commission to focus more on the human rights situation and less on the political situation in countries such as El Salvador, Chile and Afghanistan, said she would review the situation in five countries.

26. In Iraq, the League had long been concerned about the problems of the Kurdish minority, whose basic cultural and political rights had been undermined and who had been the victims of documented cases of disappearances, torture and other abuses. After the cease-fire with Iran, Iraq had moved to crush the Kurdish uprising and had used illegal chemical weapons to kill

thousands of fighters and civilians alike, although it callously denied the fact. The Government of Iraq had also adopted a policy of forcible relocation in an effort to end the Kurdish problem.

27. In the case of Romania, the League welcomed the Commission's attentiveness to human rights abuses. The Hungarian, gypsy, German and other minorities in the country were suffering from a long-standing policy of Romanization, and the Hungarians in particular had been driven into exile in large numbers by the policies of the Government of Romania. In particular, the League urged the Commission to consider the effects of the following on civil and political freedoms: general repressive measures; the economic austerity programme; disregard for the rights of all minorities; and policies regarding the right to leave.

28. The Government of Romania had, perhaps, taken as its model that of Bulgaria where a similar, and perhaps more brutal, policy had been pursued for some years against that country's Turkish population. The Bulgarization programme had forced the ethnic Turkish minority to adopt Bulgarian names and give up its language, religion and customs. That policy had, unjustifiably, been passed over by the international community.

29. In the Soviet Union, there had been some remarkable changes in the human rights picture in the past year, and after Mikhail Gorbachev's declaration before the United Nations in September 1988 that people were not punished for their views or beliefs in the USSR, large numbers of such prisoners had been freed. However, the synthesis carried out by the League of lists drawn up by several organizations revealed that there were still several hundred political prisoners in the Soviet Union, and it was to be hoped that they would be speedily released.

30. Moreover, there had been new arrests in recent months, including 12 members of the Karabakh Committee which, as Mr. Sakharov had pointed out, had provided invaluable aid and assistance in Armenia after the earthquake there. The League called upon the Soviet Government to release the members of that Committee and allow them to continue their valuable work in the Armenian community. It also urged greater attentiveness by Western organizations and Governments towards the mass exodus of Armenians from Azerbaidjan and Azeris from Armenia, where continued ethnic unrest had been officially acknowledged. The official policy of forced return of Armenian refugees to Azerbaidjan should stop.

31. In respect of Iran, the League would be remiss if it did not mention the death sentence proclaimed against Salman Rushdie. It deplored the spate of executions in Iran in recent months as well as the intolerance shown towards members of the Bahá'í religion. In the case of Cyprus, the League observed that the Committee on Missing Persons in Cyprus, which had been established in 1981, had failed to clarify a single case of those set before it, a failure which was attributable to its composition. He suggested, therefore, that the composition should be changed and the Committee be made up of impartial experts, with the interested parties serving as advisers or sources of information.

32. Mr. Bossuyt (Belgium) took the Chair.

33. Mr. PAPPAS (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that the Government of Albania continued to violate generally accepted norms of behaviour towards its own citizens - and was even violating its own recently adopted rules - in a most arbitrary manner. That Government continued to practise arbitrary arrests and to discriminate against what it called "class enemies". It also endeavoured to suppress dissent and criticism by Albanian emigrants abroad, using members of divided families as pawns in a dirty game, illustrating its contempt for article 13, paragraph 2 of the Universal Declaration of Human Rights.

34. Members of the ethnic Greek minority in Albania had been particularly singled out for such treatment. He mentioned the case of a man who had first emigrated to the United States in 1909, and who had made repeated requests to return to see his aging daughters, grandchildren and great grandchildren, all of which had remained unanswered because his wife had escaped illegally from Albania to join him in 1948. His plight was shared by tens of thousands of Greeks who had been classified as "class enemies" by the Albanian authorities and prevented from entering the country lest they should contaminate its so-called "true Marxist-Leninist society".

35. In Albania itself forced relocations continued and over 100,000 ethnic Greeks had been moved far away from their ancestral homes. Others were enticed to settle in predominantly Muslim areas by wages higher than those paid in their regions of origin. Instruction in public schools was provided only in Albanian, even if few Albanian children were present in a town or village, and it was the authorities' practice deliberately to underestimate the size of Albania's Greek minority. Members of the Greek minority had also disappeared. His organization had searched in vain to determine the whereabouts of approximately 40 missing people of Greek origin, a list of whom was available to the Commission.

36. Discrimination was also practised against the Greek minority at the local administrative level and few local-government officials were of ethnic Greek origin and the few there were had had to Albanianize their names. As a result, none of the decisions affecting the fate of the minority were taken by members of their community. The only way of avoiding ethnic genocide was to grant some form of autonomy to the Greek minority.

37. The Government of Albania also practised religious discrimination and had continued to demolish churches at a rapid rate over the previous three years. It had refused to allow Mother Teresa, the winner of the Nobel Peace Prize, to visit her dying mother.

38. The Federation also wished to place on record its grave concern at the continued flagrant violation of the human rights and fundamental freedoms of the people of Cyprus, where 35 per cent of the island was occupied by 35,000 Turkish troops, a situation which was further compounded by the presence of 65,000 settlers from Turkey. It supported the initiative of the Secretary-General for a just negotiated settlement to the Cyprus problem in accordance with the principles of international law.

39. Ms. PINTAT (Inter-Parliamentary Union) said that the Union, which currently represented members of 110 national parliaments and the European Parliament, was concerned with the promotion of human rights, particularly

those of parliamentarians. As a means of ensuring respect for human rights it had obtained a commitment from all the parliaments to commemorate the fortieth anniversary of the Universal Declaration of Human Rights special initiatives, including the ratification of the International Covenants on Human Rights and other international human rights instruments and aligning their national legislation therewith. It considered, moreover, that respect for human rights was one of the prerequisites for strengthening democratic institutions, peace and economic and social development.

40. The Union had decided to defend exclusively the human rights of parliamentarians firstly in order to avoid duplicating the activities of the United Nations and of a number of non-governmental organizations, secondly, to avoid spreading its influence too thinly over too many areas, thirdly, because it was aware that protection of the rights of parliamentarians was a prerequisite for the defence and promotion of human rights and fundamental freedoms in their countries and, lastly, because the representativeness of a country's parliament was dependent on respect for the human rights of its members. It defended parliamentarians against human rights abuses such as detention without charge or trial, unlawful imprisonment, murder, forced or involuntary disappearance, exile and restriction on their freedom of expression. It did so, not because it regarded parliamentarians as superior beings with special privileges, but to ensure that any legal measures adopted against them were in strict accordance with fundamental human rights.

41. The Union defended parliamentarians of every political hue in all parts of the world. However, notwithstanding the strictures by Government representatives, it was hardly surprising that it should be mainly concerned with members of the opposition in parliament. In defending parliamentarians, its appropriate Committee, the Committee on the Human Rights of Parliamentarians, carried out a careful examination of both allegations from reliable sources and information from official sources in the light of the applicable legal criteria. It endeavoured to carry out its work through a confidential dialogue with the authorities concerned and, in many cases, had been able to resolve the problem without publicity. When that could not be done, however, the Committee submitted a public file to the organization's plenary body, the Inter-Parliamentary Council, following which the matter was dealt with publicly and formed the subject of resolutions, which the members of the Union helped to implement.

42. In terms of results, over its 11 years of existence, 625 cases from 52 countries throughout the world had been submitted to the Union's Committee, almost 60 per cent relating to parliamentarians who had been illegally imprisoned. Although some of those parliamentarians had died in detention, 95 per cent of them had been released and had returned to active participation in the work of the Union. A detailed summary of the cases dealt with in the course of the previous year was to be found in document E/CN.4/1989/NGO/10.

43. Ms. GRAF (International League for the Rights and Liberation of Peoples) said that 5 October 1988 had been a milestone in the history of Chile, after 15 years of systematic human rights violations under the military dictatorship. The Chilean people had participated in the referendum not because it accepted the régime's institutionalism, but in order to demonstrate clearly its rejection of the dictatorship. However, in spite of the decisive victory of the opposition, which had demonstrated its sense of civic responsibility, the authoritarian régime was still clinging to power.

44. Her organization wished to draw attention to some of the measures being used by the unlawful régime to cling to power. The legislative Power, composed only of four generals, had actively striven to restrict the freedom of any future democratic Government and had passed laws to perpetuate the existing régime's control over institutions such as the Central Bank, thereby enabling it to control the financial life of the country for a further 11 years, and over the National Television Service, whose statutes had been amended in the interests of those economic groups which had fleeced the country. The transfer of State firms into private hands had been intensified and, in some cases, companies had been sold for less than their real value.

45. Although the Chilean opposition had participated and would continue to participate in the institutional process, it had always regarded the régime as an unlawful one, and doubly so since the referendum. It considered that it was necessary to prevent, by all possible means, the introduction of rules allowing the perpetuation of the régime and that article 8 of the Constitution, which discriminated among the people on ideological grounds would have to be amended.

46. Ms. BERRY (Commission of the Churches on International Affairs) said that, in spite of a movement towards international co-operation, States acted in regional blocks to prevent serious investigation of their compliance with international standards. Moreover, they presented imperatives of economic development, socio-political instability or the exigences of regional solidarity to excuse their failure to comply with international human rights law. Her organization, which represented 200 churches, called upon the Commission to take the strongest possible stand against that trend.

47. In 1988, her organization had been particularly concerned by the persistent and rising level of human rights abuses in Peru, where there had been more victims of enforced disappearances than in any other country. DIRCOTE, the "anti-terrorism" unit of the Lima Police regularly and consistently practised torture, and right-wing death squads had been responsible for killing priests working to promote human rights and for other acts of violence. Foreigners working to defend human rights had been arrested as alleged terrorists. In addition, 40 per cent of the Peruvian population were deprived of their basic civil liberties by states of emergency. Nevertheless, the country's President had been unable to find time to answer repeated requests for a meeting with human rights groups. She urgently requested the Commission on Human Rights and all the States Members of the United Nations to take up their responsibilities under General Assembly resolution 2144 A(XXI).

48. While her organization was pleased to note that the Government of the Philippines had begun to disband the vigilante groups whose existence had been a cause of concern, it continued to be worried that the fundamental orientation of the Government's counter-insurgency strategy remained unchanged. Human rights violations had continued and in some cases worsened during 1988, as illustrated by the significant increases in the reported incidences of involuntary disappearances and summary executions, many of whose victims had been active members of legal non-governmental organizations, such as church and human rights groups or peasant and trade-union organizations. There had also been indiscriminate artillery and aerial bombardment, particularly in areas occupied by tribal peoples, in which a number of persons had been killed and as a result of which more than 180,000 civilians had been displaced.

49. In El Salvador, a country which had long been of special concern to the World Council of Churches, human rights abuses had reached levels comparable to those of the worst period of 1980-1982, as had been documented in the valuable report of the Commission's Special Representative (E/CN.4/1989/23). Summary executions were on the increase, and there was extensive documentation on two massacres engineered by the Government, which her organization also held responsible for the murder of an innocent Swiss citizen and his two Salvadorian companions in August 1988, as confirmed by an investigatory team from Europe. The recent formation of three new "death squads" which had already been responsible for several bombings operations, was also deeply disturbing. Her organization thus called on the Commission to extend the mandate of its Special Representative and on the Government of El Salvador to explain how it had implemented the Special Representative's recommendations and to assist the Special Rapporteur on summary or arbitrary executions.

50. Massive and systematic abuses of human rights were a pervasive feature of life in the Sudan, where more than 1,500 Dinka tribespeople had legally been murdered by militia. Furthermore, both the Government and the insurgency forces (SPLA) used food as a murder weapon by sabotaging, commandeering or halting the delivery of food to southern Sudan, a tactic which had led to the deaths of over 100,000 people in 1988 alone. While both sides were responsible, the Government was manifestly reluctant to reach a peaceful solution to the conflict, as evidenced by its refusal to implement a peace agreement signed with SPLA in November 1988. Her organization called upon the Commission to take up the issue of human rights abuses in Sudan and to devote as much attention to the use of the denial of food as a weapon as to other forms of murder.

51. Lastly, she wished to mention in particular the gross and systematic human rights abuses suffered by indigenous peoples around the globe, and welcomed the steps that had been taken to address those issues, particularly the initiatives resulting from the recommendations of the recent Seminar on the Effects of Racism and Religious Discrimination on Social and Economic Relations between Indigenous Peoples and States; the Voluntary Fund for Indigenous Peoples and the promising steps taken by some States, such as Bangladesh. In spite of those measures, however, indigenous peoples around the world were still under threat, especially in Brazil.

52. Mrs. Ilic (Yugoslavia) resumed the Chair.

53. Mr. NORDENS TRENG (International Organization of Journalists) said that his Organization, a professional body grouping 220,000 journalists in 120 countries, was primarily concerned with the professional, economic, and social interests of journalists. The Organization was committed to the practice of independent professional journalism free from outside influence, and to a code of ethics and public accountability. It attached great importance to the work of the Commission, to which it had frequently turned for action on violations of human rights in various parts of the world, and had submitted statements to its current session on human rights violations by Israel in the occupied Palestinian territories, as well as by the Governments of South Africa and Chile.

54. It wished to raise, under agenda item 12, a matter of general concern to the whole international community, namely, the transformation of journalism into one of the most dangerous of professions. According to information

received, 39 journalists had been killed in 1988 in the course of their professional duties, as against 19 in 1986, while 6 had been kidnapped and 98 detained. Journalists from a large number of countries had been affected. A few of them had been killed as casualties of armed conflict, but most of them had been the victims of a systematic process of silencing opposition to oppression, violation of human rights and corruption. His Organization wished to emphasize the need for urgent national and international action to put an end to such practices.

55. At a recent meeting at Addis Ababa, the presidium of the Organization had called upon all Governments and on the United Nations to address the problem without delay, and had adopted a statement on the fortieth anniversary of the Universal Declaration of Human Rights emphasizing its total commitment to all international human rights instruments and urging increased respect for those instruments. It had also urged Governments to implement in full the provisions of the international human rights instruments and to extend all necessary protection to journalists. The Commission on Human Rights was the appropriate body to take steps to solve that urgent and grave problem.

56. Mr. PRIELAIDA (International Federation of Free Journalists) said that, in view of the survey of the risks faced by members of his profession provided by the previous speaker, he would deal with some other general points connected with agenda item 12. That item encompassed virtually all the rights to which human beings and peoples could aspire. It covered the right to physical and moral integrity, condemned torture, imprisonment, occupation, all forms of slavery, racism, the crime of apartheid and ideological colonialism.

57. The various missions of inquiry set up by the Commission had done some excellent work, particularly the one sent to Cuba. That refusal of that country's Government to allow the mission to continue its investigations gave the lie to its denials and protests regarding the content of the report (E/CN.4/1989/46 and Corr.1). Similar missions of inquiry should be established to look into countries such as Czechoslovakia, whose authorities severely punished any expression of sympathy for human rights, as illustrated by the recent trial of Mr. Havel. Despite the arrests, imprisonments and deaths which had occurred in Tibet on 10 December 1988, no delegation had yet suggested the establishment of a mission of inquiry to investigate the situation in Tibet, which was under Chinese occupation.

58. Although there had been some improvement in the human rights situation in the Soviet Union, it was still impossible to speak of freedoms in the sense usual in the democracies. However, the re-emergence of the groups set up to supervise the Helsinki Agreements, which had been eliminated in the Soviet Union by exile, deportation or expulsion, was an indication of greater liberalization.

59. Much still remained to be done if that process was to continue. In the Baltic States, the absence of fundamental freedoms was compounded by the presence of the foreign occupier, and religious freedom in Lithuania, with its Catholic majority, continued to be denied by a wide range of supervisory measures and prohibitions. The Communist Party maintained control over freedom of speech, the press and association and restricted the expression of national consciousness. Although economic, cultural and social autonomy was accepted, neither the leaders of the Republics nor the Moscow Government, for whom the right to self-determination applied only to other countries, would ever tolerate political independence.

60. Freedom of movement was also subject to regulations dating from the Tsarist period and not only the Jewish refuseniks, but also many ordinary citizens were unable to leave their country normally and were forced to opt either for exile or Siberia.

61. Ms. GUZMAN (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that summary or arbitrary executions had increased considerably in 1988. In Brazil, the Government had ignored a request for an investigation into the disappearance of 90 persons involved in a demonstration, while the situation in Colombia was covered by the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1989/18/Add.1) following a visit to that country by two of its members in October 1988.

62. In that country, where a number of executions had taken place during the current session of the Commission, the relatives of disappeared persons had to face the sombre reality of unidentified corpses. In that connection, she quoted part of a letter from the Ibagué Regional Prosecutor to the Attorney-General of the Nation, reporting the existence of a clandestine cemetery within the Mirolindo rubbish dump. While it had been possible to identify some of the corpses, which bore clear signs of torture, others had had to be buried as unidentified.

63. At its eighth congress, her organization had decided to set before the current session of the Commission the need to devote special attention to Colombia and to appoint a special rapporteur on the situation in that country. While welcoming the invitation from the Government of Colombia to the Special Rapporteur on summary or arbitrary executions, it hoped that the invitation would be extended to a delegation of the Commission.

64. In Honduras, although the Government had accepted the judgement of the Inter-American Human Rights Court on the forced disappearance of two Honduran citizens and two Costa Ricans, further disappearances had taken place, there had been threats to members of human rights organizations and human rights violations had occurred attributable to the militarization of vast areas of that country. In view of those circumstances, Honduras should remain subject to the confidential procedure of Economic and Social Council resolution 1503 (XLVIII).

65. While she endorsed the statement by the Special Rapporteur on summary or arbitrary executions concerning the need to visit countries where serious human rights violations had occurred (E/CN.4/1989/25, para. 305 (a)), she wished to emphasize the need for machinery to follow up the work of the special rapporteurs, working groups or committees. Despite two visits to Peru, one to Bolivia, one to Guatemala and one to Colombia, subsequent reports showed that no improvement had occurred in the human rights situations in those countries.

66. Mrs. ALVARADO (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that the report by the Commission's Special Representative on the situation of human rights in El Salvador (E/CN.4/1989/23) indicated an increase in the number of disappearances and summary executions in El Salvador following the previous year's reduction. The Amnesty Law decreed in October 1987 in connection with the Esquipulas II Agreements provided immunity from prosecution for the authors of human rights violations, thereby giving rise to fresh violations, as the Special Rapporteur had himself

observed. The judiciary was ineffective in protecting the rights of individuals and little progress had been made by the few investigations which had begun. Even the murder of Monsignor Romero remained unsolved, in spite of the Government's promises.

67. Salvadorian mothers and relatives had long since put forward the need for peace, and were currently participating, with other groups, in the effort to put an end to an armed conflict which had left thousands of persons dead, missing, displaced and exiled in unbearable circumstances, and she invited the Working Group on Enforced or Involuntary Disappearances to help put an end to that intolerable situation.

68. Mr. BALIAN (Human Rights Advocates) said that the representatives of Turkey had repeatedly denied the well-documented violations of human rights in that country and had accused human rights defenders of disseminating false information out of ulterior motives. A particularly serious situation was the extreme repression faced by the Kurdish people in Turkey, who were subject to even greater discrimination and persecution than the Turkish population as a whole, and who were denied their language, culture, customs and history as well as being subject to measures aimed at forced assimilation.

69. The Turkish authorities had made political capital out of the 60,000 Kurds who had fled bombardment with chemical weapons in Iraq and taken refuge in Turkey, although in fact they were forced to live in camps and prevented from having contacts with their compatriots. International observers were also banned from those camps. There was every likelihood that victimization would intensify in the future, and his organization urged the Commission to consider such violations in Turkey as well as in Iraq, whose use of chemical weapons against its civilian Kurdish population should not escape scrutiny.

70. Human Rights Advocates had in the past emphasized the value of peaceful demonstrations and other protest actions as a means of exercising the rights guaranteed by article 19, paragraph 2, of the International Covenant on Civil and Political Rights and had witnessed a renewed commitment in the Soviet Union to the promotion, protection and restoration of human rights in general and of those rights in particular. However, the reaction to the mass protest movement in Soviet Armenia and Nagorno-Karabagh in 1988 had revealed that they were still subject to unjustifiable restrictions.

71. In the autonomous province of Nagorno-Karabagh, the Armenian population had for decades been denied its economic, social, cultural, and political rights by the Azerbaijani authorities and, after decades of futile petitions, had addressed the Central authorities to request annexation to Soviet Armenia, with which it was inextricably connected by historic links. As a result of the massive demonstrations which had followed the rejection of those demands, the authorities had initially honoured the protester's fundamental rights, although after some limited concessions they had banned demonstrations in Armenia and Karabagh and adopted repressive measures against protest groups and organizers, in spite of which the genuine popular movement had continued.

72. In addition to the status of Karabagh, other demands regarding corruption, the ecology and cultural concerns were also put forward. In October 1988, two leaders of the movement had defeated official candidates in elections to the Armenian legislature. That peaceful movement had met with an

appallingly brutal response in the form of anti-Armenian pogroms in Azerbaijan, full and objective facts about which had still not been disclosed, and which had led to massive population transfers between the two Republics.

73. That extremely tense situation had been exacerbated by the earthquake on 7 December which had generated sympathy throughout the world. Four days after the earthquake, however, the entire leadership of the movement, including the newly-elected members of the legislature, had been arrested. Those unnecessary arrests of some 200 people had provoked a strong international response and an appeal for their immediate release. Ironically, at the same time the first concrete steps had been taken by the Soviet authorities to resolve the Nagorno-Karabagh conflict.

74. Human Rights Advocates thus urged the Commission to appeal to the Soviet authorities to allow observers from international human rights organizations free access to Armenia, Azerbaijan and Karabagh and to release immediately leaders of the Armenian Democratic Movement arrested for exercising their basic freedoms. It would submit to the Commission a working paper on the situation in question.

75. Mr. HARTLEY (World University Service) recalled that the main objective of General Assembly resolution 2144A (XXI) had been to consider ways and means of putting a stop to violations of human rights wherever they occurred.

76. Although serious situations in many countries had been brought to the notice of the Commission, there was a tendency for Governments not to reply or to reply inadequately. Further, human rights criteria needed to be applied equitably and without political bias, and priority should be given to countries where there was a consistent pattern of gross violations of human rights.

77. The situation in El Salvador had deteriorated alarmingly, with increased repression against the university community and with politically motivated summary executions carried out by members of the State apparatus. The investigation and punishment of serious human rights violations by the penal justice system continued to be extremely unsatisfactory, and together with the amnesty law of October 1987, promoted a climate of impunity for the perpetrators of such acts, not one of whom had been brought to trial.

78. New death squads had appeared, threatening humanitarian organizations, the university community, trade unions and foreign diplomats. The close link between the armed forces and death squads had been clearly demonstrated by a case in which the Treasury Police had admitted that students kidnapped by death squads were in its custody. In the past year, the university community had been particularly hard hit, with numerous detentions, assassinations and bombings. The San Salvador campus had been surrounded since 22 December 1988 by the army which was converting the University into a military target. The army had refused an invitation to participate in a search by national organizations to prove or refute its accusations regarding the use of the university by FIMN.

79. The repression against the University of El Salvador was in part the result of its support for FIMN's proposal to convert the elections into a contribution to peace and its call for a serious response to the proposals

from the authorities. He therefore requested that the mandate of the Special Representative should be continued and urged the Government of El Salvador to invite the Working Group on Enforced and Involuntary Disappearances to visit the country.

80. In Colombia, the notorious increase in human rights violations had been confirmed by the Special Rapporteur's report (E/CN.4/1989/25). The use of official arms and vehicles was evidence of official involvement in the majority of cases, most of which concerned trade union leaders, teachers, students, agricultural workers, human rights activists, judges and journalists. None of those responsible had been brought to justice.

81. However, the most tragic phenomenon for the Colombian people were the cases of genocide mentioned by the Special Rapporteur, of which the vast majority had not been solved. WUS urged the Government of Colombia to take the necessary measures to repeal article 10 of Decree Law No. 3398 of 1965, Decree Law No. 48 of 1968 and Decree Laws Nos. 180, 181 and 182 of 1988 as a demonstration of its interest in improving the situation, prior to the Special Rapporteur's visit.

82. In Guatemala the situation of persistent and systematic human rights violations merited the appointment of a special representative. In particular, the predominantly indigenous rural community suffered violations of its social, economic and cultural rights, not only through the existence of unjust structures, but as a result of counter-insurgency actions by the army.

83. Out of a total of 2,947 recorded cases of disappearance, 2,851 cases had not been explained, and a further 53 cases had occurred in 1988. The disappearance of 22 persons in the village of El Aguacate, Chimaltenango, was a clear example of a sophisticated massacre by the Guatemalan army. Added to that, the attacks on the Press, students, university community, trade-union members, peasants and human rights activists pointed to a climate of total political violence, concerning which the Commission should express its profound preoccupation.

84. Ms. ARNOSON (Human Rights Internship Programme) congratulated Mr. Texier on his report on the human rights situation in Haiti (E/CN.4/1989/40). His analysis and recommendations concurred with the findings of a mission made by the Minnesota Lawyers International Human Rights Commission in December 1988, which considered the general human rights situation in Haiti and then looked more intensively at children's rights in Haiti.

85. Both Mr. Texier's report and that by the Minnesota Lawyers Committee noted that the absence of a functioning judicial system to protect against arbitrary arrests as well as ill-treatment in custody had resulted in the arbitrary detention and ill-treatment of both adults and children. The Minnesota Lawyers Committee had commented on the failure of juvenile courts to function as required by Haitian law and the lack of protection for children in detention. Mr. Texier's report had also pointed out the need to train rural sheriffs, who, according to the Minnesota Lawyers Committee, systematically harassed provincial farm families, including children. Children were also the victims of economic exploitation through the practice of "restavek" a form of domestic servitude resembling slavery, which required the attention of the

Government of Haiti as well as an expert or special rapporteur. The appointment of a special rapporteur on Haiti would be entirely appropriate given the serious violations of human rights that continued to occur in that country.

86. Mrs. MARCHAND, (International Federation Terre des Hommes), speaking on agenda item 5, said that her organization which worked through a system of partnership had remained attentive to events in Chile, where human rights violations had continued since the plebiscite of 5 October 1988.

87. Terre des Hommes, whose partners in Chile included, in particular, the Solidaridad y trabajo trade union and the Talcahuano Union of Port Workers, wished to draw the Commission's attention to the violations of the right to work and to the effects of the repressive policy directed against workers since the plebiscite. A number of workers had been victimized and discharged on account of their membership of trade unions or their vote in the recent plebiscite. Specific examples of breaches of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Social and Cultural Rights were the order for the dismissal of all persons employed under the minimum employment programme in the Metropolitan Area as well as the dismissal of other workers in Ancud, Iquique and Valparaiso. Since 5 October many trade-union leaders had been threatened and victimized, including José Lillo, a leader of organizations partnered by Terre des Hommes, who had, inter alia, received death threats which had forced him to leave his job and his province and which might drive him into exile.

88. Terre des Hommes wished to stress that while the plebiscite had been a democratic act, its consequences had been entirely different. Since 5 October, the already precarious conditions of Chilean workers had worsened; in particular in the agricultural sector seasonal workers, a large percentage of whom were children, were subjected to extremely arduous working conditions, bad housing, malnutrition and low pay.

89. A number of artists had also been the victims of threats and attacks since the plebiscite. Death threats had been made against them by groups close to Government forces which seemed to enjoy total impunity. Terre des Hommes, as a partner of the Mapocho Cultural Centre in Santiago, was particularly concerned by those attacks against people who embodied the right to life and culture. It recommended that the Commission should give particular attention to Chile and extend the mandate of the Special Rapporteur to allow him to deal with the right to work, trade-union and cultural rights.

90. Mr. Bossuyt (Belgium) resumed the Chair.

91. Mr. RETUREAU (World Federation of Free Trade Unions) said that his organization was particularly concerned with article 28 of the Universal Declaration of Human Rights concerning the right of everyone to a social and international order in which the rights and freedoms set forth in the Declaration could be fully realized. He regretted that there was no international machinery to deal with the growing number of individual cases of human rights violations, and proposed that the Commission and the Centre for Human Rights should consider setting up some form of unit to implement follow-up actions to communications providing facts on human rights violations.

92. There were too many countries in which trade unionists were subject to violence, strikes were banned and workers were refused the right of collective bargaining. In Colombia, in addition to the over 200 trade-union leaders whose names had already been submitted, more officials had recently been killed by hired assassins or paramilitary squads acting with complete impunity and even complicity on the part of the authorities, while magistrates who attempted to apply the law were often the victims of the same criminals. The relevant United Nations bodies should suggest specific measures to counter such activities and the Commission should consider the appointment of a special rapporteur. In Peru, the Government had acted in breach of articles 1 and 3 of ILO Convention No. 87 by imposing restrictions on workers' rights, and in particular on the right to strike. In Chile, the régime continued to fail to implement many decisions and recommendations made by United Nations bodies. In Central America, and particularly in Honduras, Guatemala and El Salvador, violations of basic human rights were increasing and trade-union officials and members were the victims of violence.

93. WFTU profoundly regretted the wave of executions of political prisoners in Iran, where between 14 and 16 August 1988 alone, 860 political prisoners had been buried. The Khomeini régime had banned all trade-union activity and embarked on a programme of repression against trade unionists such as those at the Tabriz Tractor factory who had been arrested for defending the interests of workers and sent to prison. No independent trade-union movement existed in Burma. In Indonesia workers were compelled by law to belong to a single union, as were workers in the electrical industry in Malaysia. Trade-union and human rights were still denied in Turkey. The Democratic Trade Union DISK was banned, together with teachers' and other public service associations, while 160 political prisoners had started a hunger strike against the systematic torture of Kurdish patriots. In the Federal Republic of Germany, the discriminatory policy known as Berufsverbot continued in spite of strong international condemnation. WFTU reiterated its demand that the practice should immediately cease, in compliance with the conclusions of the ILO Commission of Inquiry and the final document of the Vienna follow-up meeting of CSCE.

94. Mr. LITTMAN (World Union for Progressive Judaism) drew the Commission's attention to a recent Vatican document entitled "The Church and Racism", the introduction to which stated that racial prejudice or racist behaviour continued to trouble relations between persons, human groups and nations. The document made specific mention of the nurturing anti-Semitism by networks of publications and of the multiplication of anti-Jewish terrorism. It also observed that anti-Zionism occasionally served as a screen for anti-Semitism. At the forty-second session of the Commission he had stated that General Assembly resolution 3379 (XXX) equating Zionism with racism, was an endorsement of anti-Semitism. In a written statement submitted with other NGOs the previous year, the World Union for Progressive Judaism had drawn attention to the spread of extremist neo-Nazi and other totalitarian ideologies. Recent years had seen an increase in crude anti-Semitic literature, statements and incidents, often hidden under the mask of anti-Zionism in a number of countries, including Japan, the United States, and the Soviet Union, where the Government was combating the anti-Semitic agitation of extreme nationalist organizations. It would not be difficult to name other countries, particularly in Europe.

95. In several Arab countries, "The Protocols of the Learned Elders of Zion", continued to be a bestseller along with other anti-Jewish publications. The book had been put on display and sale at the previous year's Geneva Book Fair at the stand of the Islamic Republic of Iran in an act of provocation that smacked of intolerance, bigotry and hypocrisy.

96. He had had occasion to refer, under item 10, to an event concerning a book and a chilling death sentence. He wished to remind the Commission that on 7 December 1984, the representative of the Islamic Republic of Iran had clearly stated that conventions, declarations and resolutions or decisions of international organizations which were contrary to Islam had no validity in his country and that the Universal Declaration of Human Rights, which represented a secular understanding of Judeo-Christian traditions did not accord with its system of values. The World Union for Progressive Judaism had recently appealed to the Commission to pass a resolution on that matter, and he reasserted his conviction that it had a duty to act, however ineffective such a resolution might seem to be in those particular circumstances.

97. Mr. KARUNAN (Pax Romana) drew attention to cases of arbitrary detention under the Internal Security Act in Malaysia and Singapore as well as the severe restrictions imposed on former detainees. Committed Christian social workers were being intimidated and denied human rights in both countries.

98. With regard to the situation in Burma, where the bloody military coup of September 1988 had put an end to the hopes of democracy, he noted that members of the All-Burma Students Democratic Front had been refused travel papers to enable them to attend the Commission and relate their experiences. He supported the call of other NGOs for a special investigation by a Commission fact-finding mission into the recent human rights violations in Burma.

99. In Colombia 14,000 assassinations remained unpunished and the Director of Criminal Instruction had publicly denounced sectors of the army and police which sponsored and camouflaged the actions of the paramilitary groups responsible for killing thousands of opposition leaders. There was a disturbing link between the drug mafia and sectors of the army and guerrillas in Colombia, where the list of human rights violations showed that democracy had become almost an empty concept. He therefore called for the appointment of a special rapporteur on Colombia and a study of the situation in that country under a special item on the following year's agenda.

100. In Peru, the human rights situation had deteriorated in recent months with the emergence of new and violent groups. At the same time, the counter-insurgency strategy of the State disregarded the human rights of either the enemy or the civilian population. Pax Romana therefore supported the call for a special rapporteur on Peru.

101. Pax Romana called upon the Commission to respond to the appeal of the victims of human rights violations by invoking the Universal Declaration and ensuring that Governments exercised their power within the limits of the Declaration.

102. Mr. PARADA (International Union of Students) recalled that the most recent report on Chile (E/CN.4/1989/7), like other documents presented by various NGOs, revealed the persistence of gross, systematic and repeated violations of human rights and fundamental freedoms in Chile, involving murders, kidnappings, disappearances, torture and other abuses.

103. The International Union of Students had been informed by its Chilean counterpart that violations had continued since 5 October 1988, the date of the plebiscite. Since the plebiscite there had been 13 murders and 109 attempted murders for political motives. International opinion had been deeply shocked by the recent judicial decision to make the medical records containing data on torture and ill-treatment kept by the Vicaría de la Solidaridad, available to the Military Prosecutor's Department, in violation of the principle of medical secrecy.

104. The International Union of Students urged the Commission to call on the Government of Chile to end the violations of human rights, to restore the principle of legality and the effective enjoyment of human rights and fundamental freedoms and requested the Commission to extend for a further year the mandate of the Special Rapporteur and to study the situation of human rights in Chile as a matter of priority at its forty-sixth session.

105. Mr. RAIANI (International Organization for the Elimination of All Forms of Racial Discrimination) drew the Commission's attention to human rights violations in African countries.

106. In Zaire, police and security authorities violated the right to privacy, while freedom of speech and the press was non-existent and any criticism was considered as anti-revolutionary and irresponsible. All Zairians automatically became members of the country's single party at birth and that party's ideology was the only acceptable form of political thinking. Government workers were often compelled, on pain of losing their job, to participate in official events. Torture and physical ill-treatment of detainees were commonplace, and conditions in prisons had led to outbreaks of communicable diseases, such as cholera. Medical care, food and medical supplies were almost non-existent or often misappropriated. Well-connected prisoners were often released before serving their sentence while political prisoners without influence or money might remain in jail without ever being formally charged or tried until the President chose to release them.

107. In Equatorial Guinea, the régime was so repressive that almost a quarter of the population had been driven abroad; the authorities had recently arrested and tried 22 political opponents, who had received sentences ranging from death to 17 years' imprisonment.

108. Ethiopia, the country that hosted the headquarters of the OAU, had the worst human rights record in Africa. The régime tolerated no opposition; political killings and disappearances were commonplace. Torture was common in Ethiopia, and included beating the soles of the feet, suspension by a rope, death threats, mock executions, sleep deprivation, and submersion in tanks of dirty water. Ironically, the most notorious torture centre was located close to the headquarters of OAU, whose officials could see the crimes being committed but preferred to remain silent. Ethiopian officials even cynically demanded a payment from families for the bodies of those who had been murdered.

109. In Burundi, in the summer of 1988, thousands of Hutus had been massacred by the ruling Tutsi minority. Although the Government said that only 5,000 Hutus had died, the opposition claimed that there had been between 25,000 and 50,000 victims. After the massacre the Foreign Minister of Burundi had denied in the Sub-Commission that such an act had even occurred.

110. His organization called for a condemnation of those countries and hoped that the Commission would place an item or sub-item concerning human rights in Africa on the agenda at its next session.

111. Finally, Bulgarian citizens of Turkish origin were deprived of their right to self-affirmation and of their family names, as well as of their right to use their mother tongue or practise their religion. Several hundred Bulgarian citizens of Turkish origin were in prison or had been assigned to residence, and Amnesty International had recently reported the case of a journalist who had been arrested after refusing to change his name and circulating a petition against the Government's name-changing policy, tortured and sentenced to 11 years' imprisonment.

112. Ms. VYJTIQSCHILD (Women's International League for Peace and Freedom) noted the continuing gravity of the human rights situation in Chile, where the various official repressive organizations and clandestine groups continued to terrorize and kill. All those organizations and groups enjoyed absolute impunity, and one organization, calling itself DINAC had recently announced the creation of the Anti-Communist National Direction to co-ordinate the activities of the various groups. To date, the judicial action taken against them had not yielded positive results. The Chilean people were helpless in the face of the death squads, the holding of the plebiscite had not changed the situation.

113. Her organization requested the Commission to continue its consideration of the situation of human rights in Chile as a matter of priority under agenda item 5 and extend the mandate of the Special Rapporteur.

114. Mr. LOREDO (Christian Democratic International) said that he wished to discuss the difficulties currently faced by believers and religion in Cuba. The mission to investigate the human rights situation in Cuba had certainly contributed to the efforts to gain recognition and respect for religious freedom, despite the fact that people had been prevented from making contact with it and those who had done so had been subjected to reprisals.

115. The changes which had taken place in Cuba in respect of religion had been gestures for the purposes of propaganda, or empty promises. The fact was that a defenceless Church and its followers had suffered persecution in the 1960s, all private educational institutions had been closed, one-sixth of the Catholic priests had been expelled, all of social communication media had been confiscated, and priests and dissidents had been arrested. Other religious groups had been treated in the same way.

116. The church in Cuba had denounced such violations of religious tolerance in a number of paragraphs of the final document of the national meeting of the Cuban Ecclesiastical Conference, which made particular reference to discrimination against believers at work, access to the mass media, religious education, the shortage of priests and discrimination in public service.

117. The Catholic Church, the other confessions and believers in general had been denied the rights clearly stated in article 18 of the Universal Declaration of Human Rights. The present situation compelled the Church to negotiate, as favours and concessions what belonged to it by right, and to take part in a diplomatic and political process in which there was a high risk of jeopardizing its evangelical identity. From a legal viewpoint, believers and churches in Cuba were the victims of nothing less than religious and ideological apartheid. They were treated as second or third-class citizens and articles 41 and 42 of the 1976 Constitution endorsed religious and political discrimination by omitting them from the forms of discrimination which it condemned, while article 54 made it unlawful to set a faith or religious belief against the Revolution.

118. Open violence and harassment was being used in some cases against certain groups, particularly the Jehovah's Witnesses, the Band of Gideon, the Seventh Day Adventists and against the members of African religions. A number of religious groups courageously denounced the climate of oppression in Cuba and requested international aid and support. A cursory reading of the section of the Mission's report dealing with freedom of conscience and religion showed that it had obtained an insight, albeit limited, into the problems faced by religion in Cuba. Above all, its final considerations gave grounds for hope that international co-operation would be maintained and strengthened in order to ensure respect and recognition for religious freedoms. The appointment of a special rapporteur would ensure an adequate response to a situation which was a cause for shame and indignation.

119. Mr. ALFONSO MARTINEZ (Cuba), speaking on a point of order, said that the Commission had already discussed the situation in Cuba. Consequently, it was unacceptable that the subject should be raised under yet another item, he requested the Chairman to call the speaker to order, as further discussion on the subject would be contrary to decisions taken by the Commission and to the rules of procedure.

120. The CHAIRMAN said that anyone could refer to alleged violations of human rights anywhere in the world, although in view of the extensive debate which had taken place on the report of the mission to Cuba and of the limited time available he would request speakers to refrain from quoting the report in the debate.

121. Mr. STIRLING (United States of America), speaking on a point of order, said that his delegation supported the Chairman's decision, although efforts to stifle debate were typical of Cuba, and the report, which was public, should be open to frank and robust discussion which was fully appropriate under agenda item 12.

122. Mr. ALFONSO MARTINEZ (Cuba) replied that the assertion made by the representative of the United States was unacceptable to his delegation and characteristic of that country's desire to impose its dictates on the Commission. At no point in the debate had his delegation attempted to stifle criticism. It had merely suggested that the Commission should follow the procedure established by its own decisions and avoid reproducing the debate which had already taken place on Cuba.

123. Ms. REVERIEGO (World Movement of Mothers) said that her organization was particularly concerned with defending the family in Cuba.

124. Mr. ALFONSO MARTINEZ (Cuba), speaking on a point of order, requested the Chairman to call the speaker to order and to ensure that she confined herself to addressing the appropriate agenda item.

125. The CHAIRMAN recalled his previous observation that any member could raise allegations of human rights violations in any part of the world, although he repeated his appeal to speakers to refrain from quoting the report on Cuba in the course of the debate.

126. Ms. REVERIEGO (World Movement of Mothers) said that her contribution was specifically concerned with the situation of mothers in Cuba and regretted that the Cuban representative should veto her right to speak on their behalf.

127. Mr. ZOLLER (Pax Christi International) referred to the human rights situation in Brazil, Central America and the Sudan. The report by his organization's mission to Brazil in 1988 highlighted the violent situation prevailing in the rural regions. It requested the Brazilian authorities to take action, to end the murder, torture and harassment of peasants and their defenders. The mission also collected evidence of forced labour. Further, it denounced the selective murders perpetrated by groups in the pay of the large landowners and the economic circles developing major projects.

128. In Honduras, the repression against social institutions, the human rights movement and the peasants in rural areas had intensified, and Pax Christi found it difficult to understand why the Commission intended to discontinue the confidential procedure in the case of Honduras. In El Salvador, the wave of murders and disappearances had resumed. The policies of the past 10 years had brought El Salvador back to where it had been in 1979. In the circumstances, the resolution on El Salvador should reflect the worsening situation and extend the mandate of the Special Representative, and also support the quest for a political solution worked out by the Government and FMLN-FDR. The procedure followed in respect of Guatemala was totally unsuited to a situation in which massacres were taking place in the rural areas and kidnappings, torture and murder were as frequent as ever. In view of the consistent pattern of gross violations of human rights occurring in Guatemala, the question should be discussed under agenda item 12. Measures to promote human rights teaching and to foster the independence of the judiciary, however praiseworthy, were incapable of destroying the repressive structures that had been established.

129. The southern part of the Sudan was racked by a civil war with its sequel of massacres, epidemics and famines; the armed forces had carried out particularly brutal repression against a number of localities, including El Daien, where 3,000 persons had been massacred. Many cases of slavery, kidnapping and the sale of children had also been recorded.

130. Many NGOs had addressed the Commission on agenda item 12, occasionally repeating facts and several members of the Commission had expressed their impatience. However, few Governments adopted effective measures to put an end to human rights violations. A case in point was Colombia, on which no move had been made by any member of the Commission in spite of reports and evidence from NGOs under a number of agenda items. The same remarks applied to Iraq, Turkey, Tibet and Timor. There might be fewer statements by NGOs if the Commission took appropriate action on the facts set before it.

131. Mr. ORELLANA (World Federation of Democratic Youth) said that in El Salvador violations of human rights and international human rights standards by the armed forces were commonplace, and had caused some 4,000 casualties in 1988. Those were not isolated incidents, as the Government claimed, but the consequence of a deliberate State policy whose perpetrators acted with total impunity. In recent months there had been new kinds of violation, arising out of the brutal repression by the military institutions of demonstrations of the Salvadorian people's desire for peace and their rejection of the war. In order to sustain the war, young people were being forcibly recruited at schools, work places or in the streets, and those who resisted had been killed. In other cases, members of the armed forces who had refused to participate in the war had been cruelly tortured before being imprisoned without a proper trial, while others had been denied their rights as conscientious objectors. In respect of the criticism of some of the acts of war carried out by FMLN, he noted that the General Assembly and other international bodies had described the Salvadorian conflict as a non-international armed conflict in which the relevant standards of the Geneva Conventions applied. In that situation, the insurgents were entitled to take measures against individuals who had committed acts or offences related to the conflict, as in the case of those mayors who became local representatives of the military structure, and sometimes participated directly in the repression of the civilian population. The FMLN did not act indiscriminately and it was important to distinguish between the objective sought and desired by it and any accidental victims of its actions. The FMLN had taken initiatives to humanize the conflict and to protect the civilian population as well as to guarantee respect for the governmental wounded in combat or taken prisoner. FMLN was struggling and would continue to struggle to create conditions in which the human rights and fundamental freedoms of all Salvadorians could be respected, and had demonstrated its will to put an end to the armed conflict by its recent proposals to make the elections a contribution towards peace.

132. Mr. ENNAIS (Liberation) said that in the two years since the Commission had approved a resolution regarding the situation in Sri Lanka urging the Sri Lankan Government to facilitate the work of the International Committee of the Red Cross, there had been many positive developments in that country, including the widely welcomed Indo-Sri Lankan Accord, which provided for the election of provincial councils throughout Sri Lanka. Despite the successful organization of those elections, and of presidential and parliamentary elections, human rights violations had increased to the point where they had encroached on the democratic process throughout the country. In the south, Sinhalese groups known as the JVP or DJV had carried out a systematic murder campaign against politicians of all parties who appeared to support the Accord.

133. International Alert would shortly publish a report listing the names of hundreds of victims of human rights violations in the south of Sri Lanka. Unfortunately, the linkage of individual members of the security forces with some of the deaths could not be denied and revenge killings also occurred. Few investigations had been possible so the culpability of the killers could not be systematically proven. In the north and east of the country the situation was hardly more satisfactory. Mass killings appeared to be carried out by Tamil militant groups, while the Indian peace-keeping forces had been responsible for human rights violations, which had not ceased in spite of disciplinary action. In such an environment of violence, the rule of law and government through ballot was becoming increasingly impossible. All parties

had been victims in the campaign against politicians, in which many bystanders had been killed and maimed. Consequently, the polls had been low, although the results of the elections on balance had confirmed that democracy was still alive, if not well in Sri Lanka. The hostility in the north and east to the Accord was a source of real concern for all in Sri Lanka and elsewhere.

134. There was at present no single body in the country able to put an end to the violence, one of the results of which had been the erosion of the traditional role of the courts. Various suggestions had been made concerning international contributions but the internationalization of the issue had in effect been demonstrated by the presence of the Indian troops, who despite being in the country at the request of the Government were no longer seen as fraternal policemen. While there was no lack of good will, the conditions necessary for a dialogue to restore peace and security were absent. The Commission could play a positive role by the appointment of a special rapporteur or representative who would be welcomed by a cross-section of opinion in Sri Lanka. A rapporteur would receive widespread co-operation and visits might provide an opportunity to arrange a cease-fire. It was to be hoped that the conditions existed in 1989 for a consensus similar to that achieved by the Commission two years ago in respect of the granting of facilities to the International Committee of the Red Cross.

135. Ms. DROUILLY (Latin American Federation of Associations of Relatives of Disappeared Detainees), speaking on agenda item 5, focused on the problem of the disappeared detainees for whose disappearance over the last 15 years the military Government was fully responsible. That Government was counting on time to avoid assuming responsibility for the problem and to erase the memory of those who had disappeared. She asked the Commission whether it was acceptable that more than 768 persons should continue indefinitely to be classified as disappeared without the Government that was responsible shedding any light on their cases. The absence of information surrounding the issue, recently illustrated by the confusion over the discovery of human remains in the north of Chile, only served to intensify the pain and anguish of those concerned.

136. She also drew attention to the investigations sponsored by the Government of the Federal Republic of Germany in connection with Colonia Dignidad, which was alleged to have been used as a torture and detention centre by the State security services following the 1973 coup. She requested the international community, and the Government of the Federal Republic in particular, to persist in their efforts.

137. The lack of progress in judicial proceedings over other cases of disappearance had been confirmed by the report of the Special Rapporteur, and indicated the total immunity from prosecution enjoyed by those involved in kidnappings, torture and other crimes against disappeared persons. In addition, the courts lacked the will to investigate those violations or, worse still, they applied the decree-law on amnesty without ascertaining the fate of the victim. The Special Rapporteur had recommended that the Amnesty Act should not impede the quest for truth and agreed that investigations should be completed and the culprits punished.

138. Despite the referendum of 5 October 1988, the problems of human rights violations continued. The situation in Chile made it necessary for the international community to remain vigilant and it should indicate its

rejection of the policy of impunity adopted by the Chilean Government. Her organization also requested the international community and the Government of the Federal Republic of Germany in particular to take the action needed to explain the connection between the Colonia Dignidad and serious human rights violations. In view of the foregoing, the question of human rights in Chile should be maintained as item 5 of the Commission's agenda and the mandate of the Special Rapporteur should be extended.

139. Mr. NCHAMA (International Movement for Fraternal Union among Races and Peoples) said that the issue of the illegal traffic in, and dumping of, toxic and dangerous products and waste also deserved the attention of the Commission, as the dumping of those substances constituted a flagrant and systematic violation of the right to life and health of their inhabitants. The international community was deeply concerned over the agreements between some African Governments and foreign firms, while other Governments, such as Liberia and Nigeria, had discovered clandestine deposits of toxic waste on their territory. The Government of Equatorial Guinea had signed agreements with transnational corporations to deposit vast quantities of toxic waste on the small island of Annobon.

140. That Government was also responsible for systematic violations of human rights and fundamental freedoms, and in September 1988 had tortured and imprisoned many opposition politicians on the familiar pretext of a threatened coup d'état, its habitual excuse for detaining all alleged opponents.

141. Violations of human rights and fundamental freedoms continued in Zaire, where the authorities had recently closed the universities following a student strike in the course of which the intervention by the forces of repression had left 40 students dead. He also expressed his organization's concern at the civil wars in Somalia, Ethiopia and the Sudan, whose Governments pursued a mutually destructive policy of supporting guerrillas in the other countries, with the effect of destabilizing eastern Africa. He called upon Ethiopia, Somalia and the Sudan to seek a negotiated solution to their civil wars.

142. The causes of massive human rights violations lay in the problem of peaceful political alternance. Many African countries, such as Burundi, had experienced a succession of coups d'état, had their sources in violence and continued to experience situations of physical or psychological violence.

143. The events which had occurred in 1988 in Algeria could not be passed over in silence, but the strong measures taken by the authorities to avoid repetition, together with the adoption of a democratic Constitution on 23 February 1989, were reason for satisfaction. Finally, he drew attention to the gross and systematic violations of human rights that continued to occur in Benin, under the military rule of General Kerekou.

144. Mr. dos REIS (Anti-Slavery Society) said that he was Timorese, a former civil servant of the Portuguese colonial administration who had worked in the Indonesian Government's Department of Information until October 1988. In spite of his privileged situation, he had chosen to leave his country to escape from persecution and also in order to alert international public opinion to the suffering of his people. He had witnessed innumerable cases of human rights violations and had himself been tortured on two occasions by the Indonesian military.

145. He had begun to plan his departure from East Timor in 1984 and gradually won the confidence of the authorities, who had made propaganda use of the authorization granted to him to visit his family in Australia in 1986, although his wife and a friend had been obliged to stand surety in case he failed to return. Finally, in 1988, after his wife and children had left to visit relatives in Australia, he had gone to Jakarta, where he had managed to purchase an authorization and passport from the secret service to enable him to leave Indonesia. He described the manipulation of foreigners visiting East Timor by the Department of Information, 95 per cent of whose officials were from Indonesia. In conclusion, he appealed to the Commission to study the situation of generalized repression obtaining in East Timor.

146. Mr. RYDER (International Confederation of Free Trade Unions) said that the past year had been of critical importance for the human rights situation in Chile, with the clear victory of the "No" vote on 5 October 1988, obtained in extremely difficult circumstances. The process of democratization continued to be fragile and lengthy, and one must deplore, as the General Assembly had done in December 1988 that "the institutional and legal framework which makes the violations of human rights possible has remained unchanged" since October.

147. ICFTU was particularly concerned at the repression against the President and Vice-President of the Single Workers Centre (CUT), Manuel Bustos and Arturo Martinez, who had organized a general strike in support of economic and social demands in October 1987, and had been in external exile since September 1988 as a result of what was clearly a Government-directed strategy, operating through the manipulation of the judiciary. They were confined to remote parts of the country, their freedom of movement was subject to tight restrictions and Bustos continued to receive death threats. Their crime had been to exercise those trade union rights, which were recognized internationally in the interests of Chilean workers. ICFTU hoped that its representations to the Chilean authorities would meet with a genuine response and allow them to resume their trade-union activities.

148. Many other acts of repression against trade unions, particularly those against the May Day celebrations in Iquique and Valparaiso, had been documented by ILO. In the industrial sphere, protests against measures to depress the living standards of working people and to privatize the railways, together with demonstrations in support of wage demands, had led to many arrests and dismissals. ICFTU's view regarding the systematic persecution of trade unionists was apparently shared by the United States Government which, in January 1988, had suspended Chile's duty-free status on account of its failure to improve its record on internationally-recognized workers' rights.

149. The sustained opposition of the Chilean people to the régime in place required the support of the international community, which should remain vigilant to ensure that the momentum for democratic change in Chile built up by the opposition was not reversed in the coming year, ICFTU regarded the activities of the Special Rapporteur as being of paramount importance and trusted that the Commission would provide him with the necessary mandate to carry them out.

150. Mr. ALFONSO MARTINEZ (Cuba), speaking in exercise of the right of reply, referred to the attempt to revive the debate on Cuba which had already been discussed under another agenda item and stated his willingness to accept any

observations regarding the situation in Cuba. He noted, however, that the same organizations that had attempted to initiate a fourth debate on Cuba were to speak on the following day and reserved his right to raise a point of order so as to avoid the Commission's time being wasted.

151. Mr. GOSHU (Ethiopia), speaking in exercise of the right of reply, said that the statement made by the representative of the International Organization for the Elimination of All Forms of Racial Discrimination was in fact a reproduction of unfounded allegations which had been made against Ethiopia in the 1970s. He regretted that the representative of that organization had remained silent when the racist policies of the South African régime were being discussed, thereby demonstrating its bias against black African States. He totally rejected those allegations and condemned the statement made by the organization in question.

152. Mr. MAXIM (Observer for Romania), speaking in exercise of the right of reply, referred to what he described as the ill-informed or tendentious remarks made with regard to Romania, and said that they were part of a deliberate campaign of misinformation about his country.

153. He referred, in particular, to the situation of the 10 per cent Hungarian and German minority population in Romania, whose status was de jure and de facto one of complete equality with other Romanian citizens, a fact expressly stated by the Constitution, which forbade any discrimination on grounds of race, nationality or other. In respect of education and culture, over 10 per cent of Romania's schools provided teaching in the mother tongues of the national minorities, and at all levels. Textbooks were edited in those languages and higher schools provided specialized training with the minority languages, as a medium. Books were printed in the minority languages, as well as over 52 newspapers and periodicals, and over 200,000 citizens were actively involved in the amateur cultural movement of the minority languages.

154. In terms of political and social participation, the minorities were protected by proportional representation in Parliament and in local councils, and specific Secretaries of State were responsible for culture and teaching in the minority languages. As far as the economy was concerned, economic, social and cultural development poles had ensured the disappearance of under-developed areas such as were still to be found in all Western countries, and all Romanian citizens, of whatever nationality, played an active role in the country's life, which was enriched by their specific contribution. While it was necessary to guarantee the rights of minorities to their mother tongue, to culture and to religion in accordance with the International Covenant on Civil and Political Rights, it was contrary to human rights philosophy to use them to sow discord and conflict.

The meeting rose at midnight.