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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 50th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 6 March 1989, at 10 a.m.

Chairman: Mr. BOSSUYT (Belgium)
later: Mr. HELLER (Mexico)

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The meeting was called to order at 10.15 a.m.

ORGANIZATION OF WORK (continued)

1. Following a proposal made by the officers and introduced by the CHAIRMAN to the effect that the Commission should confine itself to making decisions and giving explanations of vote on the draft resolutions and decisions submitted on certain individual agenda items, Mr. TAYLHARDAT (Venezuela) objected that such a procedure would not be appropriate for agenda item 13, "Question of a convention on the rights of the child". In resolution 43/112, the General Assembly had requested the Commission to give the highest priority to a draft convention on the rights of the child. The Commission could not adopt the draft convention without a discussion, especially since delegations had not yet received the text of the draft (E/CN.4/1989/29), or the report of the open-ended Working Group dealing with the question (E/CN.4/1989/48).
2. Mrs. DOS SANTOS PAIS (Portugal) said that she too would like a substantive discussion on the draft convention on the rights of the child.
3. Mr. CERDA (Argentina) agreed with the two previous speakers, and pointed out that a debate on the question had been scheduled for the afternoon of Tuesday, 7 March.
4. Mr. JOHNSON (United States of America) said that he could appreciate the arguments adduced by the representatives of Venezuela, Portugal and Argentina, but thought that, in view of the number of draft resolutions to be dealt with, the officers had little choice; the proposal transmitted by the Chairman seemed to be the only possible method to follow. The United States delegation would confine itself to an explanation of vote before the decision was made on the draft convention on the rights of the child.
5. Mr. WHITAKER SALLES (Brazil), Mr. RONQUIST (Sweden), Mr. BRANCO (Sao Tomé and Príncipe) and Mrs. LUETTGEN DE LECHUGA (Cuba) endorsed the views of the delegations of Venezuela, Portugal and Argentina.
6. The CHAIRMAN said that in the light of the opinions expressed by a number of delegations, the officers would review their proposal concerning agenda item 13, and then notify the Commission.

QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (continued)

(E/CN.4/1989/7, 72; E/CN.4/1989/NGO/9, 20, 29, 45, 58, 60; A/43/64 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, 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)

7. Miss NAROVE (Observer for Madagascar) said that Madagascar, as a non-aligned country, was very sensitive to events in Cyprus. In view of the existing climate of international détente, her delegation was very anxious that Cyprus too should finally regain its sovereignty and independence, its territorial integrity and unity, and its full membership in the family of

non-aligned countries. The solution to the problem of Cyprus required respect for human rights and fundamental freedoms in the island, and that implied the withdrawal of the occupation troops, safety for those refugees who wished to return to their homes, the return of foreign settlers to their countries of origin, freedom of movement and of settlement and the right to property of all Cypriots, respect for the cultural heritage of Cyprus, and the safeguarding of freedom of conscience; it also implied respect for the human rights of the Cypriot population in the areas enclaved by the occupation, and the implementation of United Nations resolutions, including Security Council resolutions 541/1983 and 550/1984, and all the resolutions adopted by the Commission on Human Rights.

8. Her delegation reiterated the appeal on the question of Cyprus which had been made by the Heads of State of the non-aligned countries at Harare in 1986, and supported the efforts of the Secretary-General of the United Nations to find a just and viable solution to the Cyprus problem, in conformity with the principles of the Charter of the United Nations.

9. Mr. OGOURTSOV (Observer for the Byelorussian Soviet Socialist Republic) said that his delegation welcomed the positive steps taken in Chile following the referendum of 5 October 1988, and described in the report of Mr. Volio Jiménez (E/CN.4/1989/7); they gave reason to hope for a return to democracy in that country. Nevertheless, the human rights situation in Chile was still a matter of concern, as the General Assembly had noted in resolution 43/158. It was time to put an end to repression and torture in Chile, and he recalled that the 125 holders of Nobel Prizes had made a public appeal to that effect. The international community must not slacken its efforts to restore human rights and democracy in Chile, and the Commission must therefore continue to follow developments in the situation in that country.

10. In Cyprus too, there had been little progress, despite certain improvements. In resolution 1987/50, the Commission had made a further appeal for the restoration of the human rights of the people of Cyprus, whose territory was partly occupied by foreign troops, including the right to freedom of movement and of settlement and the right to property. That goal could be achieved by means of a negotiated settlement of the conflict which embraced all aspects of the Cyprus problem, on the basis of democratic and just principles; it should include an international conference to be held under United Nations auspices to devise international measures to guarantee non-interference in the internal affairs of Cyprus, and the restoration of all the rights and fundamental freedoms of the Cypriot people.

11. Mr. VIGNY (Observer for Switzerland) said that action needed to be taken to strengthen the capacity of the United Nations system to put a stop to violations of human rights wherever they might occur. Such violations endangered international peace and security, they were a bar to development and to the institution or consolidation of genuinely democratic political systems. The International Covenants on Human Rights which the United Nations had elaborated for that purpose were binding legal instruments of enormous significance - indeed, the Swiss Government intended to submit them for approval to the Federal Parliament - but they were not enough in themselves. That was why the Commission had adopted two different approaches for dealing with, and trying to end, human rights violations throughout the world: the "thematic" approach, where the violations were dealt with according to type,

and the "country" approach, which studied allegations of human rights violation in a given country. His delegation was of the opinion that the second approach was too selective. It held to the view that, even if it meant that there was no consensus, the Commission should use its best-proven mechanism, i.e. sending an independent expert - in the person of a special rapporteur - to all the countries studied under the public procedure provided in agenda item 12.

12. Secondly, in order to halt the increasing politicization of the Commission, it might be advisable if, in both the confidential and in the public procedures, the Commission could have a secret ballot when it was required to take a decision on the human rights situation in a given country. That would enable member States to vote more freely (and more in conformity with the principle of respect for human rights) without incurring the anger of the States they condemned.

13. Furthermore, while it was true that certain political situations could lead to human rights violations, if a parallel was habitually drawn between those situations and mass and flagrant violations of human rights, there was a risk that human rights would be deprived of their objectivity. Fortunately, the idea was gaining increasing acceptance that all serious attacks on the dignity of the human person should be condemned regardless of where they occurred or the political system of the countries concerned, an idea which was consonant with the Universal Declaration of Human Rights and the International Covenants on Human Rights. All violations must be penalized, regardless of the circumstances. That was a basic duty and responsibility of every member of the international community. No State could invoke the principle of non-interference in its internal affairs, nor could it take exception to another State denouncing human rights violations on its territory on the ground of that State's neutrality, since the condemnation of violations of the basic rights of the human person was perfectly compatible with neutral status.

14. His delegation was convinced that respect of those fundamental rights promoted man's fulfilment, enabling each individual to play an active part in the economic, social and cultural development of the society to which he belonged. The exercise of human rights would be greatly simplified if all States assumed their obligations in that respect. Switzerland was ready to co-operate with all States, all United Nations agencies and all non-governmental organizations in achieving greater respect for human rights everywhere, including on its own territory.

15. Mrs. SELMAN-BOUAMRANE (Observer for Algeria) said that in so far as the question of Cyprus had not yet been settled, the resolutions of United Nations bodies on the question were still fully relevant. Those resolutions defined the basic elements on which a solution to the Cyprus problem must be based, namely, the withdrawal of foreign troops from the island and the ending of all foreign interference, respect for the independence, sovereignty, territorial integrity, its unity and non-alignment, of the Republic of Cyprus, and a solution to the refugee problem. The Non-Aligned Movement, for its part had steadfastly encouraged a dialogue between the communities, and had again done so recently, at Nicosia in September 1988, to facilitate the good offices mission undertaken by the United Nations Secretary-General for the purpose of resolving the problem. The Movement had always supported that mission.

16. With the gathering momentum for peace on the international scene, and the various attempts being made to resolve conflicts, it was seemed likely that a solution to the Cyprus problem was close at hand. The prospect of a negotiated settlement between the two parties, covering all aspects of the Cyprus problem, seemed promising. Algeria had always advocated a political solution to the problem, and it welcomed the resumption of the dialogue between Greece and Turkey. It believed that the dialogue would result in a just and definitive solution to the question, and while making a valuable contribution to promoting peace and harmony in the Mediterranean, would inevitably lead to the restoration of all human rights in Cyprus.

17. Mrs. BALJINNYAM (Observer for Mongolia) said that the international community was duty bound to help the United Nations in its endeavours both to put an end to the massive and flagrant violations of human rights which continued to occur in many parts of the world, and to take effective measures to secure compliance with the principles of international law and implementation of the relevant resolutions of United Nations bodies. In that connection, her delegation welcomed the recent adoption by the Commission on Human Rights of resolutions which strongly condemned the racist régime in Pretoria and the Israeli authorities for their activities in the occupied Arab territories.

18. The reports before the Commission (E/CN.4/1989/7 and A/43/624) showed that the human rights situation in Chile had not improved. It was vitally important, therefore, that the international community should continue to support the just struggle of the Chilean people against their repressive régime and for the restoration of democracy in Chile.

19. In El Salvador too, the situation continued to cause concern, and her delegation therefore supported the recommendations formulated by the Special Representative in his report (A/43/736). The Commission should take note, in particular, of the recommendation concerning the provision of assistance by the richest and most developed States to alleviate and improve the living conditions of Salvadorian citizens who had been displaced, made refugees, or resettled as a result of the conflict.

20. With regard to Cyprus, her delegation welcomed the efforts being made by the Governments of Cyprus and Turkey to achieve a negotiated settlement of all aspects of the Cyprus problem by 1 June 1989. She particularly welcomed the efforts of the Secretary-General to bring about a lasting solution of the Cyprus problem on the basis of the relevant United Nations resolutions, especially Security Council resolutions 541/1983 and 550/1984. Those initiatives were, however, hampered by Turkey's refusal to accept basic human rights defined in the Universal Declaration. Her delegation therefore appealed to the Commission to take effective measures to ensure that the relevant United Nations decisions were actually implemented, and that human rights were restored for the Cypriot people. It believed that the immediate withdrawal of all occupation forces from Cyprus was an essential pre-condition to any solution to the problem, which must be settled in the context of an international conference without outside interference of any kind. Her delegation reaffirmed the solidarity of the Mongolian Government with the people and Government of Cyprus, and its unswerving support for the independence, sovereignty, territorial integrity, unity and non-aligned status of the Republic of Cyprus.

21. With regard to Afghanistan, the signing of the Geneva agreements had unquestionably paved the way for an overall political settlement of the problem. Her delegation welcomed the co-operation of the Government of Afghanistan with the United Nations, and especially with the Commission on Human Rights. It supported the Government's national reconciliation programme, which met the vital interests of the Afghan people and of all peace-loving peoples. Now that Soviet troops had withdrawn from Afghanistan, it was essential that the other parties to the Geneva agreements should comply strictly with their obligations, in particular by preventing any interference from abroad in Afghanistan's internal affairs.

22. Her delegation was convinced that the protection and promotion of human rights in all countries could be achieved only in peaceful conditions. The struggle to achieve universal peace and security was a sacred duty for all States, and could it not be separated from the efforts to secure respect for human rights throughout the world.

23. Mrs. POC YANINE (Observer for Democratic Kampuchea) said that for the past 10 years the Vietnamese troops, who had invaded Kampuchea and were continuing to occupy it illegally, had inflicted untold suffering on the Cambodian people. Having failed to destroy the Cambodian resistance forces, which enjoyed popular support, the occupiers had stepped up their repression against the civilian population in the framework of their "Vietnamization" policy. The numerous human rights violations committed by the occupation authorities had been described by many witnesses, including Ms. Esmeralda Luciulli, a doctor who worked for a Western agency in Phnom Penh from 1984 to 1986. Those reports had been confirmed on many occasions by refugees from various regions of Cambodia.

24. Her delegation urged the Commission to give attention to the very serious issue of the demographic "Vietnamization" of Cambodia, where in addition to the many Vietnamese settlers who had already settled, new settlers were arriving every day. The changes in the demographic composition of the country were proof of Vietnam's long-term expansionist strategy, aimed at annexing Cambodia outright and exterminating the Cambodian people, replacing them with Vietnamese. The construction along the Thai-Cambodian border of an 800 kilometer-long "defence line", on which 120,000 persons were permanently working, and which had already claimed the lives of some 50,000 workers was a flagrant example of that policy. The appalling conditions in which the Cambodian people had been forced to carry out the "K5" plan were recorded in a study by a French anthropologist entitled Cambodge: une nouvelle colonie d'exploitation and in Ms. Luciulli's book, entitled Le Mur de Bambou.

25. Since 1981 there had also been evidence indicating that the Vietnamese occupation forces had used chemical weapons in Cambodia, causing the deaths of many innocent civilians. The objective of the occupiers was not simply to colonize Cambodia, but also to destroy its cultural identity. Ignoring all the universally-accepted standards, the occupation authorities had not hesitated to destroy the cultural and spiritual heritage of Cambodia, especially the age-old monuments at Angkor, which had been pillaged and damaged by Vietnamese soldiers.

26. Acts such as those were not ordinary violations of human rights but criminal acts that stemmed from a policy deliberately aimed at eliminating a nation and exterminating a people. The crimes of the Vietnamese against the

Cambodian people and the cynicism of the Vietnamese authorities, in claiming to act in the interest of the Cambodian people while offering their own people nothing but a miserable and hopeless life, had been exposed in debates in many United Nations bodies. The gross and systematic violations of human rights and fundamental freedoms committed by Viet Nam and its accomplices in the puppet régime installed in Phnom Penh clearly showed that Viet Nam was seeking to exterminate the Khmer people and annex Cambodia, to incorporate it into an "Indochina Federation". If Viet Nam was so concerned about the question of human rights in Cambodia and the well-being of the Cambodian people, it would not object to the sending to Cambodia of two international control bodies, as proposed by Prince Sihanouk in his five-point peace plan. Faced with the threat that overshadowed the very existence of the Cambodian people and nation, national unity was of crucial importance. Moreover, when independence and peace were restored to Cambodia, the Cambodian people would stand in greater need than ever of support from the United Nations and the international community in helping them to protect and promote human rights in their country. It was vital that the United Nations should assist Kampuchea in the field of human rights and fundamental freedoms.

27. In concluding, her delegation again expressed its gratitude to the Commission for the appeals it had made in successive resolutions calling for the immediate and unconditional withdrawal of all foreign forces from Cambodia, so as to enable the Cambodian people to exercise their fundamental and inalienable human rights, and for its decision to keep the situation in Kampuchea under review as a matter of high priority, thus preventing it from being forgotten.

28. Mr. YAVUZALP (Observer for Turkey) said that the flow of information received by the Commission under agenda item 12 influenced its assessments; the way in which the Commission performed its task depended on value of the information received. Nowadays, when the Commission's main task was the implementation of existing standards, it was more than ever important to avoid misinformation, selectivity, politicization and favouritism.

29. The task was not an easy one, because some countries, in an attempt to divert the attention of the international community from their own violations of human rights, disseminated false information about other countries. Any attempts by those seeking to mislead the Commission must be firmly resisted; that was a responsibility which devolved upon both members and other participants.

30. In that context, he wished to refer to the case of the Turkish minority in Bulgaria. Bulgaria had accepted the existence of a Turkish minority on its soil since its own foundation, through bilateral and multilateral agreements and numerous official statements. Suddenly, however, Bulgaria had decided to rewrite history by compelling the Turks in Bulgaria to change their names, to give up speaking their own language and to cease their religious practices. Those who refused to accept such measures were severely punished. He referred, in that respect, to the statement made by his delegation during the present session under agenda item 22, the statements made by the Turkish delegation in previous sessions, the reports of various international and humanitarian organizations, and reports which had appeared in the international press.

31. The Commission would remember that Bulgaria and Turkey had signed a protocol in Belgrade on 23 February 1988, in the course of a meeting of Foreign Ministers of the Balkan countries. Unfortunately, it seemed that the Bulgarian Government was seeking to make use of the dialogue initiated through the protocol to divert the attention of the international community; meanwhile, its policy of persecuting the Turkish minority remained unchanged.

32. The statement on the question made by the representative of Bulgaria under agenda item 12 was a tissue of false accusations against Turkey, designed to distract the international community from the flagrant violations of the human rights of the Turkish minority in Bulgaria. It was to be hoped that Bulgaria would realize that the tactic was futile, and would seek instead to resolve the problem according to the principles which it preached to others.

33. As for the international community, its response must contribute to strengthening the efficiency and credibility of the international institutions and organs in the field of human rights. Indeed, the Bulgarian Government was not only violating human rights, but was also breaching its bilateral and multilateral commitments. The reaction of the international community would be an important indication of the way in which international standards could be implemented.

34. Mr. Heller (Mexico) took the Chair.

35. Mr. WALDEN (Observer for Israel) regretted that the debate on agenda item 12 had been used by some States as a pretext for attacking his country. The criticisms about southern Lebanon, in particular, might give the impression that but for Israel, Lebanon would be living in peace. What seemed to have been forgotten was that internecine fighting among ethnic and religious groups in Lebanon had started many years before, and had claimed tens of thousands of victims. Yet hypocritical voices were raised against Israel's efforts to defend itself against constant terrorist attacks.

36. The report on summary or arbitrary executions of 6 February 1989 (E/CN.4/1989/25) stated correctly that Israel had not replied to a letter of 28 July 1988 containing a number of allegations. Israel had not replied because the allegations in the letter concerned deaths which had occurred during military operations in which Israeli soldiers had been obliged to defend themselves. The question had been discussed in the Commission and in other organs - where Israel had given a firm reply - but a report on summary or arbitrary execution was not the appropriate place to discuss the issue, since the events in question had not involved executions, summary or otherwise. That was why Israel had not, and would not, reply in the context of that report.

37. Mr. LILLIS (Observer for Ireland) welcomed the growing acceptance of the mechanisms for monitoring human rights which had been set up by the Commission over the years, and especially the work of the special rapporteurs. His delegation supported the proposal for a meeting of the special rapporteurs, allowing an exchange of ideas to take place which would enhance the effectiveness of vitally important mechanisms. One of the matters that should be discussed at such a meeting would be ways and means of further improving the support given to special rapporteurs and representatives by the Centre for Human Rights.

38. The Special Rapporteur on Afghanistan noted in his report (E/CN.4/1989/24) persistent violations of human rights and of the principles of international humanitarian law. There were reports of torture by the police, and in areas under the control of opposition forces there were alleged to have been summary executions of people having ties with the Kabul authorities. Accordingly, in the difficult period which lay ahead all parties must be urged to comply with international norms in order to minimize the suffering of the civilian population.

39. In view of the continuing violations of human rights in South Africa, described in the report of the Ad hoc Group of Experts on South Africa (E/CN.4/1989/8), his delegation again emphasized the need for co-ordinated international action to bring about change. For many years, Ireland had believed that mandatory sanctions must be imposed by the Security Council; however, to produce the desired results, the sanctions should be selected carefully, graduated for maximum effectiveness and fully implemented by all.

40. In certain countries in Eastern Europe, positive developments could be seen; it was particularly desirable that the efforts being made in the Soviet Union should succeed. The Secretary of State for Foreign Affairs of Hungary had also described to the Commission the changes under way in his country. Unfortunately, the situation was different in Czechoslovakia, where repression was directed against those who sought to exercise their rights of freedom of expression, association and religion. In Romania, violations of human rights were numerous and extensive, and the treatment of ethnic minorities was of great concern. The policies pursued by the Romanian Government contravened not only that Government's international obligations in the United Nations framework, but also the provisions of the Helsinki Final Act and of the Final Document of the Conference on Security and Co-operation in Europe, which had recently been adopted in Vienna and of which Romania was a signatory.

41. The report of the Special Representative of the Commission, Mr. Pastor Ridruejo, on the human rights situation in El Salvador (E/CN.4/1989/23), disclosed a worsening human rights situation which was particularly regrettable in view of the stated commitment of the Government of President Duarte to a policy for respect for those rights. The activities of the death squads, operating with the tolerance or connivance of the authorities, had resulted in an increase in the number of politically motivated executions. For example, an incident which had occurred in the village of San Francisco in September 1988 had involved the deaths of 10 peasants, who had most probably been killed by the local army battalion. The Special Representative also noted that the application of the Amnesty Act of 1987 was creating a climate of impunity in the country, and that the capacity of the criminal justice system was highly unsatisfactory. It was true that the guerrilla organization had also shown a disregard for the right to life and for the principles of humanitarian law. His delegation hoped that the present contacts between the Government and the FMLN would contribute towards a peaceful solution.

42. The disquieting situation in Guatemala had led the Commission, in resolution 1988/50, to renew the mandate of the Expert sent to that country. Mr. Gros Espiell, the Expert, pointed out that President Corezo was trying to improve the situation, and that useful reforms had been made to the legal code and to the institutional arrangements for promoting human rights. However,

the Government had not done all it could have done to reduce the number of human rights violations in 1988. During that year while the number of arbitrary executions had declined, 60 people had been arbitrarily executed in the first 10 months of 1988. In addition, disappearances were still a frequent occurrence. The Expert in particular recommended that the Code of Penal Behaviour should be amended with a view to strengthening the Office of the Attorney-General. His delegation hoped the Government would give serious consideration to that and any other measures which could serve to ensure that the laws in force in Guatemala were fully implemented.

43. The recent visit to Colombia by the Working Group on Disappearances had highlighted the difficulties faced by the Government there. Criminal gangs and terrorists had formed an alliance to threaten the security of the State, and had assassinated senior members of the judiciary. Moreover, it was disturbing that members of the security forces had been involved in cases of extra-judicial killing and in other human rights violations, even if charges had been brought against some senior army officers. The Colombian authorities had co-operated in an exemplary manner with the mission sent to the country. It was now desirable that the authorities should implement its recommendations, including the removal of restrictions to the exercise of the right of habeas corpus.

44. The Special Rapporteur on Chile had drawn the Commission's attention to the important steps taken in that country towards the restoration of democracy. Despite the progress made, many lacunae still remained, and one could scarcely be reassured by the finding that torture was now applied selectively rather than systematically. Armed gangs apparently close to Government forces had also attempted to intimidate political opponents. The Government of Chile must take steps to ensure that such acts did not go unpunished, and it must translate its commitments in the area of human rights into a reality.

45. His delegation hoped that the resumption of contacts between the Government of Ethiopia and the Special Rapporteur on Summary and Arbitrary Executions indicated a willingness on the part of the Ethiopian authorities to remedy the situation. Improvements were also needed in Somalia, where indiscriminate bombing raids were reported to have taken place in the north of the country, and allegations had been made of considerable numbers of civilian deaths caused by Government troops in areas inhabited by supporters of the Somali National Movement.

46. It was to be hoped that the co-operation which now existed between the Special Representative on the situation of human rights and fundamental freedoms in the Islamic Republic of Iran, Mr. Galindo Pohl, and the Iranian authorities, would enable the Special Representative to discharge his mandate. However, recent events were disquieting. Reports of the summary execution of hundreds of political opponents had, in some instances, been confirmed by representatives of the Iranian authorities themselves. According to the report of the Special Representative (E/CN.4/1989/26), some of those concerned might have participated in attacks on Iranian territory, but even in that difficult situation, the Iranian authorities were bound to ensure that those persons had a fair trial. The Iranian authorities were urged to co-operate with the Special Representative and with the other relevant organs of the United Nations in investigating those events. Although an amnesty had been announced for certain prisoners in February, the number of political

prisoners and the treatment they were receiving continued to be matters of concern. In the words of the Special Representative, the current review of the Penal Code provided a "golden opportunity" for the Iranian authorities to remedy those deficiencies.

47. It was impossible to overlook the situation of the Kurdish minority in Iraq, where there were many reports of summary executions and disappearances, including the 8,000 members of the Barzani community who had "disappeared" in 1983. The Iraqi authorities must permit the Working Group on Enforced or Involuntary Disappearances to make an investigation on the spot. According to reports, in the previous year chemical weapons had been used against Kurdish civilians. Finally, Amnesty International had alleged brutal treatment of children in Iraq. Ireland hoped that Iraq, whose legal code prohibited torture and the death penalty for minors, would investigate those allegations and ensure compliance with its own laws and with the international standards by which Iraq was bound.

48. On the other hand, the fact that many countries facing difficulties had invited special rapporteurs and working groups to visit them was a welcome development. Turkey, for example, had extended an invitation to the Special Rapporteur on Torture, who had been able to ascertain that the situation in that country had undoubtedly improved. The Turkish authorities must, however, continue to investigate the allegations persisting in that respect, in order to eradicate any abuses, and must implement without delay the recommendations made by the Special Rapporteur.

49. The human rights situation in Burma was particularly alarming. The Special Rapporteur on Summary or Arbitrary Executions gave detailed information concerning the killing of large numbers of Karens in 1986 and 1987, and regarding the large number of victims of the demonstrations in the middle of the previous year, the Burmese authorities had denied the allegations, but in a manner which left many questions unanswered. His delegation therefore considered it important that the Commission should continue to monitor closely developments in the situation in Burma, and it noted the declared intention of the Burmese authorities to organize multi-party elections.

50. Mr. STROHAL (Observer for Austria) pointed out that the human rights situation in a number of countries, which the Commission was considering under the current agenda item, was described in a series of reports emanating from special rapporteurs and working groups responsible for considering the situation in a particular country or with certain types of human rights violation. Austria wished to pay a tribute to the special rapporteurs and working groups which succeeded, often in difficult conditions, in presenting a clear assessment of the situation in certain countries, together with useful recommendations, and also to those Governments which co-operated with the mechanisms established by the Commission. Just as it was the duty of the international community to deal with serious human rights violations, Governments had a similar duty to co-operate with the Commission.

51. Advisory services in the field of human rights constituted an important component in that co-operation, particularly in the context of the new programme of the Centre for Human Rights. Governments as well as special rapporteurs and working groups should therefore avail themselves of those services to a greater degree, even if they could not, of course, replace the

monitoring of the implementation of international commitments in human rights issues. One area in which that co-operation appeared particularly useful was the confidential procedure under Economic and Social Council resolution 1503 (XLVIII), which enabled Governments to respond in detail, and in private meeting, to allegations of human rights violations. Since Austria was not at present a member of the Commission, it could only express its hope that Governments would fully avail themselves of that opportunity.

52. Lastly, he wished to appraise the role of the individuals and non-governmental organizations engaged in human rights activities. Austria attached great importance to the draft declaration aimed at protecting those individuals and organizations, and congratulated the Working Group on the progress achieved during its recent session.

53. Austria's dedication to the protection of human rights was solely motivated by concern for the dignity of the individual. His delegation had already had occasion to state its position on the situation in southern Africa and in the territories occupied by Israel.

54. His delegation expressed its appreciation not only of the contribution of the working group entrusted with considering the situation in Cuba, but also that of the Government of Cuba, and in particular for the measures taken by it since the Commission's preceding session and the co-operation it had extended to the working group of the Commission. The relevant report and annexes (E/CN.4/1989/46 and Corr.1) appeared to reflect accurately the current situation of human rights in that country. A good deal of work still had to be done, however, and the co-operation between the Cuban authorities, non-governmental groups and individuals should be further intensified.

55. The Special Representative on the situation of human rights and fundamental freedoms in the Islamic Republic of Iran had submitted a comprehensive report. Austria hoped that the willingness expressed by the Iranian Government to co-operate more closely with the Commission would be translated into action, bearing in mind in particular the reports of continuing summary and arbitrary executions. It seemed particularly desirable that the Special Rapporteur should obtain the information which he requested and that he should be invited to visit the country. The situation in Afghanistan also remained a matter of concern notwithstanding the withdrawal of Soviet forces in conformity with the Geneva agreements. Although it was encouraging to see that the Special Rapporteur had been able to visit the country in particularly difficult circumstances, the continuing violations to which he drew attention were alarming.

56. His delegation welcomed the co-operation of the Chilean Government with the Commission and with its special rapporteurs, as well as the holding of the plebiscite in 1988 and various other measures, including the lifting of the state of emergency. The Commission and the international community would follow with interest the progress towards the full realization of human rights in Chile and in particular the elections scheduled for the current year.

57. In El Salvador, an open and constructive dialogue between all political and social forces would seem to constitute the best way out of the present crisis and to bring to an end human rights violations, in particular disappearances and executions. In Guatemala, the climate of social confrontation, with violent deaths and disappearances, also continued to

prevail. The Government should take effective measures, in particular through the judiciary, to investigate those violations and initiate a national dialogue between all parties. As suggested by the Expert responsible for studying the situation in Guatemala, the Commission should continue to observe the situation and to foster the democratic process in that country. The Commission also needed to take appropriate measures to improve the situation in Haiti and in Equatorial Guinea.

58. The situation of the Kurdish minorities after the cease-fire between Iran and Iraq was a matter for deep concern. The Special Rapporteur on Summary and Arbitrary Executions referred to a number of allegations concerning the use of chemical and incendiary weapons as well as to other cases of alleged human rights violations in Iraq. All those matters merited the scrutiny of the international community and the Commission. In addition, the authorities of Iraq and Iran also had to settle the question of the 100,000 prisoners of war who had not yet been repatriated or released seven months after the cease-fire.

59. The documents submitted by the Special Rapporteur on Summary or Arbitrary Executions and the Working Group on Enforced or Involuntary Disappearances contained reports of massacres of unarmed civilians in Colombia. His delegation thanked the Colombian Government for allowing two members of that Group to visit Colombia.

60. Lastly, with regard to Europe, his delegation had already referred to the final document of the Vienna meeting of the Conference on Security and Co-operation in Europe, which showed the determination of the participating States to realize the commitments laid down in the Helsinki Final Act as well as in international human rights instruments. The Austrian Government had therefore decided to put into operation the procedure for inter-State consultations in the human rights field agreed upon by the Vienna meeting with regard to recent events in Czechoslovakia.

61. With regard to the disquieting situation in Romania, he recalled his country's conviction, already expressed at the last session of the General Assembly, that minorities should be regarded as enriching societies, rather than as causes of friction. The minorities in Romania - which also comprised people of Austrian ancestry - were not only having difficulty in maintaining their cultural identity but were even threatened in their very existence as minorities. On several occasions, the Austrian Government had appealed to the Government of Romania to reconsider its policy of so-called "systematization". It supported the suggestion that the Commission should designate a Special Rapporteur to prepare a report on that subject and hoped that the Romanian Government would co-operate with him.

62. The reports submitted on religious intolerance, torture, and summary or arbitrary executions respectively, showed the continued need to monitor the human rights situations in all parts of the world, in spite of the impressive results achieved since the adoption of the Universal Declaration of Human Rights. It was only through the co-operation of all members of the international community that it would be possible to close the gap between norms and reality.

63. Mr. NASSERI (Observer for the Islamic Republic of Iran), referring to the report on the human rights situation in his country prepared by Mr. Galindo Pohl (E/CN.4/1989/26), said that there appeared to be a tradition

in the Commission to adopt every year, with regard to the Islamic Republic of Iran, resolutions based on fallacious allegations emanating from a well-known terrorist and subversive organization which has its headquarters outside the Islamic Republic and which did not hesitate to conduct military operations inside that country. Mr. Galindo Pohl referred in his report to military incursions by that organization into the Islamic Republic of Iran and to the manner in which they had been repulsed. Since the written reply of the Iranian authorities to the information appearing in the Special Representative's report had not yet reached the Commission, he would give a brief account of it.

64. In the first place, 140 of the persons whose names appeared in the annex to the report as having been "executed" during the period from July to December 1988 had in fact been killed in combat. The Special Representative of the Commission had referred in his report to an overall improvement in the human rights situation in the Islamic Republic of Iran and had stressed that co-operation was gradually developing between the authorities and himself. The release of over 2,000 persons in the framework of the general amnesty proclaimed on the occasion of the tenth anniversary of the Revolution gave proof of the goodwill of the authorities who, contrary to what was alleged in some quarters, had not yielded to foreign pressures.

65. Any examination of the human rights situation in the Islamic Republic of Iran should take into account the fact that the country had experienced a revolutionary situation and that its system of government has been threatened by acts of subversion and terrorism. It should also be borne in mind that the Islamic Republic had been at war for eight years, that it had been subjected to external economic, political and military pressures and that it had been the target of a strong propaganda attack, also of foreign origin. It was moreover ironic that the Islamic Republic of Iran should alone have had to be subjected that type of pressure, when there were two countries involved in the conflict!

66. The process of negotiations which had now been initiated should have a favourable effect on the human rights situation in the Islamic Republic of Iran, but those effects would of course not be felt overnight. The Commission could help to promote that process by acting in a constructive way. Since the beginning of the cease-fire, the two former belligerents ought to be treated in a balanced manner, in particular in the framework of the confidential procedure, in order to avoid a selectivity which others had already deplored in the Commission. Nor could the Commission close its eyes to the acts of aggression and subversion which were being perpetrated against the Islamic Republic of Iran.

67. With regard to the problem of co-operation between the Islamic Republic of Iran and the Commission's Special Representative, his delegation had already had occasion to point out, in the first place, that political motivations had so far always dominated the work of the Commission and, in the second place, that the Special Representative's mandate was itself a source of difficulties to which Mr. Galindo Pohl had himself endeavoured to remedy but without success. The difficulty of establishing a satisfactory co-operation between the Special Representative and the Iranian authorities, was primarily due to the fact that some countries had conferred a status on certain subversive and terrorist groups. The Commission should therefore examine the problem of mercenary and terrorist groups, since because they influenced the

attitude of the Western countries which were behind the draft resolutions relating to the Islamic Republic of Iran. So long as the activities of those groups were not brought to an end, it would be difficult to improve the situation materially. For the time being, however, those groups participated in the work of the Commission on Human Rights under the cover of a non-governmental organization!

68. The solution of the problem had to be sought in a meaningful dialogue between the Iranian authorities, the Commission and its Special Representative, based on mutual understanding and on genuine exchanges of views. It was a matter of common knowledge that when a draft resolution relating to the Islamic Republic of Iran had been submitted to the Third Committee at the last session of the General Assembly, the Special Representative of the Commission had endeavoured to act as mediator between the sponsors of the draft and the Islamic Republic of Iran. The intransigence of some of the sponsors of the draft, however, had brought about the failure of the Special Representative's efforts.

69. Bearing in mind all those considerations, his delegation, which hoped that the co-operation between the authorities of its country and the Commission would be further strengthened, was waiting to see what kind of draft resolution would now be submitted.

70. Mr. ESPAÑA-SMITH (Observer for Bolivia) said that, since the adoption of the Universal Declaration, questions relating to the observance of human rights and fundamental freedoms throughout the world had been acquiring a growing importance both in the political field and in that of international law, as was proved by the adoption of the International Covenants on civil and political rights and the International Covenant on economic, social and cultural rights, to which Bolivia was a party. In a report which it had recently submitted to the Centre for Human Rights, the Bolivian Government had pointed out that, despite certain inevitable restrictions due to historical, economic and social circumstances, Bolivia had always conferred the highest pre-eminence in its constitutional instruments to the observance of the fundamental rights of its citizens. At the present time, since the constitutional, democratic, representative and multi-party régime had been restored, civil, political and social rights were respected and the principles of equality, justice and tolerance were fully applied in real life. Thus, there were no political prisoners in Bolivia and, during the past seven years, there had not been a single case of enforced disappearance. The small number of cases of disappearance mentioned in the Working Group's report related to the period prior to the restoration of democracy and they were in the process of being clarified.

71. Because of its past history, Bolivia attached particular importance to the exercise of the inalienable right of peoples to self-determination. For that reason, Bolivia hoped that the Palestinian question would be rapidly settled by means of the application of Security Council resolution 242 (1967) in its entirety and with respect for the rights of the populations of all the countries concerned. Similarly, Bolivia welcomed the steps taken with a view to the liberation of the Namibian people and condemned unreservedly the policy of apartheid which continued to be applied by the racist régime of South Africa.

72. With regard to the right to development, the Bolivian Government supported the views expressed by a large number of developing countries and, like them, felt that a prerequisite for the observance of that fundamental right was the elimination of certain grave disparities in the international economic situation and, in particular, the solution of the fundamental problem of the foreign debt which affected more particularly the Latin American countries. When a country like Bolivia was obliged to devote more than 50 per cent of its export earnings exclusively to the repayment of interest on its debt, it was obviously impossible for it to guarantee to its population the right to development, despite the considerable collective efforts exerted and the comparative success of adjustment policies. In addition, the situation in which the poor countries found themselves created a threat to the maintenance of their democratic régime. For that reason, the Bolivian Government welcomed the Commission's decision to include the question of the foreign debt and the right to development on the agenda for its forty-sixth session. As the Argentine Minister for Foreign Affairs had pointed out in his statement to the Commission, the overwhelming majority of the countries of Latin America, despite their serious economic and other difficulties, had embarked on the path to democracy in the framework of popular elections and respect for the principle of non-interference in the internal affairs of States. In that context, the referendum which had taken place recently in Chile warranted the hope that a democratic and representative Government would be restored in that country and that individual rights and freedoms would be fully respected.

73. In the view of the Bolivian Government, the discussion on agenda item 12 should take into account the regional and national context and should be conducted independently of all ideological considerations and all tendencies to selectivity. It did not seem fair for the Commission to concentrate its attention on a particular region of the world or on one or several countries in the same region. Thus, it was to be hoped that the Commission, and certain other international bodies, would discontinue the special treatment they meted out to the Latin American region. Their attitude was politically unacceptable because practically all the countries in Latin America and the Caribbean had embarked, in the last ten years, on the path of democratization, a fact which was undoubtedly the best guarantee for the effective observance of human rights. The Bolivian Government also wished to draw the Commission's attention to the efforts being exerted by the countries of Central America to establish peace and political stability in the region, in addition to their efforts to eliminate the obstacles which were still hampering the process of improving the human rights situation.

74. Moreover, the Bolivian Government welcomed the peace-making efforts of the Secretary-General in various conflict areas and was convinced that his actions would help to restore human rights in Afghanistan, in Iran, in Iraq, in Western Sahara and in Cyprus. His Government hoped that the question of Cyprus and that of Western Sahara would be settled expeditiously in conformity with the principle of self-determination and with the international norms relating to human rights.

75. Lastly, the Bolivian Government was following with great interest the work on the drafting of an international convention on the rights of the child, as well as the study on the situation of migrant workers and the work which might culminate in the preparation of a declaration on the rights of indigenous peoples.

76. Mr. CHLUMSKY (Observer for Czechoslovakia) said that the consideration of agenda item 12, which dealt with very sensitive issues, had to be based on a common approach and on a unanimous will to improve the human rights situation throughout the world. Indeed, notwithstanding the encouraging changes which had taken place in the international situation, it had to be recognized that flagrant and systematic violations continued to be perpetrated in the world, posing a serious threat to international peace and security. It was for that reason that the Commission, in particular, should do its utmost to seek out the causes of those violations and consider the measures that should be adopted to end them. To be sure, the most flagrant violations were being committed in the territories occupied by Israel, in South Africa and in Chile and the Commission had had occasion to examine that kind of situation under the various agenda items. Nevertheless, the international community, and the Commission in particular, should give more attention, for instance, to the human rights situation in El Salvador, as described by the Commission's Special Representative in document E/CN.4/1989/23. The Czechoslovak Government welcomed the Commission's decision to extend the mandate of the Special Representative. Moreover, with regard to the situation in Cyprus, where the problems were still topical, his Government noted that the United Nations could play a particularly useful role in the solution of the conflict. Even though the withdrawal of foreign troops and the elimination of the military bases set up in the country constituted a prerequisite for the restoration of peace, it would nevertheless be useful to convene an international conference on the situation in Cyprus, under United Nations auspices.

77. The Commission had concentrated on a large number of situations which revealed the existence of flagrant violations of human rights but had not always attached proper importance to the problems arising from the increase in the number of unemployed and homeless in certain countries, as well as to the chronic malnutrition observed even in States with a high standard of living. Moreover, it was possible to observe a resurgence of racism, racial discrimination, xenophobia vis-à-vis migrant workers and violations of trade-union rights. In addition, in many developing countries, the right to health, and the right to life itself, were increasingly threatened by the importation of new technologies harmful to the environment, and the Commission should examine more closely the question of the relations between ecology and human rights, as it was in any case proposing to do. In that regard, the Commission could draw on the Final Document adopted at Vienna in January 1988 by the European countries on another issue, human rights and humanitarian problems. In that field, co-operation, which was crucial, should be based on greater mutual trust, which could only be established if the civil, political, economic, social and cultural rights of all populations were better respected.

78. In the socialist countries, the measures taken recently to strengthen the observance of democratic principles were aimed more particularly at establishing the necessary conditions for the respect of human rights. It was in that spirit that a number of legislative provisions had been revised. In Czechoslovakia, in particular, a new Constitution had been elaborated. In addition, the Czechoslovak Committee for the Protection of Human Rights, established on the occasion of the fortieth anniversary of the adoption of the Universal Declaration, played a vital role in international co-operation for the defence of humanitarian principles.

79. Mr. DOLGU (Observer for Romania) noted that, once again, for political reasons totally unrelated to the question of human rights, certain Western countries were indicating their clear intention of interfering in the affairs of others and of exerting pressure with the aim of replacing the economic and political realities prevailing in other countries by Western models. One was inevitably reminded, in that context, that for certain Western Powers, strength was law. Similarly, Hungarian revisionism, which in 1940 had led to the carving up of Romania with the aid of the Nazis, and which had resurfaced after the war, was now relying on a new strategy and was being incorporated in violent and mendacious campaigns directed against Romania.

80. Within the Commission itself, certain Western Governments had shown a tendency not only to conceal the real situation of human rights in their own countries but also to establish a questionable hierarchy among the various human rights. Thus, the colonial era, which had been beset by violence, oppression, tortures, cultural genocide and the extermination of indigenous populations, was being perpetuated in the guise of a new cultural racism in which Western values and institutions were to be supreme. The discussions in the Commission on Human Rights were thus outrageously politicized and, with a few exceptions, all countries were being arraigned before the western tribunal, which did not hesitate to concoct totally fabricated accusations.

81. Since the question of the minorities in Romania had been raised in a subjective and partial manner, it should be pointed out that Romanian law contained a whole series of provisions guaranteeing full equality in respect of economic, social and cultural rights for all the nationalities living in the country, which were equitably represented in Parliament and in all the local organs of State power. The measures of systematization taken in Romania were intended to secure social harmony and in no way did they undermine the identity of the various nationalities or their cultural development. As to the question of developing rural areas, which had given rise to argument among the members of the Commission, he wished to repeat that its objective was to stabilize the population and to end the exodus from rural areas, to endow all communes with school units providing 10 years' tuition, to create in a few hundred communes school units providing 12 years' tuition, a hospital, a cultural centre, adequate municipal installations and industrial activities, to provide subsidized housing for the employees of those public services and production units and to protect the rural environment by granting to each person the right to keep his individual house and to each family the right to have a house built in the development areas.

82. One might well ask whether the Western countries had made efforts comparable to those of Romania to guarantee the economic, social, cultural and political rights of the minorities, both those which had been established on their territories for centuries and those which had been constituted by the influx of inhabitants of other regions and migrant workers. In reality, all those minorities were condemned to fairly slow and fairly brutal assimilation on the model of the former colonies, in which the languages and values of the West had gradually replaced, in certain cases permanently, the local languages, cultures and civilizations, through genocide. Thus, the Western countries, in which there were over 30 million unemployed not counting the marginals and the "new poor", many of whom were young, were hardly in a position to offer the world a model of respect of economic, social and cultural rights. And yet, some of them did not hesitate to formulate defamatory judgements on the situation in other countries.

83. The Romanian delegation shared the views expressed by a large number of representatives of developing countries on the human rights situation and the responsibility of the industrialized countries. In particular, it agreed with the opinion expressed by the Peruvian Minister of Justice, who had denounced the irrational character of a world economic system which was dominated by the industrialized countries and which was the immediate cause of the source of the poverty and injustice prevalent in the world. The international community had a duty to examine the violations of human rights committed in the industrialized countries as well. It should examine also the question of how the exercise of human rights was subordinated to the international economic structure and to the decisions taken by the international financing organizations which only made the poverty worse.

84. Mr. YAVUZALP (Observer for Turkey) said that the debate in the Commission on the situation in Cyprus had taken place in the absence of the representatives of one of the two parties, namely the Cypriot Turks; that was not only unjust but also an obstacle to a fair, balanced and meaningful discussion. The Commission had thus heard only the views of the Greek Cypriot community on the problem of Cyprus and should, in consequence, naturally listen to the reply of the Turkish Cypriot community. For its part, the Turkish Government remained willing to contribute to the search for a just and equitable solution of the problem, under United Nations auspices. Accordingly, it was important in the first place to restore confidence and to initiate a genuine dialogue between the two communities of the island.

85. His delegation noted with deep regret the statement made to the Commission by the Observer for Greece, which was calculated to exacerbate unnecessarily the conflict when recently the two countries had believed that they had found grounds for mutual understanding. The Greek Government appeared to have forgotten the tragic events which had occurred in Cyprus between 1964 and 1974, and its responsibility in the events which had compelled thousands of Turkish Cypriots to leave their villages and to live for years as refugees, deprived of supplies and of freedom of movement, under the supervision of a heavily armed military force. In one word, if the coup d'état had succeeded, the entire Turkish Cypriot community would have been exterminated and the island would have been annexed to Greece.

86. Human memory could have lapses, but history could not be erased and those familiar with the evolution of the Cyprus problem could not but be astonished to hear a lecture on human rights on the part of the representative of a country whose responsibility in the Cyprus tragedy was undeniable. Nevertheless, mutual accusations would not make any contribution to the restoration of the necessary atmosphere of trust between the parties, which was the only means of settling the conflict. It was therefore desirable to avoid the Cyprus problem being systematically raised in international bodies as a means of defaming the Turkish Government and prolonging the confrontation unnecessarily. What mattered now was to seek new means capable of creating a climate of understanding conducive to the definitive solution of the Cyprus problem.

87. He expressed regret at having been obliged to make that statement. He felt that accusations could not make any contribution to the solution of the Cyprus problem and he earnestly hoped that he would not have to speak again on the subject.

88. Mr. YIANGOU (Cyprus) said that his delegation had taken note of the statement by the observer for Turkey on the human rights situation in Cyprus and reserved the right to reply to that statement at the appropriate time.

The meeting rose at 1.10 p.m.