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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 1455th MEETING

held at the Palais des Nations, Geneva,  
on Friday, 10 February 1978, at 10.40 a.m.

Chairman

Mr. M'BAYE

(Senegal)

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1260, E/CN.4/1263 and Add.1, E/CN.4/1264, E/CN.4/1265 and Corr., E/CN.4/1287; E/CN.4/NGO/209; A/32/13, A/32/35, A/32/204, A/32/223, A/32/240 and Add.1; A/32/263, A/32/264 and Corr.1 and Add.1, A/32/284, A/32/308; A/RES/32/5, A/RES/32/14, A/RES/32/20, A/RES/32/40, A/RES/32/42, A/RES/32/90, A/RES/32/91, A/RES/32/105D, A/RES/32/122, A/RES/32/161, A/RES/32/171; A/32/132; A/SPC/32/L.12; A/32/22/Add.3-S/12363/Add.3)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1261; E/CN.4/Sub.2/590; A/RES/32/14)

1. Mr. LOPATKA (Poland) said that the documentation before the Committee provided evidence of mass and gross violations of human rights in the occupied Arab territories. His delegation had appreciated the statements by representatives of the Arab States and Arab movement on the agenda item.
2. Poland had always maintained that the only way to solve the Middle East problems and to put a stop to the violations of human rights lay in the withdrawal of Israel from all Arab territories occupied since 1967, the achievement by the Palestinian nation of its right to self-determination and the creation of its own State, and the guarantee to all nations and States in the Middle East of independence and security. His delegation would support all resolutions to that effect. Poland firmly condemned the Israeli violations of human rights and urged that the Commission should repeat its appeal to the Israeli authorities to respect international agreements and the principles of international law, including the right of the Palestinian peoples to return to their homes.
3. Poland had voted in favour of resolution A/32/42 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It regarded the continuation of colonialism in all its forms, the exploitation by foreign interests of economic and human resources, and the waging of colonial wars to suppress national liberation movements as incompatible with the Charter of the United Nations and as constituting a serious threat to international peace and security. It recognized the legitimacy of the struggle of peoples under colonial and alien domination to exercise their right to self-determination by all the necessary means at their disposal. His delegation would support any declaration that embodied those ideas.
4. Mrs. PANDIT (India) said that in its ninth report (A/32/284) the Special Committee had concluded that the situation in the occupied Arab territories had not altered from preceding years. The Israeli Government continued to practice its policy of annexation and settlement, the day to day life of civilians in the territories remained tense and detainees were frequently ill-treated. That was a tragic admission in view of the fact that the Fourth Geneva Convention applied to the territories concerned, as the Commission had repeatedly reminded Israel. Furthermore, it was an issue of wider proportions than the fate of the unhappy people of the occupied territories. Aggression in one area had of necessity repercussions in other areas and was an obstacle to the achievement of stability, justice and peace.

5. India had always maintained that there must be scrupulous respect for the principle of non-acquisition of the territories of other States and peoples by conquest, that the aggressor must be forced to vacate territories so acquired and that those uprooted from their homes must have the right of return. The first step towards a just solution of the problem in the Middle East was the withdrawal of Israel from the occupied territories in accordance with Security Council resolution 242. The situation was becoming more dangerous with every passing year. Her delegation would accordingly support any resolution which correctly described the situation and pointed the way to improving it.
6. Violations of human rights in the occupied territories stemmed from the violation of the fundamental right of the Palestine people to self-determination, which was a prerequisite for the exercise of all other rights. The same consideration applied to southern Africa; India had repeatedly reaffirmed its solidarity with the national liberation movements in Zimbabwe and Namibia. The right to self-determination, established in the Charter of the United Nations, had subsequently been enshrined in a number of international instruments, including the Declaration of Principles Governing Friendly Relations Among States, which brought out its close relationship with other fundamental principles of international law such as sovereign equality, non-interference in internal affairs and respect for territorial integrity of nation States.
7. Turning to the report on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination (E/CN.4/Sub.2/390), submitted by the Special Rapporteur of the Sub-Commission, she expressed astonishment that an integral part of the sovereign republic of India had been included in the list given in paragraph 230. She wished her delegation's strong reservation on that subject to be recorded.
8. Mr. DAVIS (Australia) said that progress towards a settlement in the Middle East was essential to the solution of the human rights problems in the area. He recalled the statement by the Australian Foreign Minister at the thirty-second session of the General Assembly that a further war in the region would almost certainly be even more destructive than previous conflicts.
9. Turning to agenda item 9, he said that the right to self-determination was not easily capable of precise definition. Although it was a basic principle of human relations, enshrined in the Charter of the United Nations and in the Covenants on Human Rights, it must be considered within the context of the particular circumstances of the people demanding to exercise it. He therefore commended the work of the Special Rapporteur of the Sub-Commission, which would serve to promote a better understanding of the complex issues involved. He felt, however, that the Commission could more usefully discuss the subject when the Sub-Commission had made its recommendations.
10. Self-determination, which by definition could be exercised only by peoples entitled to it, remained one of Australia's principal concerns. For that reason, his country participated actively in the work of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and of the United Nations Council for Namibia, as also in the meetings of the Fourth Committee of the General Assembly. The achievement of a consensus at the World Conference in Support of the Peoples of Zimbabwe and Namibia, held in 1977, in which Australia had participated actively, should be regarded as recognition of the fact that progress in solving the problems of colonialism depended upon achieving a coalition of the parties concerned and of those genuinely willing and able to assist in the development of effective programmes.

11. The frequently expressed view that self-determination was a prerequisite for the enjoyment of all other human rights was too sweeping; some economic and social rights, albeit minimal, might be enjoyed by a people which had not yet achieved self-determination. It was a fact, however, that no people could enjoy full or even substantial civil, political, economic and social rights until they had achieved complete self-determination. For that reason, the right to self-determination should be universally supported.

12. Mr. DIEYE (Senegal) said that it was appropriate that United Nations bodies, including the Commission, should pay particular attention to the question of self-determination, which was a fundamental human right stemming from man's innate desire for freedom, upon which all other human rights depended. There was a particularly close link between self-determination and the prerequisites for economic development as defined in the new international economic order and in the Charter of the Economic Rights and Duties of States. That link, together with the link between self-determination and social and cultural development, had been repeatedly stressed in international declarations. As was pointed out, however, in the Special Rapporteur's report on the implementation of United Nations resolutions on the subject (E/CN.4/Sub.2/390), the right of peoples to maintain and complete their national sovereignty must also be acknowledged, since nominal independence was merely a snare which would inhibit all forms of national development.

13. Senegal had taken an active part in all efforts to liberate countries under alien domination and had condemned any form of territorial aggression. Although well aware of the magnitude of the tasks still to be done in Africa, his country was confident of the final victory of those struggling for freedom against violent and oppressive minorities. In those circumstances, every effort should be made to prevent unnecessary bloodshed. The situation in southern Africa was particularly deplorable: owing to the failure of certain great Powers to understand the position aright, there was increasing risk, as the struggle became more intense, of unnecessary violence and economic dislocation. As the President of Senegal had pointed out in opening the international conference on Namibia in 1976, the time had come for the international community to assume its responsibilities under the provisions of Chapter VII of the Charter of the United Nations. It would not be possible for South Africa to continue its policy of domination, in spite of international condemnation and the threat to world peace, without powerful and constant support. The situation was exactly the same with regard to Namibia and Zimbabwe.

14. Mr. ERMACORA (Austria), speaking on agenda item 9, said that his delegation had always supported the idea of the right to self-determination, not only of peoples under colonial and alien domination, but of all peoples throughout the world. That idea had been developed and promoted by the United Nations, but its implementation was left to the States concerned; even in Namibia, the only territory where the United Nations had full legal responsibility, it had been unable so far to ensure the implementation of its decisions.

15. Referring to the study by the Special Rapporteur on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination (E/CN.4/Sub.2/390), he endorsed, in particular, the comment in paragraph 217: The report was generally an excellent piece of work, although it left some key problems unsolved. They included the concept of entitled peoples, the question of the repeated use of self-determination in a given territorial framework, the problem of self-determination of minorities and that of United Nations responsibility after a people had exercised its right to self-determination: i.e., whether the United Nations should remain silent about the population's fate, especially where self-determination had resulted in a division into majority and minority groups, and whether it should not appeal to peoples having newly exercised the right to self-determination to respect and promote human rights for all, without discrimination as to groups. The report was silent on those points, as also on the important question of how the struggle for self-determination should be conducted. In that connexion, he referred to a declaration by the ANC Zimbabwe (ZAPU) of its intention to comply with the provisions of the Additional Protocols to the Geneva Convention of 1949 adopted by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflict. The declaration could serve as an example with regard to the manner of conducting national liberation warfare. The Commission, which had certain responsibilities with regard to the humanitarian aspects of self-determination, might henceforth include in its resolutions on self-determination a paragraph requesting national liberation organizations to make similar declarations of intent.

16. Mr. MEZVINSKY (United States of America), speaking on agenda item 4, said that his delegation's participation in the consideration of that item was guided by two principal concerns: namely, that the Commission should focus its attention on the human rights issue involved and that any decisions adopted should be those offering the greatest hope of helping the peoples whose human rights might be in need of protection. His delegation thought it entirely proper that the Commission should take up serious allegations of human rights violations wherever they might occur and it was prepared to lend its support to all reasonable measures which would assist the Commission in ascertaining the facts and in framing measures which would most effectively deal with the situation existing in the occupied territories.

17. A key factor in the situation was the establishment, with the support of the Government of Israel, of civilian settlements in the occupied territories. The United States Government's opposition to such settlements was clearly on record. President Carter had stated as recently as on 30 January 1978 that those settlements were illegal and represented an obstacle to peace. The United States had consistently held the position that international law on occupation, including the provisions of the Fourth Geneva Convention, applied throughout the occupied territories and that the human rights of the residents of the territories occupied by Israel since 1967 could best be preserved by Israel's scrupulous observance of those provisions. Israel as an occupant had certain rights under the Fourth Geneva Convention, but they did not include the right to establish civilian settlements.

18. In addition to the problem of settlements, a number of other charges had been made concerning the human rights of inhabitants of the occupied territories. His delegation was concerned about the issues raised in those allegations. Unfortunately, the existing investigation machinery as established by the General Assembly almost 10 years earlier was not such as to win the confidence or co-operation of one of the parties involved.

19. The dangerous situation prevailing in the Middle East created an overriding need for a just and lasting peace in that region. The United States delegation hoped that the Commission's actions would promote movement towards that goal. A thoroughly satisfactory solution of the human rights problems raised by the present occupation could only be achieved through negotiation of a just and comprehensive settlement of the political problems which was acceptable to all the parties concerned, including the Palestinians.

20. Mr. YOUSSEF (Observer for Iraq) said that the Zionist entity's denial of the Palestinian people's right to self-determination was closely linked with its systematic refusal to apply the Geneva Conventions in the occupied Arab territories, including Palestine. The right of peoples to self-determination was a fundamental principle of the United Nations Charter, reaffirmed in resolutions adopted by the General Assembly and other United Nations bodies and in the International Covenants on Human Rights. The Palestinian people's right to self-determination was proclaimed in General Assembly resolution 2535 B (XXIV) and had been reaffirmed by many United Nations bodies and by the specialized agencies. Nevertheless, the Zionist entity continued to deny that right and to maintain its aggressive and racist attitude towards the Palestinian people.

21. Referring to the study prepared by the Special Rapporteur (E/CN.4/Sub.2/390), in particular paragraphs 47, 57, 62 and 67, he said that Governments which violated the right of peoples to self-determination could be regarded as authors of international crimes. The racist nature of the Zionist entity was clearly reflected in the laws governing the treatment of non-Jewish persons in occupied Palestine. The close relations which the Zionist entity maintained with the apartheid régime in South Africa despite the world boycott imposed by the United Nations bore witness to the common origins of those racist entities and to the strategic alliance between Zionism and imperialism. The international community should, at the very least, treat the Zionist entity as it did the régime in South Africa.

22. Up to the present, the United Nations had proved incapable of enforcing the implementation of its resolutions concerning the right of peoples, and particularly the Palestinian people, to self-determination. The oppressed and colonized peoples were therefore convinced that struggle, including armed struggle, was the most effective, if not the only means of liberating the colonized territories and ensuring their independence. His Government wholeheartedly supported the Palestinian people in their struggle, including armed struggle, for the liberation of occupied Palestine.

23. The Zionist entity's continuing refusal to apply the Fourth Geneva Convention, on the false grounds that the Arab territories were not occupied but liberated, constituted an intolerable affront to the international community and revealed the true aggressive nature of the offender. The Commission should not overlook the fact that the Zionist entity had been the only member of the Diplomatic Conference on Humanitarian Law which had refused to sign the Final Act of the Conference, a fact which revealed once more the danger that it represented to society and to international law.
24. Mr. SHERIFIS (Cyprus) remarked that no violation of human rights was more grave or massive than that entailed by the occupation of one nation by another. Occupation constituted in itself a negation of fundamental human rights and a denial of the right to self-determination of the inhabitants of the occupied territory. Military conquest could never be condoned, no matter which country was the aggressor and which the victim. Indifference in the face of military conquest would stamp the world community as an abettor of aggression.
25. In his latest report on the work of the Organization (A/32/1), the Secretary-General had drawn attention to the gulf between idealistic declarations and hard realities in the field of human rights. Certain countries, both in the Commission and outside it, proclaimed their adherence to human rights while at the same time negating, through their deeds and with the support of their powerful armies, the declarations and principles to which they professed to subscribe.
26. The representative of Jordan had appealed to the Commission to forget that it was dealing with Arabs or Israelis and to remember only that it was dealing with individuals and peoples. To that appeal, he himself would add that the Commission's concern for the human rights of individuals should not depend on their religion or colour or on where they lived.
27. He endorsed the statement by the representative of Senegal to the effect that his country's actions were based on the implementation of United Nations resolutions. Cyprus adopted the same position and could find no excuse for those who bypassed, ignored or defied United Nations decisions.
28. Turning to the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/32/284), he remarked that Israel was not the only occupying Power which refused to acknowledge that the territories it occupied were, in fact, occupied territories. The Government of Cyprus strongly disagreed with the argument, mentioned in paragraph 246, that the Fourth Geneva Convention did not apply to the occupied territories and it was gravely concerned by the fact reported in paragraph 247 that the right to return to their homes and lands was still denied to hundreds of thousands of civilians who had fled during and after the 1967 hostilities. The suffering of the uprooted was well known to most of his compatriots. Cyprus could not, therefore, condone the uprooting of human beings, no matter who they were, and the implantation of settlers from elsewhere in their homes. Colonization in the areas occupied by Israel, or for that matter anywhere else, was a deplorable practice which his Government strongly opposed.
29. In conclusion, he associated his delegation with the appeal made by the Special Committee in paragraph 258 of the report.

30. Mr. GARVALOV (Bulgaria) said that it was the Commission's duty to devote attention to the question of the violation of human rights in the occupied Arab territories, including Palestine. The Israeli authorities, which continued to trample on human rights in those territories, were entirely to blame for the fact that the Commission was once again discussing the question. Israel's violations of human rights had been proved beyond doubt and the Commission and the General Assembly had condemned those violations in many resolutions. No other State, with the exception of South Africa, had been condemned so consistently by the world organization. To fail to admit Israel's guilt in the face of such evidence would show a lack of objectivity and political will.

31. United Nations documents available to the Commission listed an increasing number of cases of arbitrary arrest, detention, torture and ill-treatment in the occupied territories. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/32/284) showed that the practice of displacing, evicting and transferring the Arab inhabitants was continuing. It was alarming to note that the situation remained unaltered, that Israel was continuing to pursue a policy of annexation and settlement and that the situation of civilians remained tense, their lives being marked by a pattern of demonstrations, riots and other forms of violence caused by the Israeli military occupation. Arab property was being confiscated and expropriated and Arab homes demolished. Hundreds of thousands of civilians who had fled their homes in the occupied territories during and after the 1967 Israeli aggression against Syria, Egypt and Jordan continued to be denied the right of return. The fallacious argument that the Arab territories in question were not occupied territories showed the moral and political degradation to which Israel had reduced its official policy. The territories belonged to the neighbouring Arab States and would have to be restored to them if Israel sincerely desired peace and security for itself and its people.

32. Among the new forms in which Israel was continuing its mass violations of human rights was the establishment of new settlements, in some cases despite the explicit promise of the Israeli leaders to their allies that they would end that universally condemned practice.

33. The United Nations had resolved that the Geneva Convention Relative to the Protection of Civilian Persons in Time of War applied fully to the occupied Arab territories, because those territories had been seized by Israel from its Arab neighbours during its armed aggression in June 1967. Israel's violation of that international instrument constituted a grave crime for which the international community must hold it accountable.

34. The gravest violation of human rights perpetrated by Israel was its official policy of brutal suppression of the inalienable right of the Arab people of Palestine to self-determination, which had been recognized in General Assembly resolutions as an inherent right enshrined in the Charter of the United Nations. The Arab people of Palestine had the same entitlement to self-determination, including the establishment of their own State, as all other peoples of the world. By denying that sacred right, Israel's ruling circles were practising a policy of discrimination, which was a grave injustice and a crime both in international law and in the letter and spirit of the Charter of the United Nations.



35. In recognizing the right of the Arab people of Palestine to self-determination, the United Nations had also recognized their just struggle to regain that right and to establish their own State. The Palestine Liberation Organization had been recognized by the United Nations as the sole authentic representative of the Palestinian people. The General Assembly had reaffirmed that a just and lasting peace in the Middle East could not be established without the achievement of a just solution of the Palestine problem on the basis of the attainment of the inalienable rights of the Palestine people, including their right to return and their right to national independence and sovereignty in accordance with the Charter of the United Nations.

36. His country wholeheartedly supported the just struggle of the Arab countries and the Palestinian people against Israeli aggression and occupation. Israel's violations of human rights could not be expected to end without a comprehensive and just settlement of the Middle East question. The main obstacle was the intransigent position of Israel, which enjoyed the support and protection of certain well-known circles.

37. The Bulgarian Government and people had always maintained a position of principle on the Middle East question. The complicated problems involved could be solved only by a comprehensive solution, which entailed the withdrawal of Israeli armed forces from all the Arab territories occupied in 1967, the realization of the legitimate national rights of the Arab people of Palestine, including their right to form an independent State, and respect for the independence and security of all countries of the Middle East.

38. Mr. MONTGOMERY (Anti-Slavery Society for the Protection of Human Rights), speaking at the invitation of the Chairman, said that it must be a cause of regret to the United Nations that the right to self-determination of the Saharans and the people of East Timor, to which the General Assembly had reiterated its commitment for the past three years, should still be withheld.

39. He now wished to draw attention to another group of people whose right to self-determination was denied, namely, nine ethnic groups in Eritrea. When Ethiopia (then Abyssinia) had applied for membership of the League of Nations in 1925, membership had been withheld on the ground that slavery prevailed throughout the country. At the League's request, the organization he had then represented had sent a mission to assess the problem. Emperor Haile Selassie had agreed to put its recommendations into effect within 15 years and had undertaken to submit progress reports. Abyssinia had been admitted to membership of the League, but that undertaking had remained unfulfilled. Between 1936 and 1940, some 420,000 landless serfs had been freed and settled on the land. Liberation in 1941, however, had not meant liberation for the peasants. It was understandable that the Anti-Slavery Society, which was of British origin, should be concerned for the victims of oppression in Ethiopia, since it was the United Kingdom whose forces had returned Ethiopia to Haile Selassie's rule and whose Government had been the administering Power for Eritrea from 1945 to 1952, and it must therefore accept some share of responsibility for the shortcomings of the Emperor's rule.

40. There were at least six ethnic groups in the Horn of Africa claiming the right to self-determination. There were many obstacles to the attainment of that right, the greatest of which was the invalid reason that some Member States which paid lip-service to the principles of the Charter of the United Nations were not prepared to take the risk of forgoing an apparent material gain for the sake of a principle which, if upheld unselfishly, could bring them the respect and friendship of a neighbour.

41. The General Assembly, in resolution 590 (V), had established the Federation of Ethiopia and Eritrea, of which Eritrea had become an autonomous unit, possessing legislative, executive and judicial powers in domestic affairs under the sovereignty of the Ethiopian Crown. Defence, foreign affairs, finance and foreign and inter-State trade had been reserved to the Federal Government. On completion of the transition to independence, the Ethiopian ruling class had begun to impose its powers on Eritrea, the annexation of that territory by Haile Selassie in November 1962 having set the seal on a fait accompli. The widespread injustice and repression that had followed had given rise to increasing resentment, which had been cruelly suppressed in 1967 with heavy loss of life. The survivors had had to pay the price of their desire for self-determination by the loss of their homes and of the livestock and crops on which their lives had depended.

42. The new hope brought to the people of both States of the Federation by the revolution in Ethiopia in 1974 had been short-lived. In March 1975, the revolutionary Government's policy of commanding obedience through indiscriminate terror had become apparent. That had been heralded in Eritrea by an increase in the Ethiopian garrison. After the massacre of all inhabitants who could be caught, entire villages had been destroyed by fire. Survivors had told how many instances of massacre and destruction had been unprovoked and apparently without political motive, the aim having been to enforce obedience by indiscriminate terror. Despite those events, the Eritrean people had recently achieved a great deal: social differences had been removed, women had been emancipated and open-air schools for children and adults had been improvised. Those remarkable achievements strengthened the right of the Eritrean people to self-determination. The effect on the people's morale of the atrocities committed by the Revolutionary Government could be judged by the fact that 250,000 Ethiopians had become refugees in adjacent States. Those in Addis Ababa who had shown their disapproval of the Revolutionary Government's methods had been liquidated, but numerically it was the illiterate masses, representing no political lobby, who had suffered most. It was on behalf of the people of Ethiopia and Eritrea that his Society appealed for self-determination. Responsibility for denying that and every other human right to those people must be shared by all who were providing the Revolutionary Government with the means and the will to make war. Many ordinary people must be astonished that no appeal had yet been made to the highest court of the United Nations to diminish their sufferings.

43. The Anti-Slavery Society for the Protection of Human Rights appealed to the Commission to take any action within its power to protect the human rights of the people of Ethiopia and Eritrea, and in particular their right to self-determination, and hoped that as a first step the Commission would appeal to all States to refrain from armed intervention.

44. Mr. van BOVEN (Director, Division of Human Rights), replying to the question asked by the representative of the Syrian Arab Republic at an earlier meeting, said that, in response to paragraph 8 of Commission resolution LA (XXXIII), a list of detainees received from the Palestine Liberation Organization was included in document E/CN.4/1263. The addendum to the document gave a list of names received from the Syrian Arab Republic, and an additional list received more recently from the Palestine Liberation Organization. The Secretary-General's task under the resolution was confined to collecting all relevant information. He had been given no mandate to monitor the fate of the detainees or to conduct an investigation. That was the responsibility of the Special Commission to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. He drew attention to paragraph 227 of the report of the Special Committee (A/32/284).

45. The telegram to the Government of Israel to which the representative of the Syrian Arab Republic had referred had been sent on 10 February 1977. No reply had been received.

46. Mr. El BATTAL (Syrian Arab Republic) said that it was necessary to fill the gap between sessions, to which the Director of the Division of Human Rights had referred in his opening statement. Members of the Commission had had no means of knowing what had happened in the case of the requests for information addressed to Israel, which they now learned had been ignored. The Secretariat should be empowered to pursue such humanitarian matters between sessions by diplomatic contact. It had the necessary mandate of the international community to take whatever steps it considered necessary to safeguard the position of Arabs held in Israeli prisons or elsewhere. Governments had no other recourse to action than through the Secretary-General. Resolutions on detainees had been adopted and the Secretary-General had been requested to pursue their implementation. His delegation was firmly convinced that the Secretariat could do constructive work on them between sessions.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT (agenda item 10), IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (E/CN.4/85; E/CN.4/NGO/211, E/CN.4/NGO/213; E/CN.4/Sub.2/393 and Add.1 and Corr.1, E/CN.4/Sub.2/394)

47. Mr. van BOVEN (Director, Division of Human Rights) said that the discussion at the last session of the General Assembly had shown unanimous concern among Member States on the question of torture and other cruel, inhuman or degrading treatment or punishment. The issue appeared to be a global one, no continent being free from such practices, which were applied particularly during the pre-trial stage when suspects were under investigation. There were well-known interrogation centres whose names were mentioned with horror. The Commission had ample evidence of the techniques employed and the attitude of the responsible authorities. Its investigation groups had heard numerous witnesses who had testified on the basis of personal experience.

48. The practice was also a transnational phenomenon. Similar techniques were used in various places and there was reason to believe that there were training centres in which interrogators were taught how to extract confessions. Work carried out on the subject since 1973 by the Commission and its Sub-Commission and by the General Assembly and the Economic and Social Council had led to the unanimous adoption in 1975 of the Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provided a good guideline for future work, particularly in the field of standard-setting and in the practical application and implementation of the standards.

49. The body of principles for the protection of all persons under any form of detention or imprisonment was under active consideration by the Sub-Commission, which had recommended that the Commission should request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a working group of five of its members to meet for not more than five working days prior to the thirty-first session of the Sub-Commission to prepare a revised draft body of principles for the Sub-Commission's consideration. The appointment of the Working Group had been made necessary by the Sub-Commission's overburdened agenda and its consequent difficulty in undertaking standard-setting activities.

50. The Sub-Commission had conducted a number of activities in implementation of the Declaration, including an annual review of the rights of persons under any form of detention or imprisonment and consideration of the implications for human rights of states of siege or emergency; for the latter subject it had appointed two of its members Rapporteurs. The Sub-Commission was continuing its annual survey and was endeavouring to make its work more effective.

51. In response to General Assembly resolution 32/60, the Swedish delegation had submitted the text of a draft international convention against torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1285) in the light of the principles embodied in the Declaration.

52. The Sub-Commission had agreed to take action, firstly, to request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a Working Group to prepare a revised draft body of principles; secondly, to draw up a draft Convention against torture and other cruel, inhuman or degrading treatment or punishment and to submit a progress report on its work to the General Assembly at its thirty-third session; and, thirdly, to submit through the Economic and Social Council a report on the implementation of General Assembly resolution 32/122.

53. Mr. DANELIUS (Sweden) said that the Commission had been given a specific mandate by the General Assembly to draft a Convention against torture and other cruel, inhuman or degrading treatment or punishment in the light of the principles of the Declaration. The Working Group should start work as soon as possible and be given sufficient time to perform its task so that a substantial result could be reported to the General Assembly.

54. In presenting its text (E/CN.4/1285), the Swedish delegation had taken into account the General Assembly's request that the work should be based on the Declaration.

55. The text consisted of two main parts. Articles 1 to 15 formed the substantive part, the text of which had been adapted as far as possible to the text of the Declaration, since the Declaration had been adopted unanimously by the General Assembly. The remainder of the substantive part was similar to the Declaration, but necessary rules had been added.

56. The second part of the text, which was concerned with implementation, was based on the provisions of the International Covenant on Civil and Political Rights.

The meeting rose at 1.15 p.m.