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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-first session

SUMMARY RECORD OF THE 29th MEETING (CLOSED) */

Held at the Palais des Nations, Geneva,
on Friday, 25 August 1989, at 3 p.m.

Chairman: Mr. YIMER

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established under Sub-Commission resolution 2 (XXIV) in accordance with
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Sub-Commission will be issued shortly after the session.

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

COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP
ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH
ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII) (continued)

1. Mrs. WARZAZI reminded the Sub-Commission that it had already considered the problem which arose for certain countries whose limited material and human resources made it impossible for them to reply within a reasonable period to communications addressed to them. The Sub-Commission had recognized that developing countries, in particular, must be given enough time to enable them to ascertain the accuracy of allegations, carry out the necessary investigations and send their reply to the secretariat.
2. She felt that the Sub-Commission was now in a position to take a decision on that point and proposed the adoption of the following decision: "The Sub-Commission decides that a maximum time-limit of five months shall be set for the Governments concerned by the communications to reply to them. It requests the secretariat to take this time-limit into consideration before submitting the communications to the Working Group". The five-month period would be understood to run from the date on which a communication was actually transmitted by the secretariat.
3. Mr. TURK said that he would not refer to Mrs. Warzazi's proposal with which he was, however, in broad agreement. He merely wished to state that, had he been present when the vote had been taken on Mr. Treat's proposal at the previous meeting, he would have voted in favour of it.
4. Mr. van BOVEN considered that Mrs. Warzazi's proposal was justified in that Governments should actually have the time necessary to reply to the communications they received. However, certain Governments persisted in not replying to communications addressed to them, and to set a time-limit for them to reply to the secretariat would simply contribute to prolonging unduly the procedure set forth in Economic and Social Council resolution 1503 (XLVIII). He would therefore not support Mrs. Warzazi's proposal.
5. Mr. JOINET endorsed Mrs. Warzazi's proposal in substance but shared Mr. van Boven's view. It was a fact that certain Governments, some of which had ample material resources for providing a reply, did not fulfil their obligations until a period of as much as three years had elapsed. He was therefore not prepared to endorse Mrs. Warzazi's proposal.
6. Mrs. DAES said that she was in favour of the substance of Mrs. Warzazi's proposal. The Sub-Commission had considered on a number of occasions the problem of the time-limit given to Governments and had concluded that a period of between three and four months was reasonable. Nevertheless, in view of the difficulties which could arise in certain cases, it would appear justified for Governments to be given a period of five months in which to reply to the secretariat.
7. Mr. ASSOUMA said that the question raised by Mrs. Warzazi was very important and should be settled without further delay. For his part, he endorsed the proposal as formulated.

8. Mr. ALFONSO MARTINEZ supported Mrs. Warzazi's proposal, while sharing the view expressed by Mr. van Boven. Since, however, the Working Group had once again in the present year taken its decisions without applying any precise rule concerning the time-limit for reply by Governments, it would perhaps be preferable for the draft decision proposed by Mrs. Warzazi, if accepted, to be applied only as from 1990 - an approach which could facilitate consensus among the members of the Sub-Commission.
9. Mrs. BAUTISTA supported Mrs. Warzazi's proposal because she shared the view that Governments must have sufficient time to be able to reply to the communications addressed to them.
10. Mr. VARELA QUIROS also supported Mrs. Warzazi's proposal, together with the condition suggested by Mr. Alfonso Martínez. In his view, however, the time-limit should be six months in order to take account of the communication difficulties which certain countries might face.
11. Mr. EIDE considered that the proposal by Mrs. Warzazi could be usefully applied as from 1990, but had doubts as to whether the adoption of a decision to that effect would be really in conformity with the provisions of Council resolution 1503 (XLVIII). For that reason, he felt it would be preferable to defer the adoption of any decision on the question until consideration of agenda item 8 had been completed and to request a legal opinion in the meantime.
12. Mrs. WARZAZI said that her proposal was in no way at variance with the provisions of Council resolution 1503 (XLVIII) and pressed for a vote on the proposal in conformity with the provisions of rule 50 of the Sub-Commission's rules of procedure.
13. Mr. van BOVEN pointed out that a large number of communications were still pending before the Commission and the Sub-Commission, and that it was important not to deprive the Commission in particular of the opportunity to acquaint itself with the latest information communicated in connection with the situations under consideration. In his view, there was a danger that Mrs. Warzazi's proposal, if accepted, might have adverse effects on the procedure for examining the communications.
14. Mrs. WARZAZI stressed that her proposal did not in any way concern the examination of communications pending before the Commission.
15. Mrs. PALLEY said that she was prepared to support Mrs. Warzazi's proposal, on the understanding that, as Mr. van Boven had indicated, in cases where the Commission had already embarked on consideration of the communications, it would not be deprived of data which were essential for it.
16. Mr. van BOVEN felt that Mrs. Warzazi's proposal required more thorough consideration and, in particular, that the secretariat should express an opinion before any fundamental change was made in the procedure regularly followed by the Sub-Commission. For that reason, he moved that, in conformity with rule 65, paragraph 2, of the rules of procedure, the Sub-Commission should take no decision on Mrs. Warzazi's proposal.
17. Mr. BHANDARE supported Mr. van Boven's motion.

18. The CHAIRMAN invited the members of the Sub-Commission to vote on the motion submitted under rule 65, paragraph 2, to the effect that the Sub-Commission should take no decision on Mrs. Warzazi's proposal.

19. The motion was rejected by 10 votes to 6, with 5 abstentions.

20. Mr. ILKAHANAF, explaining his vote after the vote, said that he was not opposed to Mrs. Warzazi's proposal but did not fully understand whether it would relate only to future communications or also to those which were at present pending before the Sub-Commission or Commission. He had therefore voted in favour of the motion submitted by Mr. van Boven, which would have given the Sub-Commission an opportunity to examine that question more closely and take an appropriate decision in due course.

21. Mr. DESPOUY said that he had abstained in the vote on the motion submitted by Mr. van Boven because in his view Mrs. Warzazi's proposal gave rise to too many doubts, in particular with regard to pending communications. Those doubts should be dispelled before taking any decision. He was convinced that, as soon as the situation was clarified, the Sub-Commission would be able to adopt that proposal by consensus.

22. Mr. EIDE said that he had voted in favour of Mr. van Boven's motion although he was not too keen on resort to that particular provision of the rules of procedure, which should be invoked only very sparingly. He believed, however, that Mrs. Warzazi's proposal was not clear on certain points and that all its implications had yet to be examined. He would therefore be obliged for the time being to vote against that proposal if it was put to the vote.

23. Mrs. DAES explained that she supported Mrs. Warzazi's proposal, but had not participated in the vote on Mr. van Boven's motion because she was strongly opposed to the application in that particular case of rule 65, paragraph 2, of the rules of procedure which, in her view, should be resorted to only in the most delicate situations.

24. Mr. VARELA QUIROS considered that Mrs. Warzazi's proposal was perfectly clear. Under that proposal, Governments would have a time-limit of five months to reply to communications, reckoned from the date on which they had been transmitted to them. Communications in abeyance were not new communications, contrary to what certain members believed, and he had therefore voted against the motion submitted by Mr. van Boven.

25. The CHAIRMAN put to the vote the proposal by Mrs. Warzazi to set a time-limit of five months for Governments to reply to communications addressed to them, on the understanding that that rule would only be effective as from 1990.

26. The proposal was adopted by 15 votes to 2, with 7 abstentions.

27. Mr. BHANDARE, explaining his vote after the vote, said that he had voted for the proposal because he was always in favour of anything that would help to improve the operation of justice. He stressed, however, that the decision just taken should not apply to communications already under consideration by the Sub-Commission or the Commission.

28. Mr. SADI said that, in his view, even the least developed countries now possessed the necessary technical resources to reply to requests addressed to them by the Centre for Human Rights. Nevertheless, he was prepared to give them the benefit of the doubt and that was why he had voted in favour of Mrs. Warzazi's proposal, particularly since the five-month time-limit proposed seemed reasonable.

29. Mrs. PALLEY said that she would have liked to support Mrs. Warzazi's proposal but had been obliged to abstain in the vote because the consequences of the proposal for pending communications were not clear and needed to be elucidated.

30. Mr. van BOVEN said that he had voted against Mrs. Warzazi's proposal because he felt it was too rigid and because the Sub-Commission had not given sufficient thought to its consequences. Moreover, he did not believe that it would accelerate implementation of the procedure set forth in Council resolution 1503 (XLVIII). On the contrary, it could have an adverse effect on that procedure.

31. The CHAIRMAN invited the members of the Sub-Commission to consider the report of the Working Group on Communications (E/CN.4/Sub.2/1989/R.1 and addenda).

32. Mr. CHERNICHENKO, speaking on a point of order, proposed that the Sub-Commission should consider at the present meeting all the documentation before it and, since it had decided to vote by secret ballot in the matter, that it should not take a decision on the communications until the following meeting, in conformity with the 24-hour period laid down in rule 78 of the rules of procedure.

33. The CHAIRMAN said that the method of work proposed by Mr. Chernichenko constituted a fundamental departure from established practice and should perhaps be put to the vote.

34. Mr. SADI said that he saw no advantage in deferring the decisions until the following Monday; they could be taken more easily right away, when all the details of the communications were still fresh in members' minds.

35. Mr. CHERNICHENKO pointed out that the Sub-Commission had already departed from established practice when it had decided to vote by secret ballot. However, he would not press his proposal since it did not appear to find favour in the Sub-Commission, contrary to the provisions of rule 78.

Communications concerning Bahrain (E/CN.4/Sub.2/1989/R.1/Add.1 and 2)

36. Mrs. WARZAZI said that it was the specific feature of the Sub-Commission to have members who represented the various regions and civilizations of the world, and were therefore often better informed of certain situations than members of the Working Group on Communications.

37. The communications concerning Bahrain indicated that numerous persons had been subjected to measures on their return from Iran, but no evidence had been put forward in support of those allegations. The measures imposed by the Government of Bahrain were aimed at protecting the population of that country

against any form of religious fanaticism - fanaticism which could have grave consequences; the events currently taking place in Iran and Lebanon showed the danger represented for the countries of the region by Shi'ites owing allegiance to the religious authorities in Teheran. She did not feel that any credit could be attached to the accusations appearing in those communications because it was difficult to believe that, in a country where Islam was the State religion, persons could be arrested merely because they had attended religious ceremonies.

38. Bearing in mind the doubtful basis of those allegations, therefore, she proposed that the Sub-Commission should either discontinue consideration of the communications or urge the Government of Bahrain to submit its observations on them.

39. Mr. ILKAHANAF said the authors of the communication alleged that the Government of Bahrain was not respecting its citizens' right to freedom of thought, conscience and religion. However, the religion in question was the Shi'ite Muslim faith practised by 70 to 75 per cent of the population. It seemed ridiculous to assert that the members of a majority religious community were being persecuted. It was, however, common knowledge that the Government of Ayatollah Khomeini had appealed for the overthrow of all Gulf Arab States in which Shi'ites were in a majority. It was therefore normal that the Government of Bahrain should refuse to admit on its territory persons who, although they had Bahraini passports, were in fact Iranian citizens intent on destabilizing the country. He therefore proposed that the Sub-Commission should discontinue consideration of the communications concerning Bahrain.

40. Mr. KHALIFA said that the allegations contained in those communications were intended to sow discord among the inhabitants of Bahrain. It was indeed ridiculous to claim that Shi'ites could be persecuted in Bahrain when they were a majority in that country. Besides, Bahrain in particular was the subject of territorial ambitions on the part of Iran precisely because most Bahrainis were adepts of the Shi'ite Muslim faith. It was therefore normal that the Government of Bahrain should take steps to prevent any attempt at destabilization.

41. With regard to the allegations of ill-treatment and torture in prison mentioned in communication No. 89/3/138 025, they were unsupported by any evidence and were devoid of all foundation because of all the Gulf States Bahrain was the most tolerant and most respectful of human rights. The Sub-Commission should therefore discontinue consideration of those communications.

42. With regard to the decision to vote by secret ballot, he believed that it opened the door to all kinds of manoeuvres and might have very adverse effects on the work of the Sub-Commission and on the future of the procedure established by Council resolution 1503 (XLVIII).

43. Mr. van BOVEN said that it would seem very important to have the views of the Government of Bahrain on those communications, to which it had not replied. He therefore proposed that the Sub-Commission should suspend consideration of the communications until it had received the Government's observations.

44. Mr. SADI expressed regret at the fact that the Government of Bahrain had not replied to the Centre for Human Rights. It should nevertheless be noted that the communications under consideration related to a small number of persons, that they were comparatively recent and that the complaints made were connected with events which were taking place at present in the Gulf region. He accordingly believed that they did not reveal a consistent pattern of gross violations of human rights and did not therefore call for the application of the confidential procedure established under Council resolution 1503 (XLVIII). The Sub-Commission should accordingly terminate consideration of the communications or at least await a reply from the Government of Bahrain in order to consider them.

45. Mrs. KSENTINI said that the communications concerning Bahrain related to events which were closely connected with the overall situation in the region. She was prepared to agree to Mr. van Boven's proposal, which seemed reasonable and did not prejudice the Sub-Commission's decision on substance.

46. Mr. JOINET said that, in his view, the Sub-Commission should transmit the communications to the Commission on Human Rights simply on grounds of principle. Indeed, in so far as the Government concerned had not taken the trouble to reply or even acknowledge receipt of those communications, it could be concluded that the facts alleged were true. He was prepared to be convinced by the arguments of the other members, but would prefer the Sub-Commission to transmit the communications to the Commission.

47. Mr. ILKAHANAF shared the view expressed by Mr. Sadi. He had doubts as to whether the communications came under the procedure established by Council resolution 1503 (XLVIII) because they did not reveal a consistent pattern of gross violations of human rights in Bahrain. Moreover, the accumulation of a backlog of communications was to be avoided. He therefore remained of the view that the Sub-Commission should discontinue consideration of the communications.

48. Mr. KHALIFA said it was his understanding that the Government of Bahrain had replied to those communications by a letter of 17 August addressed to the Centre for Human Rights. Perhaps the secretariat could clarify that point.

49. Mrs. BAUTISTA said that she, too, regretted that the Government of Bahrain had not replied to the Sub-Commission. However, she did not believe that the communications under consideration appeared to "reveal a consistent pattern of gross violations of human rights and fundamental freedoms". In her view, therefore, the Sub-Commission should not transmit them to the Commission on Human Rights.

50. Mr. MOLLER (Secretariat), replying to Mr. Khalifa, said that the secretariat had in fact received a reply from the Government of Bahrain, but it had not related to the communications before the Sub-Commission.

51. Mrs. WARZAZI said that, although she was inclined to favour the proposal by Mr. Ilkhanaf, she was prepared, in a spirit of impartiality, to support the proposal submitted by Mr. van Boven, which embodied an intermediate solution. She appealed to Mr. Ilkhanaf and Mr. Joinet to show a spirit of compromise and not to press their proposals, so as to speed up the work of the Sub-Commission.

52. Mr. JOINET and Mr. ILKAHANAF acceded to Mrs. Warzazi's request.
53. Mr. ALFONSO MARTINEZ requested that a vote should be taken on Mr. van Boven's proposal.
54. Mr. DESPOUY pointed out that, since there was only one remaining proposal, there was no need to put it to the vote, particularly as the foregoing statements suggested that the Commission could approve that proposal by consensus.
55. Mrs. WARZAZI said that she had appealed to Mr. Ilkahanaf and Mr. Joinet to withdraw their proposals because she believed that the proposal by Mr. van Boven could be adopted by consensus. She therefore urged Mr. Alfonso Martínez not to press for a vote.
56. Mrs. BAUTISTA supported the proposal by Mr. van Boven.
57. Mrs. KSENTINI joined Mrs. Warzazi in appealing to Mr. Alfonso Martínez not to press for a vote. Had the Commission put to the vote the three proposals made, she would have supported the one by Mr. Ilkahanaf.
58. Mr. ALFONSO MARTINEZ said that, in accordance with rule 57 of the rules of procedure, he was perfectly entitled to request that the proposal by Mr. van Boven should be put to the vote and he accordingly maintained his request.
59. Mrs. WARZAZI said that in the circumstances she would urge that an immediate vote should be taken.
60. Mr. JOINET and Mr. DESPOUY supported that view.
61. The CHAIRMAN put to the vote the proposal by Mr. van Boven to keep under consideration the communications concerning Bahrain (E/CN.4/Sub.2/1989/R.1/Add.1 and 2).
62. A vote was taken by secret ballot.
63. The Sub-Commission decided by 18 votes to 4, with 2 abstentions, to keep under consideration the communications concerning Bahrain.

Communication concerning Brazil (E/CN.4/Sub.2/1989/R.1/Add.3)

64. Mr. DESPOUY observed that, in the case of Brazil, there was only one communication and the Government had sent a reply which seemed to indicate, first, that the accusations contained in that communication were being very attentively examined by the competent Brazilian authorities, and secondly, that the Government was determined to maintain close co-operation with the Sub-Commission's Working Party on Communications. In addition, according to that reply, measures were being taken to ensure the safety, health and integrity of the Yanomani Indians. The problem of the indigenous peoples in Latin America was an extremely complex and delicate one, and to transmit the communication to the Commission on Human Rights at the present stage would show a lack of the caution and prudence that were essential to ensure progress in that field.

65. Mrs. DAES acknowledged that the ill-treatment and suffering being inflicted on the Indians of many Latin American countries had reached alarming proportions. In the case of Brazil, however, the Government had shown a willingness to co-operate. It maintained contacts with the competent United Nations authorities at the highest level and had agreed to authorize WHO and UNICEF, and later even the Working Group on Indigenous Populations, to go and evaluate the situation on the spot. She therefore shared the view expressed by Mr. Despouy and proposed, bearing in mind the consultations under way between the Brazilian Government and the United Nations, in particular the Working Group on Indigenous Populations, that the Sub-Commission should decide to keep the communication in question under consideration until the following year. Since she was taking part in the current consultations with the Brazilian Government, she would not participate in the vote if her proposal was put to the vote.

66. Mr. ALFONSO MARTINEZ noted that the Brazilian Government had addressed to the Sub-Commission a reply which seemed to indicate a positive attitude. He himself had been in contact with the ambassador of that country, who had confirmed that impression. Consequently, in order not to jeopardize, through excessive insistence, a process which appeared to be well under way, he believed it would be preferable for the Sub-Commission to discontinue consideration of the case.

67. Mr. SADI supported the proposal by Mrs. Daes because he felt that she was particularly competent in the matter.

68. Mr. VARELA QUIROS said that, in the light of the statements by Mr. Despouy and Mrs. Daes, he supported the proposal by Mr. Alfonso Martínez and requested that the Sub-Commission should terminate consideration of the case of Brazil.

69. Mr. JOINET supported the proposal by Mrs. Daes.

70. Mr. TURK said that, bearing in mind the consultations under way between the United Nations and the Brazilian Government, it would perhaps be preferable to terminate consideration of the communication.

71. Mrs. WARZAZI said that for a number of years she had been gathering information on violations of the rights of indigenous peoples; she had a voluminous file on Brazil. Her first reaction would, therefore, have been to request transmission of the communication to the Commission on Human Rights. However, since she did not belong to the region, she preferred to rely on the experts from Latin America and would support the proposal by Mrs. Daes.

72. Mr. DIACONU said that he had no settled position on the matter but felt that the efforts made by Brazil should be taken into account.

73. Mr. van BOVEN agreed that the views of the experts from the region must be taken into consideration, but only to a certain extent. He also attached great importance to the views of Mrs. Daes and other members of the Working Group on Indigenous Populations who had been dealing with those questions for a long time and were really experts in the matter.

74. Mr. ALFONSO MARTINEZ acknowledged that the proposal by Mrs. Daes was more acceptable to the Sub-Commission and said that he would be prepared to withdraw his own proposal. He pointed out, however, that it had also been supported by Mr. Türk, who was not from the region; moreover, his proposal had been motivated not by the fact that he belonged to the region but rather by his knowledge of the situation as a member of the Working Group on Indigenous Populations.

75. Mr. SADI proposed that the Sub-Commission should take an immediate decision on the proposal by Mrs. Daes.

76. Mr. DESPOUY said that since one of the two proposals which had been submitted had been withdrawn, the Sub-Commission could take an immediate decision on the proposal by Mrs. Daes.

77. At the invitation of the Chairman, Mr. Eide and Mrs. Warzazi acted as tellers.

78. A vote was taken by secret ballot.

79. The proposal by Mrs. Daes that the communication concerning Brazil should be kept under consideration was adopted by 21 votes to 1, with 2 abstentions.

Communication concerning Brunei Darussalam (E/CN.4/Sub.2/1989/R.1/Add.4)

80. The CHAIRMAN, speaking as Chairman-Rapporteur of the Working Group on Communications, said that the Group had adopted its decision concerning Brunei Darussalam without a vote. No reply had been received from the Government concerned. The Group had been informed that the Commission on Human Rights had adopted, at its forty-fifth session, a confidential decision to continue its consideration of the human rights situation in Brunei Darussalam.

81. Mrs. WARZAZI reminded members that, at the previous session, she had opposed transmission of the communication concerning Brunei Darussalam to the Commission for three reasons: first, the communication did not appear to reveal a consistent pattern of gross violations of human rights, as required by Council resolution 1503 (XLVIII); secondly, the persons concerned had been imprisoned by the former colonial Power and not by the present Government, which had not acceded to power until 1984; thirdly, Amnesty International, from which the communication originated, had only taken an interest in the case since 1984. But what had that organization been doing between 1962 and 1984, in particular when the revolt of the nationalist party had been put down by British troops and when 35 political prisoners had been incarcerated in 1970?

82. The communication before the Sub-Commission at the present session (No. 89/5/194 757) did not add anything to the position of Amnesty International, which was both incongruous and arbitrary. She therefore suggested that the Sub-Commission should terminate its consideration of that communication.

83. Mr. ILKAHANAF said there was indeed nothing new in the communication before the Sub-Commission, which did not contain any evidence of a consistent pattern of gross violations of human rights and fundamental freedoms. Like the previous ones in 1987 and 1988, that communication concerned persons who had been arrested before Brunei Darussalam's accession to independence in 1984. He was therefore of the view that the communication should not be transmitted to the Commission on Human Rights.

84. Mr. JOINET pointed out to Mrs. Warzazi that it appeared from page 4 of document E/CN.4/Sub.2/1989/R.1/Add.4 that the first intervention by Amnesty International in the matter had been in 1978. Moreover, the absence of new data did not appear to be a decisive argument for not transmitting a communication. A person who had been imprisoned for some time already could be ill-treated more recently. While recognizing that the communication under consideration was on the borderline of the concept of a consistent pattern of gross violations of human rights, he believed it would be preferable to keep it under consideration until the following session.

85. Mr. van BOVEN pointed out that the Commission had decided to continue consideration of the situation in Brunei Darussalam. The communication before the Sub-Commission contained additional information that would be useful to the Commission, if only because it stated that some of those concerned had been detained for over 26 years without charge or trial. Other recent developments were also mentioned in the communication. Since the Government concerned had not sent any reply, he believed that the communication should be transmitted to the Commission for incorporation in the file already in its hands.

86. Mr. EIDE said that, in his view, it was perfectly obvious that the communication under consideration should be transmitted to the Commission on Human Rights. Nobody was blaming the present Government of Brunei Darussalam for what had happened before the country's accession to independence, but rather for what was happening at present, and every additional year of imprisonment in a sense constituted for those concerned a further violation of their rights. He therefore formally proposed that the communication should be transmitted to the Commission.

87. Mrs. BAUTISTA said it was her understanding that 35 of the persons imprisoned before the accession of Brunei Darussalam to independence had been released in 1984. Since the Commission was already seized of the situation in that country, it would seem preferable for the Sub-Commission to discontinue consideration of the communication.

88. Mr. ILKAHANAF said that the willingness of Brunei Darussalam to co-operate with the international organizations had been recognized, in particular by the Commission on Human Rights itself. It would, moreover, be futile for the Sub-Commission to transmit to the Commission a communication stating simply that certain persons remained imprisoned; it was desirable to avoid penalizing a small country like Brunei Darussalam.

89. Mrs. WARZAZI said that if the Sub-Commission were to transmit the communication under consideration to the Commission, it would be in violation of the terms of Council resolution 1503 (XLVIII), in so far as the communication did not reveal any consistent pattern of gross violations of human rights. The Sub-Commission could not transmit a communication to the Commission every time four or five persons were imprisoned.

90. Mr. KHALIFA considered that Brunei Darussalam had become the target of all those who wished to conduct campaigns of intimidation and threats against a country which enjoyed enviable prosperity and stability. The fact remained, however, that the Brunei Darussalam authorities had not yet replied to the communication transmitted to them on 24 May 1989. Had a reply been received, he would have proposed that the Sub-Commission discontinue consideration of that communication, but since the Commission, for its part, was keeping the situation in that country under consideration, he proposed that the communication should simply be transmitted to the Commission for inclusion in its file.

91. Mr. EIDE endorsed the views of Mr. Khalifa.

92. Mrs. KSENTINI said that the Sub-Commission should discontinue consideration of that communication, which did not contain anything new.

93. The CHAIRMAN invited the Commission to vote on Mrs. Warzazi's proposal that the Commission should discontinue consideration of the communication concerning Brunei Darussalam.

94. At the invitation of the Chairman, Mr. Eide and Mrs. Warzazi acted as tellers.

95. A vote was taken by secret ballot.

96. The proposal by Mrs. Warzazi that consideration of the communication concerning Brunei Darussalam should be discontinued was rejected by 11 votes to 9, with 2 abstentions.

97. The CHAIRMAN invited the Sub-Commission to vote on the proposal by Mr. Eide that the communication concerning Brunei Darussalam should be transmitted to the Commission on Human Rights.

98. At the invitation of the Chairman, Mr. Eide and Mrs. Warzazi acted as tellers.

99. A vote was taken by secret ballot.

100. The proposal by Mr. Eide that the communication concerning Brunei Darussalam should be transmitted to the Commission on Human Rights was adopted by 14 votes to 10, with 1 abstention.

101. In reply to an observation by Mr. KHALIFA, the CHAIRMAN explained that, since it had adopted the proposal by Mr. Eide, the Sub-Commission no longer needed to vote on the motion by Mr. Khalifa.

The meeting rose at 6.15 p.m.