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PROTECTION OF MINORITIES

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SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 16 August 1989, at 3 p.m.

Chairman: Mr. YIMER

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and territories: report of the Sub-Commission established under Commission on
Human Rights resolution 8 (XXIII)

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Sub-Commission at this session will be consolidated in a single corrigendum,
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The meeting was called to order at 3.15 p.m.

ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 11) (continued) (E/CN.4/Sub.2/1989/31 and Add.1, E/CN.4/Sub.2/1989/32; E/CN.4/1989/44)

1. Mrs. BAUTISTA said that first of all she wished to express her appreciation to Mr. van Boven for the important information he had submitted in document E/CN.4/Sub.2/1989/32, and to Mrs. Warzazi who had stressed the need for cultivating the knowledge of the various religions. That aspect of the problem had been recognized by the United Nations system through the creation of UNESCO and other related agencies. She also agreed with Mr. Türk's observations to the effect that religion was not purely a question of religious belief and individual values, but also involved the beliefs of ethnic minorities, the religious practices of political groups, the collective activity of individuals and the right to freedom of expression and opinion. Mr. Türk had also been right to point out that with rights came responsibilities and that those who made public statements must adhere to the truth.
2. Although international instruments already existed, they were known more for violations of them on the part of States than for scrupulous compliance with them, as should be the case. That aspect of the question had been highlighted by Mr. Chernichenko, in whose country cultural minorities were trying to assert their rights. Even if it took 20 years or more to draw up an international instrument, the Sub-Commission had to take up the challenge.
3. All too often, violence was rooted in religious intolerance, and groups of individuals, whether in the minority or the majority, were prevented from practising their age-old rites, deprived of their cultural monuments and landmarks and might see their history and their culture obliterated. In so far as the international community should take advantage of all available methods to enforce compliance by States with the instruments ratified by them, a convention incorporating all the provisions of existing instruments in force on the elimination of religious intolerance would seem to be useful and to contribute to peace.
4. The Sub-Commission ought therefore to respond constructively to the violations of the rights of millions of people by drawing up a convention which would reinforce existing instruments. The international agencies responsible for education, information and culture should certainly be associated in that undertaking. She therefore hoped that the Sub-Commission would extend Mr. van Boven's mandate so that, with the help of Mr. Türk and Mrs. Warzazi, he could work on the preparation of the future draft convention.
5. Mr. VARELA QUIROS considered that the document drawn up by Mr. van Boven was a very practical contribution to what was a particularly difficult task, although he thought it was a pity that Mr. van Boven had failed to refer to the preamble to the Charter of the United Nations, which stated that the peoples of the United Nations were determined "to practise tolerance and live together in peace with one another as good neighbours ...". Mr. van Boven

seemed to be the most suitable person to do further work on the subject immediately. His contribution was a useful addition to the work submitted in 1987 by the Sub-Commission's Special Rapporteur, Mrs. Odio Benito, and which had been subsequently taken up by the Commission's Special Rapporteur, Mr. d'Almeida Ribeiro.

6. Like Mr. van Boven, Mr. Varela Quirós thought that, given the complexity of the task, talks and consultations were needed between groups, organizations and movements concerned, representing all socio-political and religious viewpoints. As Mr. Bhandare had said, it was no longer enough to talk of tolerance; what was now needed was to secure mutual respect for all religious beliefs. Some speakers had also stressed that throughout history there had been conflicts between religions, religious persecutions and wars of religion. Unfortunately such situations still occurred and one could only regret that many countries and regions were still experiencing conflicts caused by religious intolerance or the lack of mutual respect by the different religions. This was particularly the case in Lebanon and Northern Ireland, where the conflicts were religious as well as political.

7. With regard to Lebanon, on the previous day the Pope had issued a stirring, albeit somewhat belated appeal to the parties to the conflict to end the violence in that country. Other political leaders had also made similar appeals and were trying to encourage negotiations in order to restore peace. With reference to Northern Ireland, he hoped that Anglican and Catholic leaders alike would also make appeals for Belfast not to become another Beirut.

8. As far as religious practice was concerned, it was not enough for States to adopt laws and ratified international agreements for freedom of religion to be effectively respected. It was just as vital to impress the need for religious tolerance and coexistence on the younger generations. The process would obviously take a very long time and the problem could not be solved in a few years simply by drawing up a new international instrument. However, he believed that it would be a good idea for the Sub-Commission to ask Mr. van Boven to continue his study.

9. Mr. HATANO thought that the new international instrument which was being envisaged, should be essentially complementary in character, and should concentrate on defining the key words appearing in the instruments listed in the first part of the working paper submitted by Mr. van Boven (E/CN.4/Sub.2/1989/32), rather than an instrument similar to those already in existence. For example, the basic term "religion" had not been defined in any international instrument and, as Mr. Khalifa had speculated the day before, if one believed that only a true religion was tolerant, would an intolerant religion still be a religion? Consequently, work should begin by defining the term in a way acceptable to all since, at any rate, the question would arise sooner or later.

10. Further, the possible consequences of the instrument in question on the everyday life of each person should be taken into account. In his own country, Japan, instances occurred of people wishing to form a new religious sect solely because the freedom of religion was guaranteed by the Japanese Constitution and the law granted certain privileges, notably in respect of

taxation, to religious groups. Conversely, groups sometimes preferred not to be considered as being religious in character, because under the Japanese Constitution the Government was forbidden to pay subsidies to religious associations. The problem had arisen notably in the case of a sanctuary where soldiers had been buried according to Shinto rites.

11. Mr. ISSENGHE (Pax Romana) said that the organization which he represented was in agreement with the general approach adopted in the document drawn up by Mr. van Boven (E/CN.4/Sub.2/1989/32) although it did not consider that the time was yet ripe for drafting a definitive instrument on the problem of freedom of religion.

12. Regarding the right to manifest religion or belief, including the rights of collective bodies (op. cit., p. 17), it was appropriate to draw attention to the intolerance occurring in certain countries in the form of regulations governing authorization of religious meetings and the monitoring of the identity of participants. Intolerance might also take the form of the permission which such collective bodies might need in order to be able to teach their religion and benefit from the financial support which the State granted to non-religious disciplines.

13. Pax Romana also thought that a point raised by Mr. van Boven himself in paragraph 12 of his document should be taken into account, namely, incidents of intolerance which were not attributable to Governments but to religious movements or groups in recent years in all religions. The "inter-religious dialogue" advocated by Mr. van Boven (ibid., para. 13) was also promoted by Pax Romana and other Christian organizations in many countries in the interests of dignity, justice and peace. Despite the success it had achieved in this respect in its relations with other religions, Pax Romana believed that much still remained to be done in that area, particularly at the level of local communities and grass roots religious movements, which were both the "subjects" of the Sub-Commission's work and the "victims" of religious intolerance.

14. Mr. MUYOVU (Observer for Burundi) said that his Government fully endorsed the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights, one of the fundamental objectives of which was to promote the respect of rights for all, without distinction as to religion. According to the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief adopted in 1981 by the General Assembly, it was also essential to contribute to tolerance and respect in matters relating to freedom of religion.

15. Since the Third Republic had been proclaimed in Burundi on 3 September 1987, the country's new leaders had set themselves the priority task of restoring their rights to all believers and of resuming the dialogue among the religious denominations and the State, which had deteriorated under the previous régime. In a statement on 16 October 1987, the authorities had reaffirmed their will to guarantee religious freedom to recognized religious denominations with Burundi legal representation, adding that those who benefited from the right to religious freedom had a duty to respect the same rights for others. The State of Burundi was secular and did not give preference to any religion, but it guaranteed to each person the right to practise one's religion within the confines of the law.

16. It was paradoxical that, at a time when Burundi was struggling to consolidate national unity and establish social justice within a framework of dialogue, discussion, criticism and self-criticism, as well as democratic principles at all levels, Burundi should be accused of religious intolerance. At present, approximately a dozen religious sects were established in Burundi, while others were awaiting authorization under a procedure common to all sovereign States. A rejected application had to be justified, for instance, by considerations of public order, if a sect's objectives ran counter to the ideals of peace, justice and unity of the people of Burundi.

17. The Association of Jehovah's Witnesses, which had recently been importuning the entire international community with assertions that its members in Burundi were victims of persecution was a case in point. Not only was the association breaking the law of Burundi by engaging in activities when it had not been authorized to do so, but it was also instilling in its followers ideas and practices which were contrary to the traditional values of the people of Burundi and was inciting them to disregard their civic duties. While recognizing that all religious groups should have equal rights in the form of one and the same legal system, it was understandable that Burundi, like other countries, should seek to reconcile religious freedom with order in its territory. No one could invoke freedom of religion in order to avoid obligations relating to the laws and institutions of Burundi. The Government of Burundi could not combat religious freedom since it represented a deeply religious people. Since the teachings of the Jehovah's Witnesses had already been rejected by the people to whom they were directed, the State had had no other alternative than to comply with the will of the people. If the Jehovah's Witnesses wanted to be heard in Burundi, they should apply to the Department of Vocational Affairs of the Ministry of the Interior to initiate a constructive dialogue, rather than engage in a sterile confrontation.

18. The leaders of Burundi still wished to work closely with all religious denominations without any discrimination. The Republic of Burundi remained firmly committed to freedom of worship and belief, which was guaranteed to all recognized and authorized denominations within the confines of the law.

19. Mr. van BOVEN thanked the members of the Sub-Commission for the interest they had shown in his working paper (E/CN.4/Sub.2/1989/32) and for their contributions as independent experts to the study of the question of freedom of religion and belief. He also thanked the non-governmental organizations for their participation and particularly the representatives of indigenous peoples who in the past had rarely had the opportunity to express their views on the issue.

20. The debate which had taken place had brought out the complexity of the subject and the considerable diversity of opinions on the very concept of religion and belief. Many members had also drawn attention to the interdependence between freedom of religion and all other human rights. A variety of methods, including legislative ones, needed to be used in order to ensure respect for freedom of religion and belief and it was therefore necessary to establish a dialogue, which might well be initiated by UNESCO, and, if work was begun with a view to elaborating a convention, the vital research and preparatory studies could be carried out in the context of the programme of advisory services in the field of human rights.

21. Most of the members of the Sub-Commission had stated that they were in favour of continuing the study on the basis of the 1981 Declaration. However, it was important to avoid any haste, and the question should, first of all, be referred to the Commission. He had carried out only preparatory work and hoped that the consideration of the question might continue on a collective basis with the co-operation of all concerned.

22. Mr. van Boven was of the impression that some members of the Sub-Commission thought it was a pity that he himself had not already prepared a draft convention. He wished to emphasize that his mandate had not included such a task and that he had simply been asked to prepare a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief as a preparatory study. Moreover, a member of the Sub-Commission had pointed out that there were other sources of information on the subject. Mr. van Boven did not doubt that that was the case, but he reminded the Sub-Commission that two special rapporteurs had already carried out in-depth research on the basis of a large number of legal opinions and national laws. Further work could doubtless be undertaken, but his task was, by necessity, limited.

23. Mr. GLAIEL (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, said that some people tended to believe lies if they were repeated often enough; that was particularly regrettable in important international bodies responsible for studying ways of resolving human rights problems in the world.

24. The Government of the Syrian Arab Republic welcomed the role that non-governmental organizations could play in the defence of human rights, but protested at the false assertions made by the World Union for Progressive Judaism, which was certainly not helping to combat discrimination and racism. He declared that the General Assembly had itself equated zionism with racist and neo-Nazi movements. The collaboration between the supporters of racism and those of zionism had been amply corroborated and had been confirmed by all historians. The facts about the genocide of the Arabs by the Zionists, who were using methods perfected by the Nazis, had, however, always been concealed even within international bodies such as the United Nations.

25. The Sub-Commission itself had, however, declared in resolution 1988/10 that the acts perpetrated by the Israeli occupation authorities against the Palestinians constituted grave violations of international law. Consequently, he wished to put the members of the Sub-Commission on their guard against any statements that sought to take advantage of their credulity.

26. Mr. WALDEN (Observer for Israel), speaking in exercise of the right of reply, said that he wished to refute the outrageous assertions made by the observer for the Syrian Arab Republic, who had stated that zionism was comparable to nazism. In reply to the statement that lies could come to be taken for the truth, he very much wished that the Government of a country which had plunged Beirut into a blood-bath would refrain from making comments on respect for human rights.

27. The CHAIRMAN said that the Sub-Commission had concluded its consideration of agenda item 11.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION ESTABLISHED UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (E/CN.4/Sub.2/1989/11, E/CN.4/Sub.2/1989/12, E/CN.4/Sub.2/1989/13, E/CN.4/Sub.2/1989/14 and Add.1, E/CN.4/Sub.2/1989/15, E/CN.4/Sub.2/1989/46, E/CN.4/Sub.2/1989/48; E/CN.4/Sub.2/1989/NGO/3; E/CN.4/1989/7; E/CN.4/1989/8, E/CN.4/1989/23, E/CN.4/1989/24, E/CN.4/1989/25, E/CN.4/1989/26, E/CN.4/1989/27)

28. Mr. MARTENSON (Under-Secretary-General for Human Rights), introducing agenda item 6, pointed out that over the last 40 years the United Nations had developed an impressive array of human rights instruments aimed at guaranteeing, often in great detail, respect for the basic rights of the human person, notably the Universal Declaration of Human Rights, the International Covenants and, most recently, the Convention against Torture and the Declaration on the Right to Development.

29. The procedure established under Economic and Social Council resolution 1503 (XLVIII) continued to be a most important tool for dealing with complaints about all kinds of alleged violations of human rights, and the special rapporteurs and representatives as well as the working groups set up by the Commission to deal with urgent situations and individual cases in areas such as involuntary disappearances, summary or arbitrary executions or torture had contributed to make considerable progress in the field of human rights protection. As in the past, the Sub-Commission was required to consider a large number of allegations of flagrant and systematic violations of human rights, and the victims and their representatives looked to the United Nations for help and support.

30. The most basic right, the right to life, was under constant threat in many regions of the world through starvation, lack of medical care, inadequate nourishment, lack of water and of health care. The Sub-Commission should also give close attention to massacres and summary or arbitrary executions which constituted the most appalling affront to the cause of human rights. It ought also to tackle the pernicious effects of discrimination and racism, such as apartheid, and the persecution of minorities, which was often a denial of the basic principle of the equality of all human beings.

31. The recent evolution in the international situation and the changes under way in a number of countries gave hope for increased respect for human rights in many parts of the world. People were increasingly indicating their desire to take part freely and fully in decisions in the political, social, cultural and economic sectors; participation was not only a basic right, but also a crucial element in the promotion and protection of many other human rights. In today's world, the encouragement of the exercise of the right to participate in the life of society was one of the most crucial issues facing United Nations human rights organs. The increased participation of citizens in public affairs implied greater regard for freedom of information, belief and opinion, and the right of association. In many cases progress had been achieved but, unfortunately, in other cases tragic events had dashed hopes for tangible progress. However, it was important to continue to respect the principles enshrined in the Universal Declaration of Human Rights even, and indeed above all, during the most difficult situations.

32. Since 1967, the Commission on Human Rights had requested the Sub-Commission to bring to its attention any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms, in any country, including policies of racial discrimination, segregation and apartheid, with particular reference colonial and other dependent territories. In carrying out its mandate, the Sub-Commission had made a major contribution over the years to the United Nations action for the promotion and protection of human rights. Many of the procedures for investigating human rights violations had been adopted as a result of suggestions first made in the Sub-Commission, and the international community was indebted to the experts in the Sub-Commission for their valuable contributions in that field. The Sub-Commission would undoubtedly continue to play a very important role in strengthening the existing system and, moreover, would have to reflect on any situations which might have arisen since the previous sessions of the Commission and the Economic and Social Council.

33. To facilitate the discussion of agenda item 6, the Sub-Commission had before it a note prepared by the Secretary-General containing a list of studies, statistics and other documents relating to the question of Palestine and other Arab territories (E/CN.4/Sub.2/1989/11), a note by the Secretary-General concerning the situation of human rights in Haiti (E/CN.4/Sub.2/1989/12), a note by the Secretary-General on the results of the investigation of the Commission's Special Representative on the situation of human rights in El Salvador (E/CN.4/Sub.2/1989/13), a note by the Secretary-General on the situation of human rights in Albania (E/CN.4/Sub.2/1989/14 and Add.1) and a letter dated 27 July 1989 addressed to the Under-Secretary-General for Human Rights from the Chargé d'affaires of the Socialist People's Republic of Albania (E/CN.4/Sub.2/1989/48), and a note by the Secretary-General concerning the situation of human rights in Chile (E/CN.4/Sub.2/1989/15).

34. The CHAIRMAN pointed out that, in the interests of ensuring that discussions proceeded smoothly, the Sub-Commission had expressed the view, in its decision 1982/12, that, in order to avoid inter-State recriminations which were detrimental to its work as an expert body, observers for States should in future, when invited to participate in agenda item 6, not implicate other States in a deliberately abusive manner.

35. Ms. PALLEY said that human rights were respected to varying degrees and the United Nations bodies thus faced real pressures. United Nations bodies, however, generally tended to take on the characteristics of those who created them, i.e. the States Members, and that was what at times made their task so difficult. Indeed, some States which in the past had rightly denounced the injustices and violations of human rights committed under imperialist, racist and feudal régimes were remarkably discreet when their own situation or that of their allies came under scrutiny. They might have alibis, of course, particularly in the fact that their ex-masters had taught them to turn a blind eye to human rights abuses, that they lacked economic resources or that cultural traditions sometimes made human rights standards difficult to attain. But they should not do to others today as their former colonial rulers had done to them, even if they found themselves in difficult circumstances.

36. Evil policies were being applied particularly in South Africa, Israel and Chile, and the Sub-Commission had a duty to draw the Commission's attention to those issues, under the item now being considered or under other agenda headings. However, it was not always easy and at times might even be dangerous for some individuals to be critical of States, as consistency was by no means the main characteristic of United Nations bodies, which sometimes treated States differently according to their strategic importance or their ethnic alliances.

37. In Latin America, for example, where gross violations of human rights were indeed being committed, Chile was an obvious target. But death squads, disappearances, extrajudicial executions, torture, excessive use of force and the suppression of dissent were also to be found in varying degrees in most other countries of the region.

38. It would likewise be worth asking why, except in the case of Albania, a country which no longer had major allies, the situation in the Eastern European countries was never examined. Throughout the years when the USSR had been less concerned than now with respect for human rights, no serious investigation of the violations committed in those countries had in fact been carried out. On the subject of Romania the Sub-Commission had undertaken no study, yet in his letter addressed to the Commission, Mr. Mazilu drew attention to the increasing number of summary or arbitrary executions and of enforced or involuntary disappearances of young people opposed to or suspected of being opposed to those who wielded political and economic power. Nothing had been said, moreover, about the way in which the Romanian Government had treated the ethnic Hungarian and German populations. The same applied to Bulgaria where, as the Government of Turkey had indicated, thousands of persons belonging to minorities were going into exile to avoid oppression, inhabitants of Turkish descent were being denied the right to preserve their identity and all Muslims were persecuted if they tried to exercise their freedom of religion.

39. For its part, Turkey was responsible for the plight of 200,000 Greek Cypriot refugees, who had still not been allowed to return to their country. It was also denying the Kurdish population their cultural rights, persecuting some religious sects and authorizing the police to carry out acts of torture. The country was certainly facing serious problems, but it was to be hoped that negotiations would be undertaken with the assistance of the Secretary-General to resolve at least the refugee question.

40. In Iraq major changes were taking place and, the Kurds in particular were to obtain their autonomy, but there was nothing to suggest that Iraq had become a model democracy, as the Government of that country claimed.

41. As far as Iran was concerned, according to information provided by the European Parliament, more than 90,000 people had been killed since the beginning of the revolution in that country and 20,000 of them had been executed since 1987. The executions were held in public to terrorize the population.

42. China, after the Cultural Revolution, during which 18 million people had been killed, had seemed to have embarked on a process of modernization and reform. The terrible events that had taken place in May 1989 in Beijing on Tiananmen Square, however, had put an end to that process. The massacre perpetrated by the Chinese Army had been the result of the Chinese Government's desire to suppress peaceful dissent. She hoped that the Sub-Commission would join in Mr. Despouy's appeal to the Chinese Government to show clemency towards all those persons now being detained because of their participation in those demonstrations. She also hoped that the Chinese Government would reconsider its policy towards Tibet and agree to grant at least some measure of internal autonomy to the Tibetan people allowing them to pursue their aspirations, even if Tibet remained part of China. Furthermore, might it prevent the Chinese of Hong Kong and Taiwan from exercising their right to self-determination and, if so, should not the United Nations then take up their defence?

43. The Sub-Commission should also consider the situation in other Asian countries where human rights violations were being committed, as in Singapore, where they were prisoners of conscience, in Brunei Darussalam or in major Commonwealth countries such as India, whose armed forces had used excessive force in Sri Lanka in seeking to resolve the interethnic conflict in that country. The Indonesian Government, for its part, had often violated the right to self-determination of the people of East Timor.

44. In the Middle East, Israel was acting in violation of international human rights standards by discriminating against the Arabs and in particular the Bedouins, who were being deprived of their land. The Government of the Syrian Arab Republic, for its part, was torturing and killing on its own territory and causing incalculable suffering to the Lebanese people.

45. In other countries which merited the Sub-Commission's attention, however, efforts were now being made to resolve some internal problems. That was the case in Bangladesh, where action had been taken to improve the situation of the country's tribal population. In Pakistan, the new Government of Ms. Benazir Bhutto seemed willing to carry out reforms and she hoped that it would be more tolerant towards opposition groups and take measures to promote the rights and equality of women. In the USSR, the Government was currently holding an inquiry into the use of chemical weapons and toxic gases for riot control in Tbilisi.

46. Many African countries also committed human rights violations in varying degrees, often as part of a policy of repression or during civil war. Would the Sub-Commission speak of Chad, the Libyan Arab Jamahiriya, Mauritania, Ethiopia, Somalia, Burundi and Angola? The United Nations bodies would obviously have to continue to address the issue until an official regional mechanism existed to investigate the situation in the African States.

47. Neither should Western Europe be forgotten. Those States which possessed all the necessary cultural and economic resources should be in the forefront of strictly applying international human rights standards. Yet, they did not always do so. The United Kingdom, in particular, had in the early 1970s been guilty of flagrant human rights violations against persons arrested and interned in Northern Ireland and had on many occasions appeared as a defendant before the European Court of Human Rights. The most alarming problem now in

that country, as in other European countries, was that of violations of the rights of the child. The number of children who were victims of ill-treatment or sexual abuse would continue to increase until Governments took a firm stand.

48. Other English-speaking countries such as Australia, Canada, the United States and New Zealand generally respected human rights, but were not beyond reproach so far as their treatment of indigenous populations was concerned. She nevertheless realized that they took their responsibilities in that area very seriously and she was confident that they would ultimately find a solution to those problems.

49. To preclude violations of human rights, in her view, all countries should take three essential measures. First, they should see to it that all law enforcement officials received appropriate training and education in human rights. In addition, human rights should be included in teaching programmes at all levels and in all disciplines. As the Centre for Human Rights did not have the necessary resources and competence to promote such activities, UNESCO would have to establish the universal training material required and ensure that human rights issues were incorporated in the education programmes of all countries. Second, every country should abolish the death penalty. It must be absolutely forbidden to kill since human life, even the life of the most unworthy person, was sacrosanct. Third, an international standard should be developed requiring every State to establish public machinery to investigate any death in which public officials or members of the security forces might be implicated and to publish the findings of the inquiries.

50. In conclusion, she intended to submit a draft resolution covering all the countries she had mentioned. She would request that list of countries to be brought to the attention of the Commission on Human Rights.

51. Mr. VARELA QUIROS said that the item under consideration was the most difficult one on the Sub-Commission's agenda and the one which was followed with most interest by the non-governmental organizations and the media. In that regard it was important to emphasize the fundamental role that the non-governmental organizations played in providing very precise information each year on the human rights situation in various countries, thereby making a major contribution to the work of the Sub-Commission.

52. At the Sub-Commission's fortieth session, 37 countries had thus been called to account. However, as could be seen from the annotated agenda, only five had been taken up by the Sub-Commission, and three of those were Latin American countries. It might be timely to speak about other countries, too, which failed to meet their international obligations concerning human rights.

53. Furthermore, as Mr. Martenson had noted, the Sub-Commission should not only denounce human rights violations wherever they occurred in the world, but also call attention to the progress achieved in that field in some countries, often as a result of its action. It was not enough to deplore and condemn. It was also necessary to propose solutions to resolve specific problems. The Sub-Commission should not forget that the Commission, in its resolution 1989/36, had invited it to continue to give due regard to new developments in the field of human rights and to concentrate its attention on those specific human rights issues on which it could make a distinctive contribution.

54. Much work needed to be done, with regard to the promotion and protection of human rights, in all countries. He therefore had no objection to draft resolutions being presented on the human rights situation in Latin American countries, but he would like reference to be made also to the human rights situation in other countries such as China, Bulgaria or Romania.

55. He reserved the right to speak again on the substance of the question once he had all the information and objective data to do so. He associated himself with the appeal made by the Chairman to all speakers to show due respect in their statements for the experts and governmental observers.

56. Mr. MALKASSIAN (International Movement for Fraternal Union among Races and Peoples), referring to the recent tragic events in Beijing, said that his organization failed to understand why the Chinese Government had not taken preventive measures to avoid the student demonstrations it had described as a "rebellion", and the ensuing massacre and persecutions. It could not see how a "tiny handful of students" could have sought to overthrow the Government of a world Power, as the Chinese Government had claimed, and why it had been necessary to neutralize them in that manner. Of course, it might be held that it was the violation or absence of civil and political or economic rights that had given rise to those protests. His organization associated itself with the urgent appeal by Mr. Despouy to the Chinese Government to put an immediate end to the political executions and persecutions and allow the persons accused to exercise their right to a defence.

57. In the USSR, along with progress in the field of human rights, particularly with regard to freedom of expression, peaceful assembly and religion, ethnic conflicts had emerged and had sometimes led to massacres like the one at Sumgait in the Nagorno-Karabakh autonomous region, where the majority Armenian population had been peacefully calling for its unification with the Armenian SSR. Those requests, however, had met with a violent reaction from elements most opposed to perestroika in the Government of Azerbaidzhan. His organization felt that the Soviet authorities should hold a full inquiry into the crimes perpetrated against the Armenians of the Nagorno-Karabakh region and that all those responsible for the massacre should be tried and punished. The Nagorno-Karabakh people must be free to decide their own future. The refusal to allow the unification of the Nagorno-Karabakh region with the Armenian SSR constituted a violation of article 1 of the two International Covenants on Human Rights.

58. Mr. LI LU (International Federation for Human Rights) said that the past, present and future human rights situation in China was extremely disturbing. The death of Hu Yaobang, former First Secretary of the Chinese Communist Party, a man considered by many in China as the symbol of reform, had initiated a series of spontaneous reactions and, starting on 16 April 1989, protests every day against the widespread official corruption.

59. The students had sought to establish a dialogue with the competent authorities to request democratic reforms leading to the full exercise of rights and freedoms. In the absence of freedom of the press and freedom of expression, however, the only means for the students to manifest their concerns had been peaceful demonstration, albeit at the risk of imprisonment. They had therefore begun to gather in Beijing on Tiananmen Square to present a petition to the Government, which in response had attempted to discredit the

movement by depicting it as a "riot" organized by a handful of people to stir up trouble. After the failure of further attempts to establish a dialogue with the authorities, the students had begun a hunger strike. Hundreds of thousands of students and people from all walks of life had entered Tiananmen Square to support and protect the hunger strikers. Everyone knew about the ensuing events and the way in which that peaceful action had been crushed in a blood-bath on 2 and 3 June.

60. That bloody repression had probably left several thousand dead and tens of thousands injured. The exact number of deaths would never be known because the bodies had been carted off, presumably to mass graves, and others had been cremated on the very spot where the victims had fallen.

61. He himself was a student at Peking University and his name appeared on the list of the 21 persons most wanted by the police. The Government had already arrested a large number of his fellow students and thousands of his countrymen. Many of those arrests had been broadcast on Chinese television as a means of intimidation. That intimidation did not end at China's borders but followed him everywhere. Many more people, perhaps 120,000, had been arrested and executed without publicity simply because they had attended a peaceful demonstration. The massacres of 3 and 4 June were continuing and those killings and the arrests and intimidation must stop.

62. The International Federation for Human Rights asked the Sub-Commission to be extremely vigilant about the development of the situation regarding human rights in China and to use all the existing United Nations procedures to bring to light and condemn the violations of human rights in China, particularly since early June 1989.

63. Mr. RODLEY (Amnesty International) said that his organization wished to draw the Sub-Commission's attention to two situations characterized by extensive violations of the fundamental right to life. In both situations, the authorities which had perpetrated the violations had chosen to dismiss repeated expressions of concern from the Special Rapporteur on summary or arbitrary executions appointed by the Commission on Human Rights.

64. Everyone would be aware of the tragic events that had taken place in the People's Republic of China in early June. At least a thousand civilians, most of them unarmed, had been killed and several thousands injured in Beijing. Official reports stated that several dozen soldiers had been killed and over 6,000 injured. At least 300 people were also reported to have been killed by troops in the capital of Sichuan Province.

65. Following the bloody repression in early June of the peaceful demonstration in Tiananmen Square, the Secretary-General of the United Nations had expressed his regrets and had called for the rescinding of death sentences on humanitarian grounds. The Special Rapporteur on summary or arbitrary executions had also expressed his deep concern. Since then the authorities had sought to justify their decision to use force by claiming that they had been faced with a counter-revolutionary rebellion. That attitude was contrary to international standards and in particular the Code of Conduct for Law Enforcement Officials, which stated explicitly that force should be used only as a last resort to protect life. That did not appear to have been the case on 3 and 4 June 1989 in Beijing.

66. The Special Rapporteur on summary or arbitrary executions had furthermore expressed his concern about the subsequent execution of many of the persons who had taken part in demonstrations in Beijing and elsewhere. Those executions had taken place after summary trials not conforming to international rules. No international observer had been allowed to attend those trials and Amnesty International believed that the number of executions was much higher than officially reported.

67. According to communications received by Amnesty International, flagrant violations of the fundamental right to life were also continuing in Iraq, and the grave situation there had been brought to the attention of the Commission on Human Rights in March 1989. Iraq's representatives had stated that isolated abuses might indeed have occurred, but that they could be explained by the conflict with Iran. Furthermore, in September 1988 a request by the Secretary-General to send a team to Iraq to investigate reports of the use of chemical weapons had been rejected outright. The Special Rapporteur on summary or arbitrary executions had also raised with the Iraqi Government a number of cases both of large-scale killings of civilians and of numerous executions without trial or after summary trials not conforming to international standards. The Government's only response had been to deny those allegations outright or to request further information from the Special Rapporteur.

68. More than a year since the conclusion of a cease-fire agreement between Iran and Iraq, Amnesty International could only reiterate its belief that the human rights situation in Iraq continued to demand international attention and action. Neither the reported execution of some 80 army deserters in December 1988, nor the continued execution of Kurdish opponents in 1989 could inspire confidence among the international community that the situation in Iraq had improved. With regard to the Kurds, although the Government had announced three successive amnesties between September 1988 and April 1989, a dozen Kurds had been executed since then and the situation of some 1,900 Kurds who had returned from Turkey in 1988 following the announcement of the 6 September amnesty remained unclear.

69. Five months after the publication of Amnesty International's detailed report on children in Iraq as victims of gross abuses of human rights by the Iraqi Government, including mass political killings, nothing had yet been heard from the Government beyond a denial of all allegations. The children were but an example of the thousands of people in Iraq who, over the years, had been victims of arbitrary arrest and torture, whose "disappearance" remained unresolved or whose extrajudicial killing had not been investigated.

70. The atrocities committed in China and Iraq amounted to an assault both on the inherent right to life of the victims and on the fundamental values of the United Nations. The Sub-Commission, as a body of independent experts, could not but make an objective appraisal of those situations and stand firm against any moves that would divert it from its responsibility. Amnesty International urged the Sub-Commission to express its profound concern about those grave human rights violations and to recommend effective action by the Commission to combat them.

71. Mr. PHEKO (Observer, Pan Africanist Congress of Azania) said that the media and certain Powers with vested economic and other interests in South Africa had attempted to convey the impression that things were changing in that country, particularly in view of the possible decolonization of Namibia in 1990. In reality, the minority settler régime of South Africa was resorting to deception and treachery in order to maintain the status quo.

72. The supposedly respected judiciary of South Africa had since 1984 sentenced many accused people to death or long terms of imprisonment without the charges against them having been proven. That applied to the case of the "Sharpeville Six", which his organization had brought to the attention of the United Nations Security Council. Furthermore, 273 other political prisoners sentenced to death were still awaiting execution in prisons in Pretoria. They included the "Upington 25" - 22 men and 3 women whose cases were similar to those of the "Sharpeville Six". They had been sentenced to death for an offence caused by the apartheid situation.

73. Those who opposed the régime suffered torture. The statements extracted from witnesses under torture were also admissible for convicting an accused person. The impartiality of the South African judiciary in political trials was very much in doubt.

74. In December 1988, a pastor, Reverend Daniel Nkopodi, had been sentenced to 38 years' imprisonment for allegedly having given assistance to the guerrillas of the Pan Africanist Congress - the Azanian People's Liberation Army. Mr. Enoch Zulu had been sentenced to 30 years' imprisonment for allegedly being the second-in-command of the Azanian People's Liberation Army and for holding office in a banned organization, the Pan Africanist Congress of Azania.

75. African women who refused to give the régime's secret police information about the activities of the Azanian People's Liberation Army had also been tortured by various methods.

76. A number of resolutions both of the United Nations and of the Organization of African Unity had called for the unconditional release of Zephania Mothopeng, President of the Pan Africanist Congress, Jeff Masemola and Nelson Mandela and other political prisoners. The racist régime had in fact released Mr. Mothopeng, who was 75 years old and suffering from cancer, but it had immediately banned the meetings at which he was to speak throughout the country. He had then applied for a passport to receive treatment abroad. Although passports were normally issued for periods of 5 to 10 years, he had been given a document valid for only three months as the authorities had deemed that Mr. Mothopeng could be treated for cancer within that time, and he had been authorized to travel only to the United Kingdom and the United States. That had prevented him from travelling abroad and his health had not improved.

77. In 1974, Vorster had requested Africa to give him six months to eliminate apartheid. Three years ago Botha had said that the settlers must either adapt or perish. In fact, he himself had nearly succumbed recently to a stroke under the pressure of the Azanian revolution. Instead of trying to adapt, he

had claimed that apartheid was dead. De Klerk was now asking for five years to reform apartheid. It should be recalled, however, that the allies had not sought to reform nazism. That kind of phenomenon could not be reformed. Apartheid could not be changed any more than colonialism. Nowhere in history had oppressors ever relinquished political power voluntarily.

78. The struggle of the Azanian people was for their national liberation and self-determination, not the reform of apartheid. All relevant conventions and resolutions of the United Nations and of the Organization of African Unity on decolonization applied to the situation in South Africa and must be respected.

79. Mr. ZHANG (Observer for China), speaking in exercise of the right of reply, said it was deplorable that a criminal on the list of persons most wanted by the police of the People's Republic of China had been allowed to address the Sub-Commission. He himself had left the room during Mr. Li Lu's statement. With regard to the suppression of the May rebellion in Beijing, his Government would shortly present a report that would be communicated to the Sub-Commission.

The meeting rose at 6 p.m.