



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/Sub.2/1989/SR.21
15 November 1989

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-first session

SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 21 August 1989, at 3 p.m.

Chairman: Mr. YIMER

later: Mr. DIACONU

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The meeting was called to order at 3.20 p.m.

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) (continued)

(E/CN.4/Sub.2/1989/11, 12, 13, 14 and Add.1, 15, 46, 48 and 52;

E/CN.4/1989/NGO/2 and NGO/3; E/CN.4/1989/7, 8, 23, 24, 25, 26 and 27)

1. Mr. VARELA QUIROS said that the ever increasing rapidity and efficiency of communications in the contemporary world had allowed everyone to follow the positive evolution of the situation in China in recent years in political reform, opening to the outside world and the improvements in the human rights situation. However, the recent events in Tiananmen Square, in which thousands of Chinese students had died, had dashed the hopes of the international community, particularly when the Chinese authorities had cut off all communications with the outside world and introduced martial law in Beijing. The Chinese people's hopes of an improvement in the country's political system had also been dashed.

2. The general trend in Latin America had been towards a marked improvement in the human rights situation, which deserved to be encouraged. In Chile, for instance, the recent referendum had prevented the military from perpetuating its grip on power and it was now for the Chilean people to choose its own Government in the near future.

3. In Paraguay, the oldest right-wing dictatorship in Latin America had finally been toppled by a military coup, which had been legitimized by the subsequent elections. It was now necessary to ensure that the measures adopted by the new Government in the field of human rights were implemented in practice. It was gratifying to note that the Paraguayan Government had promised to ratify the Inter-American Convention on Human Rights soon and was considering whether to recognize the competence of the Inter-American Court of Human Rights.

4. In Guatemala, despite the difficulties faced by the civilian Government, democratic institutions had been consolidated and the State seemed to be prepared to introduce machinery guaranteeing the full enjoyment of human rights. It deserved to be supported in that endeavour, particularly since a newly created democratic régime was likely to have weaknesses in a number of areas. The international community should support all the efforts of the Guatemalan Government to fulfil its responsibilities for the protection and promotion of human rights.

5. In El Salvador, elections had taken place despite the serious problems which had arisen. It was not for the Sub-Commission to judge the results of the elections, but the agreements which had been reached seemed likely to bring an end to the armed struggle and ensure that the Government and the guerrillas would undertake negotiations in an open and conciliatory manner.

6. In Nicaragua, the Government had offered the guarantees demanded by the opposition, and elections were due to take place shortly. Whatever the results of those elections, peace would have been restored. Nicaragua, as a

Member State of the United Nations, also requested for the first time the presence of observers to monitor the elections. It was to be hoped that the measures already taken would be followed up.

7. In Argentina, a civilian Government had recently handed over power to another, popularly elected, civilian Government, and the same had happened in Bolivia. Elections were due to take place soon in Honduras, Brazil and Costa Rica. There were, of course, still difficulties to be overcome, but nothing must be allowed to thwart the desire for democracy expressed by most of the Latin American countries.

8. In Bulgaria, the Turkish minority was still being victimized by an unjust policy intended to deprive it of its cultural rights and freedom of religion. Turkey had been obliged to admit a massive inflow of Bulgarian citizens of Turkish origin. Measures must be taken as rapidly as possible to put an end to the exodus. The only way to solve the problem and to prevent the emergence of further sources of tension was for the two countries concerned to show a determination to negotiate. In the same way, negotiations between the two Cypriot communities must be carried out in a constructive spirit and without outside interference.

9. He had mentioned only a few of the situations which were currently causing concern in the world. He hoped that the contributions of observers and all other interested parties would enable the Sub-Commission, as a body of independent experts, to obtain a more detailed picture of the sensitive issues before it and to adopt resolutions which would take the opinions and beliefs of all into account.

10. Mr. GRAVES (International Commission of Health Professionals) said that he was also speaking on behalf of the following non-governmental organizations: the Anti Slavery Society for the Protection of Human Rights, Defence for Children International Movement, Disabled People's International, Human Rights Advocates, the International Association of Educators for World Peace, the International Commission of Jurists, the International Federation for Human Rights, the International League for the Rights and Liberation of Peoples and the Minority Rights Group.

11. For several years, the international community had been concerned about the flagrant and systematic violations of human rights in Iraq. Those violations were dealt with in the report of the Special Rapporteur on Summary and Arbitrary Executions (E/CN.4/1989/25), the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1989/18) and the report on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1989/44). The Special Rapporteur on Summary and Arbitrary Executions had reported the extrajudicial execution of more than 2,000 civilians between March and August 1988, as well as chemical weapon attacks in October 1988 in which more than 60 Kurds had been killed. Further, hundreds of people, including Turkish prisoners and villagers, had been summarily executed. Iraqi soldiers had later arrested more than 1,000 inhabitants of Kurdish villages. As a result of that oppression, between 60,000 and 120,000 Kurds had fled to Turkey and Iran. Medical experts had visited Kurdish refugee camps and concluded that chemical weapons had been used against the refugees.

12. In its last report, the Working Group on Enforced or Involuntary Disappearances had listed 2,728 unresolved cases of disappearances in Iraq, many of them dating from August 1983. The Iraqi Government had given no explanation and had not responded to General Assembly resolution 42/142, which called upon a number of countries to allow visits by the Working Group. Arbitrary arrests continued to be widespread in Iraq, and torture continued to be practised by the Iraqi security forces against prisoners.

13. The Iraqi Government was carrying out a massive campaign to displace the Kurdish population in the north-eastern part of the country, which had forced hundreds of thousands of Kurds and other Iraqi citizens to leave their villages and land. The Government asserted publicly that those measures were necessary to create a buffer zone in the north-east of the country, but it was possible that they were also intended to destroy and eradicate Kurdish culture. The enforced displacement of civilians would have undoubted social, economic and cultural repercussions on the lives of the peoples affected. The Sub-Commission had frequently protested against such practices as serious violations of economic, social and cultural rights of peoples. Iraq, which was a party to the International Covenant on Economic, Social and Cultural Rights, was thus continuing to deny significant sectors of the population, including Muslims, Kurds and Christians, their fundamental rights.

14. In addition to the victims of cultural discrimination in general, thousands of Christians and Shiites were systematically harassed, imprisoned, exiled, tortured and executed, according to the Amnesty International report submitted to the Commission on Human Rights at its forty-fifth session. Moreover, health professionals were subjected to serious repressive measures, particularly when they refused to reveal confidential information about patients belonging to oppressed groups.

15. The human rights situation in Iraq was therefore extremely critical. The Iraqi Government should allow international experts, including a special rapporteur of the Sub-Commission, to investigate human rights violations in the country.

16. The organizations on whose behalf he had spoken hoped that the Sub-Commission would adopt a resolution condemning the discriminatory measures applied in Iraq at its ongoing session.

17. Mrs. VALLADARES (International Association against Torture) said that she was a married woman with five children. On the night of 28 May 1989, armed men, some in military uniform and others in civilian clothes, had forced their way into her home, in the manner of the "death squads" which attacked people suspected of opposing the political régime in El Salvador. She had been handed over to the police, detained with no opportunity to make a statement and subjected to intensive interrogation, both day and night, to make her give information about the activities of her husband, Pedro Antonio Andrade, in the Farabundo Martí National Liberation Front. She had been subjected to all kinds of threats and intimidation to force her to testify against her husband. She had been released only as a result of the representations made by non-governmental humanitarian organizations.

18. Her treatment showed up the repressive nature of the Salvadorian system, where the authorities, while proclaiming their commitment to the rule of law, violated the national and international rules that guaranteed the exercise and

respect of the people's civil and political rights. In her husband's case, the Salvadorian authorities had tried to obtain extrajudicial statements and had resorted to torture and threats to try to make him acknowledge his guilt for acts in which he had had no part. Moreover, he had been held for more than a week without being brought before a judge, which was against the law, and had eventually been brought before a military tribunal, which did not guarantee either independence or impartiality. He was still undergoing torture and interrogations in which United States citizens attached to the United States embassies in El Salvador and Mexico took part.

19. Her case and that of her husband was, unfortunately, not unique in El Salvador. All political prisoners in Salvadorian prisons received the same treatment. Repressive measures had increased in El Salvador, but it was to be hoped that a just and lasting peace would be restored as a result of dialogue and negotiations between the two parties to the conflict. She called upon the Sub-Committee to do everything in its power to ensure that her husband's solitary confinement was discontinued, that he had a just and impartial hearing at an early date and was released.

20. Mrs. SIERRA (Latin American Federation of Associations of Relatives of Disappeared Detainees), speaking on the situation in Chile, said that although a new era of democracy had begun in the country, flagrant and systematic violations of human rights continued to occur. In April 1989, the first human rights demonstration, organized by the relatives of victims with the permission of the authorities, had been broken up by special police squads which had inflicted many injuries. Those arrested on charges of physical attacks on members of the police had been turned over to the military authorities.

21. Likewise, the second march for human rights and the release of all political prisoners, which had taken place from 25 to 30 June 1989, had been broken up with extreme brutality. Dozens of injured people had later been arrested and charged with physical attacks on members of the police.

22. On 14 July 1989, almost 8,000 homeless families, receiving no assistance from the competent authorities, had been forcibly ejected from the place where they had taken refuge. Hundreds of people had been injured and arrested on that occasion.

23. The Federation noted with concern that the new régime had still not resolved the problems before it and that the crimes of the past still went unpunished, although truth and justice would be indispensable for the country's future. Events in Argentina and Uruguay clearly showed that indecision soon led to a loss of popular confidence and undermined the stability of a democracy.

24. In Chile, the problem was complex, because the investigations and punishments would affect many members of the armed forces. The two main opposition parties had already made proposals with a view to re-establishing the rule of justice, beginning with the repeal of the amnesty law adopted in 1978 to clear the Junta of the crimes it had committed. However, the Chilean armed forces were not willing to allow cases to be reopened, and had made it known that they would oppose such a move by force. Moreover, the military, faced with the possibility of a thorough and full investigation, had sought to

justify their actions by trying to convince the population that, at the time, the country had been in a state of civil war, although in fact the people had been subjected to a merciless oppression in which thousands of people had been assassinated, detained or exiled, or had disappeared.

25. As the Special Rapporteur had stated in his report, the Sub-Commission should continue to monitor the human rights situation in Chile as a matter of priority.

26. Mr. TZELIOS (International Federation for the Protection of the Rights of Ethnic, Religious and Linguistic Minorities) said his organization was extremely concerned at the contempt for the principles of international law displayed by two European States, Romania and Albania, which despite repeated condemnation by the international community were persisting in treating their own people as enemies and in daily violating religious, political and economic rights.

27. The Romanian Government in particular was continuing its campaign of persecution against believers of all religions and against members of ethnic minorities. In the name of progress, churches of immense historic and cultural value were being destroyed, as were towns and villages whose inhabitants were relocated in estates that were shoddily built and without modern amenities. The Sub-Commission should act to stop the cultural and religious crimes being perpetrated in the centre of Europe by a Stalinist régime which seemed incapable of reform. Romania was doing today, with complete impunity, what Albania had done 20 years earlier.

28. Albania had especially distinguished itself in the field of human rights violations. Since 1967, forced relocations of members of the Greek minority, execution of priests and destruction of churches had been the official policy of the Albanian Government, carried out by the ruling Albanian Communist Party. One of the most odious crimes committed by the Albanian Government had been its persistent refusal to permit the reunification of families or to provide information on the fate of hundreds of missing Greek nationals, some of whom had not been heard of since 1948. The International Federation for the Protection of the Rights of Ethnic, Religious and Linguistic Minorities had already had occasion to bring specific cases of disappearances before the Sub-Commission and the Commission on Human Rights. As the Federation had already pointed out, it was the Greek community which bore the brunt of Albanian oppression, and was being deprived of its right to autonomy and cultural independence as well as its right to maintain ties with Greece. Thousands of Greeks had thus been forced to live in predominantly Muslim areas and to marry persons of the Islamic religion for purposes of assimilation.

29. Some of those who had succeeded in fleeing the country had recently confirmed that the situation had not changed, and that since the death of the late dictator, Enver Hoxha, in April 1985, the Albanian Government had been continuing to pursue its policy of repression against non-Muslim and non-Albanian minorities, and notably against Greeks. The majority of Albanian political refugees gave absence of religious freedom as their fundamental reason for leaving the country. The régime claimed that religion had been deliberately abandoned by the Albanian people, and that Marxism-Leninism had proved superior to all other dogmas, an argument which was unconvincing in view of the fact that almost all the refugees in question had been born after

the Communist Party had come to power in 1944. All of them affirmed that in Albania Christians, especially those of the Greek Orthodox faith, were more harshly persecuted than Muslims.

30. Thousands of Albanians were hoping that the United Nations would impress upon the Albanian régime that it must respect the rule of law and the dignity of the human person, must call a halt to torture, exile, interference with correspondence and interference with privacy, must allow the reunification of separated families, and must prevent the dreaded secret police from violating every known law, including national law. The Tirana régime could not continue to defy the international community and at the same time claim the right to membership of the United Nations.

31. Mr. WALKER (Observer for Australia) welcomed the opinion given by the Legal Counsel of the United Nations Office at Geneva and the decision taken by the Sub-Commission upholding the right of government observers to intervene on matters of particular concern to them. For practical reasons, however, that right should be exercised sparingly.

32. His delegation considered itself entitled to speak on the subject of human rights in China because of the particular links uniting the two countries, not only in the geographical sense, but also because of the fact that many Australians were of Chinese origin. Australia had been directly affected by the events in Beijing, which had had serious repercussions on economic and technical co-operation programmes between the two countries. The Australian Government had extended the visas of many of the 15,000 Chinese students currently in Australia who did not know whether it would be safe for them to return home.

33. The Australian Government was not concerned solely with human rights abuses committed in neighbouring countries, or in countries with which it had particular ties: it was a firm believer in the interdependence and universality of human rights. Accordingly, his delegation considered that all countries represented by observers on the Sub-Commission should be entitled to speak freely on the question of human rights in China or human rights in other countries, including Australia, if they saw fit.

34. In that connection, he drew attention to two points of principle that he considered fundamental. First, all Member States of the United Nations must reaffirm the universality of human rights, a concept enshrined in numerous international legal instruments, and all States, even those who were not parties to those instruments, must respect that concept. It followed that no country should be entitled to invoke the principle of non-intervention in a State's internal affairs in order to silence those who were legitimately concerned with the human rights situation in another country. Secondly, since it was by consensus that the Commission on Human Rights had decided in 1988 to call upon all countries to co-operate with the Special Rapporteur on summary or arbitrary executions, those who refused to do so were not only failing in their international duty but were also losing an opportunity to expose the truth about the charges made against them.

35. By focusing on specific questions of profound concern to his country, his delegation did not intend to diminish the heavy responsibility borne by all members of the Sub-Commission to reach their own conclusions independently and in their personal capacity.

36. Mr. MUYOVU (Observer for Burundi) said that the spectre of war, desolation and death which had been looming over Burundi following the tragic events which had struck the country a year earlier had now completely disappeared. Thanks to the clear-sightedness and wisdom of the leaders of the Third Republic, who had refused to allow themselves to become embroiled in measures of repression, peace had quickly returned to the two communes in the north of the country where the events had occurred. In addition, the appeal made by the Government of Burundi to all refugees who had left the country to return home voluntarily had met with a response beyond all expectations: today only 900 out of an estimated total of 48,000 refugees were left in Rwanda.

37. The Government of Burundi wished to refute categorically the accusations of human rights violations levelled against it in regard to the treatment of returning refugees. All allegations of persecution, of torture or other cruel, inhuman or degrading treatment, or of murders were pure fabrications designed to tarnish Burundi's image.

38. The Government of Burundi wished to thank the non-governmental organization which had had the honesty and courage to admit that it had been misled, and would be glad if other human rights organizations would do likewise.

39. The process of consolidation of Burundi's national unity, which had begun with the inception of the Third Republic, had been accelerated by the appointment of a new Government of national unity headed by the Prime Minister, and by the setting up of a commission to study the question of national unity.

40. That commission had drawn up a Charter of Unity to be adopted by referendum following the extensive grassroots consultations now being held throughout the country. It had also proposed solutions to the other problems, other than ethnic conflicts, which were threatening Burundi's national unity. The governing idea was that a new society must be built based on social justice and the rule of law, in which all would have equal opportunities, with no discrimination on grounds of ethnic or regional origin, such considerations having been described by the President of the Republic himself as "anachronistic, unjust and indefensible". Not only the participation of all citizens of Burundi, but also the support of the international community would be required if that long-term process were to be implemented successfully.

41. Participants at the recent Round Table of partners in Burundi's development, held in Bujumbura in April 1989, had pronounced themselves satisfied with the initiatives taken by the Government of Burundi to consolidate national unity. In addition, the 12 member States of the European Community, in a statement issued on 10 August 1989, had welcomed the liberalization and pacification measures adopted by the Burundi authorities with a view to re-establishing peace in the country, and had encouraged them to continue and strengthen the consolidation process. It was to be hoped that other countries and international organizations who were concerned with Burundi's future would follow their example.

42. Mr. RAMLAWI (Observer for Palestine) said the situation in the occupied territories had scarcely changed since the Sub-Commission's previous session: the Israelis were continuing to infringe the human rights of the Palestinians since the intifada had begun some 20 months earlier. Those violations had

even worsened, as shown by a number of international reports, notably the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, the report of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1989/25) of 6 February 1989, reports of non-governmental organizations, notably the reports of Amnesty International dated December 1988 and June 1989, and reports of the International Committee of the Red Cross, dated January and August 1988 and April 1989.

43. Israel's odious and inhuman practices in the occupied Arab territories were well known. The time had come to take action in order to bring them to an end, and to oblige the Israeli Government to respect the principles of international law and humanitarian law, principles that it was flouting in the most blatant way. It was killing children at a time when the international community was on the point of adopting a convention on the rights of the child, was continuing to disregard international human rights instruments at a time when the fortieth anniversary of adoption of the Universal Declaration of Human Rights was being celebrated, and was still failing to comply with the provisions of the 1949 Geneva Conventions.

44. The State of Palestine, for its part, had declared in a document transmitted to the Swiss Federal Council in Berne that it had acceded fully to the four Geneva Conventions as well as to the two Additional Protocols thereto, and had affirmed its willingness to respect the provisions of those instruments under all circumstances.

45. The peace initiative proposed by the Palestine National Council at its nineteenth session in Algiers had been favourably received by all countries except Israel, which was seeking to mislead public opinion by putting forward alluringly-worded proposals while at the same time pursuing its policy of violent repression. The Palestinian people rejected such proposals because it believed in democracy, but democracy in a climate of freedom, whereas under the occupation there could be no freedom.

46. Mr. Diaconu took the Chair.

47. Mr. THANT (Observer for Myanmar) said his delegation had followed with great interest the discussion under agenda item 3 on the propriety of subjecting the human rights situation in a particular country to public scrutiny at the same time as it was being considered in private under the confidential procedure established under Economic and Social Council resolution 1503 (XLVIII). That was indeed a very important question, which should be addressed seriously if the mechanism prescribed under that resolution was to retain a certain degree of credibility.

48. With regard to the comments made by some members of the Sub-Commission and by certain representatives of non-governmental organizations in connection with the Union of Myanmar, he wished to state that none of the communications addressed to his Government by the United Nations Centre for Human Rights, or by United Nations special rapporteurs, had gone unanswered. His delegation had already explained, in its statement to the forty-fifth session of the Commission on Human Rights, how the peaceful demonstrations of July and August 1988 had deteriorated as a result of activities on the part of unscrupulous and illegal groups, seeking to exploit the desire for greater democracy and for better standards of living expressed by the people.

49. In view of the way the situation was developing, the authorities had been compelled to act decisively to safeguard the lives and property of innocent citizens and to prevent the country from collapsing into anarchy and losing its national sovereignty and independence for ever. No responsible Government placed in a similar situation could have acted otherwise. The law enforcement units had nevertheless used force only as a last resort, where strictly necessary, and in proportion to the requirements of the situation.

50. It might then be asked what was the basis of the accusations made against the Government of Myanmar. Those accusations were partly inherent in the nature of the internal political system: there was an excessive number of political parties (224), and also a number of small groups of armed insurgents in the jungle and in the mountains. In addition, the media tended to highlight the more dramatic and sensational aspects of events, and the accusations levelled against the country were the result of hasty and biased conclusions.

51. At present, the country had a system of multi-party democracy. The economy had been opened up to enable private enterprise to play a more important role, laws had been passed to encourage foreign investment, and economic and financial legislation was being amended to bring it into line with the new economic system. Nation-wide general elections were to be held in accordance with the timetable announced earlier that year. A General Election Commission and Sub-Commissions had been set up, and electoral rolls were being compiled. It had been estimated that some 21 million people would be eligible to vote.

52. The country was now going through an extremely delicate period of major historic change, encompassing changes in the political, economic and administrative systems, and the preparations for the holding of general elections called for the greatest care. It seemed evident that at the current stage of its development the country needed understanding, encouragement, and even support from all countries and peoples of goodwill, rather than pressure tactics and negative criticisms.

53. In conclusion, he would like to stress a number of points. First, the political, economic and social system of a sovereign and independent Member State fell exclusively within its own domestic jurisdiction. Second, his delegation nevertheless had no intention of using that argument to justify his Government's action, since everything that it had done and everything it intended to do was in conformity with the country's laws. Third, the accusations levelled against the Union of Myanmar were either grossly exaggerated, politically motivated or deliberately falsified, and consequently were unworthy of consideration. Fourth, any action taken on the basis of such accusations would be discriminatory and unfair, and would be detrimental rather than conducive to the furtherance of the present positive trends. Fifth, although the Union of Myanmar would always heed the voice of reason, and would always appreciate goodwill and friendly, constructive opinions, it would continue to be strongly opposed to any attempt to interfere in its internal affairs.

54. Mr. GONZALEZ (Observer for El Salvador) said he had been prompted to take the floor as the Sub-Commission was required to consider, under the current item, the report submitted to the Commission on Human Rights at its forty-fifth session (E/CN.4/1989/23) by Mr. Pastor Ridruejo, containing the results of his first-hand investigation.

55. The observer delegation of El Salvador wished to take that opportunity to apprise the experts of developments since the beginning of 1989. In March, elections had been held to elect the President of the Republic. Regrettably, they had been marred by an escalation of violence, which was continuing, triggered off by the Farabundo Martí National Liberation Front (FMLN) with the aim of boycotting the elections and disrupting the democratic process, which was none the less gathering momentum with each day.

56. The acts of terrorism that had characterized that wave of violence had included the abduction and murder of many mayors and threats against the families of those of them who had refused to resign. In fact, those incidents were described in paragraph 48 of the report of the Special Representative of the Commission on Human Rights.

57. Also in March, the FMLN had attacked, damaged or destroyed a large number of public transport vehicles in order to intimidate the population and prevent it from reaching the polling stations. Innocent civilians had very often been the victims in the attacks by the "urban commandos" of the FMLN, whose targets had included schools, hospitals, police stations, and even the central market in the capital.

58. The victims of the selective murders committed by the "urban commandos" had included guerrilla commander Miguel Castellanos, who had renounced the armed struggle, his work companion, former clergyman and philosopher Francisco Peccorini, and Edgardo Chacón, the President of the Institute of International Relations. In recent months, FMLN commandos had also attacked government civil servants, killing Roberto Jarcia Alvarado, who had just been elected Attorney General of the Republic, and the retired colonel Roberto Armando Rivera, the Director General of the Fire Brigade. Mr. Manuel Gutierrez Castro, the President of the Supreme Court of Justice, had escaped unhurt from an attack against him.

59. The elections held on 19 March 1989, in which the left-wing parties had participated for the first time, had been won by the candidates of the Alianza Republicana Nacionalista party (ARENA), whose presidential candidate had been Mr. Alfredo Cristiani. The latter had taken office on 1 June, in an atmosphere of terror, and had immediately announced that the Government was under a historic obligation to put an end to the Marxist war in El Salvador and that it would do so using all democratic methods available to it. He had added that, under the Constitution, the President of the Republic was required to assure social harmony in the country, an obligation that he would make every effort to discharge by seeking to establish a dialogue with all the factions in the country, including the FMLN.

60. In order to initiate dialogue with the FMLN, the Government had set up a commission whose members were respected and able prominent national figures. However, the FMLN had responded to that policy of goodwill by murdering Jose Antonio Rodriguez Porth, who at the time of his death, had been a cabinet minister. That murder marked a further stage in the upsurge of terrorism unleashed deliberately by the FMLN to provoke repression and destabilize the Government. The Government had none the less stated that such acts would not make it lose its composure and determination. It had stressed that the murderers would be pursued relentlessly, because a society could not survive if it allowed criminals to go unpunished, but that it would not respond to provocation, to prevent the country from lapsing into violence.

61. Aware of its historical responsibility, the Government would continue, with the assistance of all national and international institutions, to seek a peaceful settlement to the conflict that had bathed the country in blood for nine years. In that spirit, the President of the Republic had taken part in the meeting of the Presidents of the Central American countries, held at Telas, at the end of which they had urged the FMLN to join in a meaningful dialogue aimed at achieving a just and lasting peace.

62. The observer delegation of El Salvador requested the Sub-Commission to address a similar appeal to the FMLN to give up its armed struggle and to begin a sincere dialogue with a view to working out a solution that would put an end to the conflict. The Government of El Salvador had undertaken, in the final document of the Telas meeting, to respect its obligations in full and to pursue the pluralist participative and representative process of democratization already under way, whereby it was endeavouring to promote social justice and full respect for all the human rights and fundamental freedoms of the Salvadorian population.

63. Mrs. ABOUL EZZ (Observer for Egypt) said that she would confine her remarks to the most serious case, namely, that of Palestinian and the Arab territories occupied by Israel.

64. The continuation of the unlawful occupation of the Arab territories by Israel itself constituted a very serious violation of human rights. Despite the policy pursued by the Palestine Liberation Organization and the Palestinian leadership's statement renouncing all forms of terrorism and adopting positive and constructive positions on a number of points, Israel continued to disregard the main provisions of international law and the resolutions of the United Nations General Assembly and Security Council. The Israeli authorities were thus pursuing their policy of repression against the Palestinian civilian population with the obvious aim of opposing the will of the Palestinians.

65. Yet, peace in the Middle East would not be achieved by violence, persecution and terrorism. Peace must be based on respect for the Charter of the United Nations, which proclaimed equal rights for all peoples, including the legitimate national rights of peoples. It should be remembered that there was a relation between a realistic and lasting solution to the question of Palestine and the deterioration in the human rights situation in the occupied territories, which was obviously not conducive to peace.

66. The observer delegation of Egypt therefore appealed to all peace-loving peoples to put pressure on Israel with a view to securing, first, an end to the barbarous practices in which Israeli authorities in the occupied Arab territories engaged in violation of all the provisions of international law, the Universal Declaration of Human Rights, the Geneva Conventions and the International Covenant on Civil and Political Rights; second, the implementation of Security Council resolution 242 (1967), together with acceptance of the principle of an international conference on peace in the Middle East with the participation of all the parties concerned, including the Palestine Liberation Organization; third, recognition of the right of the Palestine people to self-determination and its right to establish a State; and, fourth, an immediate stop to the establishment of Israeli settlements in the occupied territories.

67. Accordingly, she requested the Sub-Commission to step up its efforts, in co-operation with all the other bodies with an interest in the question of Palestine, to prevail on Israel to recognize the validity of the Palestinian claims and to desist forthwith from encouraging the establishment of settlers in the occupied territories, to change the cultural, religious and demographic identity and other features of those territories. Her delegation hoped that the Secretary-General would submit to the Sub-Commission, at its forty-second session, studies, statistics and reports on the situation in Palestine to enable the Sub-Commission to continue its humanitarian work.

68. Mr. Yimer resumed the Chair.

69. Mr. ALDORI (Observer for Iraq) said that the war between Iran and Iraq, which had lasted eight years, had had political, economic and social consequences for the population. The Government of Iraq had done its utmost to mitigate the adverse repercussions of the war and ensure the enjoyment of human rights to all. For the past year, i.e. since the cease-fire, the Government had intensified its efforts to normalize life in the country. Iraq had begun to demobilize its armed forces and was implementing a programme aimed at rebuilding the economy and easing social rehabilitation.

70. A new Constitution was shortly to be submitted to the population for approval by referendum. It provided broader safeguards in respect of belief, freedom of opinion, the independence of the judiciary, freedom of the press and the pluralism of political parties. Elections to the National Council had already been held and the citizens had been allowed to choose their representatives freely. In the Kurdish region, elections were scheduled for the beginning of September.

71. Furthermore, the Government had decreed three amnesties in respect of Iraqis sentenced for collaboration with the Kurds who had fought against the national Government during the war between Iran and Iraq. Most of those who had been amnestied had already returned to their region and resumed normal life. As for the Kurds who had collaborated with Iran and then taken refuge in Turkey at the end of the conflict, the Government of Iraq had, with the consent of the Government of Turkey, sent a delegation to that country to hold talks with the refugees and explain the terms of the amnesty they were offered. Regrettably, the delegation had not been able to carry out its mission because certain elements wielding a negative influence over the refugees had prevented it from meeting them. The Government of Iraq had none the less stated that the frontiers would remain open to all Iraqi Kurds wishing to return to Iraq and live there in peace.

72. Furthermore, prompted by concern for the security of its citizens and in view of the damage inflicted on the towns and villages along the frontier during the war, the Government of Iraq had decided to establish a uninhabited zone 30 kilometres wide and 1,200 kilometres long inside its national territory. That measure applied not only to Kurdistan, but also to the central and southern provinces. The inhabitants of those regions had been relocated in the areas closest to their former places of residence and each family had received compensation to build a new home as well as plot of farm land.

73. The sincerity and good faith of the Government's efforts to normalize the situation in Iraq were a very important factor that deserved to be taken into consideration. The Government of Iraq wished to reaffirm its determination to create conditions conducive to stability, democracy and the rule of law. Accordingly, the delegation of Iraq was prepared to co-operate fully with the Sub-Commission on the protection of human rights and fundamental freedoms.

74. Iraq reserved the right to reply to the non-governmental organizations that had implicated it in their statements.

75. Mr. MASHADI (Observer for the Islamic Republic of Iran) said that he wished to make some comments on the statements of certain members of the Sub-Commission, who had referred to so-called mass executions in the Islamic Republic of Iran as well as on the report by Mr. Galindo Pohl, the Special Representative of the Commission on Human Rights (E/CN.4/1989/26).

76. Consideration of the situation of human rights in the Islamic Republic of Iran was possible only if due account was taken of the special circumstances that had confronted the country since the establishment of the Islamic Republic, a little more than 10 years earlier. From the outset, the Government had had to grapple with internal and external aggression by terrorist, mercenary and foreign forces as well as with economic, political and military pressures. Terrorist and mercenary groups and organizations, particularly the People's Mujahedeen, supported by certain hostile Powers, had resorted to every possible method of propaganda and blackmail in order to present a distorted picture of the situation in his country.

77. Yet, that source of information was the one most frequently used as a basis for allegations against the Iranian Government. Those groups, whose headquarters were in Baghdad and whose members had treacherously joined the enemy army, could not be regarded upon as reliable judges of the situation in his country. The above-mentioned report was none the less largely based on oral and written testimony transmitted directly or indirectly to the Special Rapporteur by the Mujahedeen. It was therefore hardly surprising that the document in question contained bogus allegations. For example, it included a list of people who had allegedly been executed as political prisoners. Yet, on considering the list, the Government in Teheran had found that 140 of the names were false.

78. During the war, a large number of the members of the People's Mujahedeen Organization had taken part in military incursions into Iran and had been killed in action, not executed in prison, as that organization alleged. According to the Additional Protocols to the Geneva Conventions, the People's Mujahedeen Organization was a mercenary organization whose members must be treated as such. There was ample evidence concerning the mercenary operations and activities of that group and its close collaboration with the enemy army.

79. The execution of drugs traffickers had also been mentioned in one statement. The facts of the situation prevailing in the region must be fully taken into account in that respect. His country was indeed used as a transit country by traffickers smuggling their deadly merchandise from south and south-east Asia to Europe and even America. The Iranian Government was therefore dealing with international smugglers who were a threat to the health of the whole world. They were heavily armed, and hundreds of law enforcement

officials had been killed in the course of operations mounted to arrest them. The Islamic Republic of Iran bore the entire financial burden of that struggle against drugs traffickers, while other countries reaped the benefits directly. In the circumstances, the least they could do would be to express their gratitude for those courageous efforts.

80. Some positive developments had taken place in the Islamic Republic of Iran, including a general amnesty ordered by the late leader of the Islamic Revolution, on the occasion of the tenth anniversary of the victory of the Revolution. The Islamic Republic of Iran had consistently stressed that efforts in the field of human rights should be free from political considerations. It was on that basis that Iran was prepared to co-operate fully with the competent organs of the United Nations; all it expected in return was an objective, positive and constructive approach aimed at improving the existing co-operation.

81. Mr. ESCALER (Observer for the Philippines), speaking in exercise of the right of reply, said that he wished to inform Terre des hommes and the other non-governmental organizations that had spoken on the item under consideration, of the testimony of the Conference of Catholic Bishops of the Philippines, which spoke essentially, it should be stressed, on behalf of the Philippine people.

82. On 11 July 1989, more than 100 Catholic bishops of the Philippines had issued a statement that had spared neither the Government nor its enemies. After deploring the fate of innocent civilian victims of the exactions of military groups and rebel groups in the Philippines, the bishops had denounced the manipulative use of human rights violations, and expressed the view that charges of such violations did not respond to human and moral concerns and were not designed to put a stop to violations, but merely to blacken the political image of the other party by cynically exploiting the suffering of the people.

83. Human rights violations could not be reduced to mere statistics, manipulated unscrupulously by any side. While it listened with interest to the statements of the non-governmental organizations, his delegation invited them to join in eradicating the poverty and social injustice which were the root causes of human rights violations in the Philippines, and not to engage in an endless debate. Human rights violations were certainly not the pattern or policy of President Aquino's régime.

84. Mr. MEJIA UCLES (Observer for Honduras), speaking in exercise of the right of reply, said that he wished to inform the representative of Service Justice and Peace in Latin America that Honduras abided by its international commitments and had accepted without any reservation the jurisdiction of the Inter-American Court of Human Rights in the Velazques and Godines Cruz cases. The Court had determined that the relatives of the victims had not been compensated, and far from disputing that decision, the Government of Honduras had officially stated that it undertook to comply fully with the Court's decision.

85. In spite of the innumerable problems that had arisen in Honduras on account of the upheavals in neighbouring countries during the previous 10 years, there was reason to hope that the agreements reached recently in those countries would restore peace and that an international peace-keeping force would be established.

86. Honduras had always co-operated with the Commission on Human Rights, and a commission of Honduran government experts would shortly submit to the Working Group on Enforced or Involuntary Disappearances the report of the Inter-Agency Commission on Human Rights concerning the complaints transmitted by the Centre for Human Rights. The Special Rapporteur on torture, Mr. Kooijmans, was also scheduled to visit Honduras in September to observe the efforts made in the field of human rights.

87. Mr. ZHANG (Observer for China), speaking in exercise of the right of reply, said that at the previous meeting a member of the Sub-Commission had quoted absurd statistics in respect of China. According to those figures, between 1959 and 1961, 140 million Chinese, i.e., 15 per cent of the total Chinese population, or one Chinese out of six, had died of starvation. It had also been asserted that one million Tibetans had died, although the total population of Tibet was no more than a million. The manipulation of statistics was part of a familiar policy: refusing to admit that the new independent China which had come into being 40 years ago was capable of encouraging other peoples to accede to independence, some people continued to describe the situation in China as chaotic. Nevertheless, the Chinese people continued to build its history and to ensure its economic and social development.

88. Mr. ALDORI (Observer for Iraq), speaking in exercise of the right of reply, said that he wished to inform Amnesty International that Mr. Mohamed Ali was completely free and that the seven other individuals whose names had been mentioned were not among the returnees from Turkey, none of whom had been treated as had been alleged. He hoped that Amnesty International would provide further details of such cases and would not content itself with merely giving the name of a person or of his father.

89. The other non-governmental organization which had made confused accusations and provided inaccurate statistics concerning Iraq during the current meeting had shown that it knew nothing of the situation there. He challenged anyone to prove that chemical weapons had been used against the Kurds in Iraq. The International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees and the Turkish authorities themselves had admitted that those allegations were unfounded.

90. Furthermore, it was difficult to see the usefulness of an inquiry into the various groups currently in Iraq, as eight years of war had given adequate proof that all the sects and minorities in Iraq had defended their country's independence. It was clear that such a study would not serve the noble objectives of the Sub-Commission and would only politicize the debate.

91. Mr. RADU (Observer for Romania), speaking in exercise of the right of reply, stated, in connection with the references made to the situation of national minorities in Romania, that in 1988 his delegation had submitted to the Committee on the Elimination of Racial Discrimination, a comprehensive report containing detailed information on the access of members of the Romanian nationalities to education and culture in their own language, as well as their right to practise the religion of their choice. Romania guaranteed both in principle and in practise the exercise of all rights without discrimination.

92. The references made at the current session by a non-governmental organization to the alleged destruction of churches and historic monuments in Romania were totally false. A UNESCO delegation and representatives of the Western European churches had recently been able to verify the real situation in Romania, to observe that religion was thriving there and to ascertain that no villages had been destroyed. He would therefore contact the speakers who had made the allegations, in order to provide them with all the necessary information.

ELIMINATION OF RACIAL DISCRIMINATION (agenda item 5) (continued)

(a) MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION (E/CN.4/Sub.2/1989/8 and Add.1)

- IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

93. Mr. MARTENSON (Under-Secretary-General for Human Rights) introduced agenda item 5 (a) and recalled that the issue of measures to combat racism and racial discrimination had received top priority on the Sub-Commission's agenda since 1978. Racism and racial discrimination negated the very essence of the Universal Declaration of Human Rights and inevitably led to torture, detention or illegal executions. The most institutionalized form of racism, apartheid, had been of concern to the United Nations for many years, as had the situation of migrant workers, indigenous populations and minorities.

94. The Charter itself insisted upon "the equal rights of men and women and of nations large or small" and on respect for human rights "without distinction as to race, sex, language or religion", and the elimination of racism and racial discrimination was necessary to preserve peace, to improve living standards and avert internal or external tension.

95. Mention should also be made of the United Nations Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination, the ILO Conventions on Discrimination in Respect of Employment and Occupation and Equal Remuneration, the UNESCO Convention against Discrimination in Education, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention against Apartheid in Sports.

96. In order to supplement those instruments, the General Assembly had proclaimed 1973-1983 the United Nations Decade for Action to Combat Racism and Racial Discrimination, and 1983-1993 the Second Decade to Combat Racism and Racial Discrimination, and had approved a broad programme of activities supplemented by detailed plans of action for the periods 1985-1989 and 1989-1993. Among the manifold activities planned, he attached the highest importance to the elimination of apartheid.

97. The successful implementation of the programme of activities for the Second Decade required concerted efforts by many United Nations organs and bodies, by the Economic and Social Council, the Commission on Human Rights, the Special Committee against Apartheid, the relevant Secretariat units and the specialized agencies, in particular, UNESCO and ILO.

98. In October 1987, the Secretary-General had asked him to undertake responsibility for the co-ordination of those activities, whose importance had been recognized by the General Assembly in its resolution 42/47. Accordingly, he had established contacts with the appropriate organs and Secretariat services at Headquarters, such as the Centre for Transnational Corporations and the Centre against Apartheid. At the session of the Administrative Committee on Co-ordination, held in Geneva the previous year, he had reviewed, with the executive heads of the specialized agencies, the United Nations programme against racism and had suggested both a strengthening of each agency's own programme and an improvement in inter-agency action and co-ordination.

99. The matter was still on the agenda for the next session of the Administrative Committee on Co-ordination scheduled for October. The aim was to mobilize the resources of the entire United Nations system in the struggle against racism, with the assistance of the non-governmental organizations that had actively participated in the numerous meetings held under United Nations auspices. In his capacity as Co-ordinator, he met periodically the representatives of non-governmental organizations to review the situation.

100. In the area of information, he had assigned priority, within the overall human rights programme, to the need for wider collaboration with other members of the extended human rights community and with non-governmental organizations. His efforts had been given new impetus from the General Assembly's launching of the World Public Information Campaign on Human Rights. Furthermore, he regularly met with representatives of the media, which also had an essential role to play in the combat against racism and in the implementation of the Second Decade.

101. In order to focus the co-ordination of all international activities carried out within the Second Decade, the Centre for Human Rights had organized, at the request of the General Assembly, a Global Consultation on Racism and Racial Discrimination held in Geneva in October 1988. The participants in the Global Consultation had, inter alia, recommended that the Security Council should impose mandatory sanctions against the apartheid régime; that Governments should strengthen legislative measures making racism a crime under international law, and insist on ratification of international and regional instruments pertaining to racism and racial discrimination. It had also been recommended that co-ordination within the Centre for Human Rights should be strengthened to implement the activities of the Second Decade, and the key role played by non-governmental organizations had been underlined.

102. In January 1989, the Centre for Human Rights had, moreover, organized a seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States, the report of which had been published in the form of a Fact Sheet. An international seminar on cultural dialogue between countries of origin and host countries of migrant workers was, furthermore, to be held in Athens and a Working Group of the Third Committee of the General Assembly was currently preparing a convention on the rights of migrant workers. Finally, in January 1990 the Centre intended to organize a workshop on the political, historical, economic, social and cultural factors contributing to racism, racial discrimination and apartheid.

103. The activities for strengthening national legislation and institutions for the prevention of racism and the promotion of racial harmony, could also give priority to the preparation of model legislative texts on anti-discrimination, which could guide Governments in the adoption of new laws. Those texts could range from constitutional provisions to model rules establishing commissions for racial harmony, or instituting special recourse procedures in matters of racial discrimination. Expert advisory services and training courses or workshops on international anti-discrimination norms could be offered to assist Governments. Finally, as part of the World Public Information Campaign on Human Rights, material could be provided on the basic human rights of equality and tolerance and informing the general public of their rights.

104. In 1983 the Sub-Commission had entrusted Mr. Eide with a study on the results achieved and the obstacles encountered during the Decade for Action to Combat Racism and Racial Discrimination, with special emphasis on the progress in that field, if any, between the First and Second World Conferences to Combat Racism and Racial Discrimination. The Special Rapporteur had already submitted a progress report to the Sub-Commission, which had now before it his final report in document E/CN.4/Sub.2/1989/8 and Add.1.

The meeting rose at 6 p.m.