

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.4/1985/SR.52  
20 March 1985

Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 52nd MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 12 March 1985, at 10 a.m.

Chairman:

Mr. CHONDHURY

(Bangladesh)

CONTENTS

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories (continued)

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.6108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.85-15543

The meeting was called to order at 10.30 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued) (E/CN.4/1985/2; 7/Rev.1; 9 and Add.1; 17; 18; 19; 20; 21; 44; 54; 57; 58; 60; E/CN.4/1985/NGO/4; 8; 13; 14; 15; 20; 21; 25; 28; 29; 34; 36; 38; 44; 50; 52; 54; E/CN.4/1985/L.12/Rev.1; 30; 48; 57; 62; 66; 71; 73; 80; 81; 83; A/39/635; 636)

1. Mrs. CASCO (Nicaragua) expressed the deep concern of her delegation at systematic and flagrant human rights violations, especially violations of the right to life, development and self-determination throughout the world, and especially in Central America. Those violations could be traced to colonialist and neo-colonialist practices and policies which took various forms and methods, such as the plundering of national wealth, low prices for home-produced commodities, political and economic blackmail, financial and trade barriers, as well as other and more brutal methods including the use and threat of force. The policy of "State terrorism" denied all human rights, and in practice, violated all international human rights as well as instruments governing relations among States and guaranteeing international peace and security. It should be emphasized that the crisis in Central America arose from unjust and anachronistic social and economic structures which precluded the full enjoyment of fundamental human rights.
2. The United States Government tried to present the crisis in Central America in a simplistic manner as a facet of the East-West conflict, in an attempt to justify its intervention in the region and its continuing violations of the right to self-determination of the peoples of Central America. It was absurd to claim that a small country like Nicaragua could pose a military threat to the security of a world Power. There would be no peace in Central America if the United States Government continued to take the view that Central America was its own "backyard", a view that showed a complete contempt for the principle of self-determination, and maintained its irresponsible and bellicose policies of gunboat diplomacy and economic pressure. President Reagan had publicly declared his intention of removing the elected Government of Nicaragua. A plan which, according to the United States of America, would achieve peace, economic development and democracy, in fact had the opposite effect, since it caused scarce resources for meeting basic human needs to be diverted. The likelihood of a war of unpredictable proportions increased as the United States presence in the region escalated.
3. In contrast with the bellicose acts of the United States administration and in an effort to find a peaceful outcome to the Central American crisis, the Nicaraguan Government had recently made new peace proposals and undertaken a number of initiatives. With a view to the complete withdrawal of all foreign military advisers, her Government was prepared to forego the co-operation of 100 Cuban military advisers, 50 of whom would return to their own country in May 1985. It had also decided to declare an indefinite moratorium on the acquisition of new weapons systems and the fighter aircraft it needed to complete its air defence system. Further, the Government had invited a committee representing both parties from the United States Congress to visit Nicaragua without any restrictions to confirm that the Nicaraguan military installations were purely defensive in nature.
4. The above-mentioned peace initiatives of the Nicaraguan Government proved that the country was not in fact a potential Soviet military base, as the Reagan administration had claimed in an attempt to justify its intervention. It was the United States which had installed military bases and carried out military manoeuvres in the countries bordering Nicaragua. Nicaragua and the Contadora countries considered that the situation between Nicaragua and the United States of America, should be resolved bilaterally; for that reason, Nicaragua stressed the vital importance of a bilateral dialogue with the United States.

5. A report published by an independent United States group had documented the crimes committed in Nicaragua by mercenaries in the pay of the United States Government. The report had given an account of murder, rape, torture and the abduction of civilians by the "freedom fighters", whom the United States Government had compared to the French Resistance in the Second World War and to whom it wished to transfer political power in Nicaragua.
6. The United States Government might impose blockades on Nicaragua and impoverish it even further but, as in Viet Nam, it would never break the will of a people determined to make every sacrifice in defence of its sovereignty, territorial integrity and right to self-determination.
7. Nicaragua and the other countries of Central America needed peace if full respect for human rights were to be achieved. Her delegation believed that the democratic tradition of Lincoln and Jefferson would prevail over the policy of the present United States administration. At the previous meeting, the United States representative had said that his country worked to promote the cause of human rights throughout the world: it was time for the United States to prove that claim in Central America.
8. Mr. SOKALSKI (Observer for Poland), speaking in exercise of the right of reply, said that the international community had commemorated several important anniversaries in 1985, such as the victory over Nazism and Fascism. However, no mention had yet been made of two other important events: the totally unnecessary and destructive explosion of the first atom bombs over Hiroshima and Nagasaki 40 years before, and the dropping on the Democratic Republic of Viet Nam of 14.5 million tons of bombs, equivalent in destructive power to 720 of the bombs dropped over Hiroshima. Twenty years after that event, millions of people all over the world were still suffering on account of United States policies and actions, yet the representative of the United States of America had asked the Commission to take to heart John Donne's observation that "any man's death diminishes me, because I am involved in mankind". In view of his country's human rights record, the representative of the United States of America should have been humble enough not to attribute those words to the position of his Government.
9. His delegation had given the delegation of the United States of America no reason whatever to present its biased position on Poland once again. The statement of the United States representative had illustrated perfectly his own observation that the most serious human rights violators spoke out most loudly about the human rights violations attributed to others. The human rights situation in the United States of America and the United States' role in mass violations of human rights throughout the world had for years seriously alarmed the international community. His delegation could give a full account of human rights violations committed by the United States of America, both at home and abroad. If the United States delegation disagreed with that account, it need only request the Commission to authorize a special report on the human rights situation in the United States of America: such a document would certainly make fascinating reading.
10. The United States Government was not party to any United Nations human rights instruments and thus, regrettably could not be called to account for its actions in the field of human rights. In 1974, a report of the Foreign Affairs Sub-Committee on International Organizations had listed 29 human rights conventions which the United States had not ratified, and the list had since grown longer. In view of

the so-called Dulles Doctrine, it seemed unlikely that the United States of America would ever ratify any United Nations human rights conventions. The "continuing resolution" adopted by the United States Congress in respect of aid to other countries asked for a full report assessing the extent to which potential recipients had supported the policy of the United States of America in the previous 12 months, using such criteria as countries' voting pattern and speaking record in the principal bodies of the United Nations and on their actions in regard to the United States in important documents. No funds would be obligated or expended to finance directly any assistance to a country which was engaged in a consistent pattern of opposition to the foreign policy of the United States of America. It could not be accepted as a credible partner in the promotion and encouragement of respect for human rights and fundamental freedoms.

11. In many ways, the present state of Polish-United States relations was worse than in the early 1950s, when the tension had mainly been a result of the general deterioration in East-West relations. Poland had now been singled out to bear the brunt of United States persecution and would remain its whipping boy. The United States of America tried to treat Poland as a pawn in its imperialist game: Poland was "bad" or "good", according to Washington's current political plans. The United States of America had not wanted the stabilization of Poland's frontiers and had opposed land reforms and the rationalization of Polish industry. The United States of America was opposed to reform and reconciliation in Poland, because such an approach belied the ideological tenets of its "crusade". Washington's sole concern was the political and economic destabilization of Poland. It had been completely unnecessary for the United States representative to mention the murder of Father Popieluszko: the latter had fallen victim to just the kind of intolerance which was inflicted on Poland by statements such as that of the United States of America at the previous meeting. Poland was not the first example of frustrated United States plans and hopes in the twentieth century, although, in the past, rational analysis and cost-benefit comparisons had prevailed.

12. Poland would not surrender to United States policies: it was a socialist country with a clear pattern of alliances and political principles. The road to normalization of Polish-American relations would be clear if the United States of America would remove the road blocks it had placed there. The United States' "good news" speeches and its voting policy on Uruguay had provided a yardstick by which the credibility of its remarks about Poland could be measured. The events in Grenada, Nicaragua, Lebanon and El Salvador made one wonder where a policy based on brutal power and wishful thinking might lead next. The doctrine of "global confrontation with communism" and the accompanying attempt to gain absolute military supremacy had already led to a disquieting regression in international relations. United States representatives had pontificated on the crucial American values of freedom, affluence and peace, but perhaps those principles should be illustrated by specific examples from the United States sphere of influence: the freedom of Chile or South Africa, the human rights of South Korea, the affluence of its Latin American client States, the peace enjoyed in Grenada, Lebanon or El Salvador. In all those countries, the United States of America had had every opportunity to prove the superiority of its political and social system. Events in Grenada had shown that the United States of America claimed a licence for its interventions, to justify invasion almost anywhere. In reflecting on its future approach to Poland, the United States delegation would do well to remember that de Tocqueville had remarked that when America ceased to be good, it would cease to be great and that 150 years later, the Rev. Jesse Jackson had called on Americans to stop killing abroad and start healing at home.

13. Mr. BARAKAT (Jordan) said that the worsening human rights situation in many regions meant that the Commission was called upon to exert even greater efforts to deal urgently with the many cases of violations of those rights. The peoples and groups subjected to such violations expected no less from the Commission, as previous speakers under the current agenda item had stressed. The world had been pleased to note the progress made in some countries, particularly the recent events in Argentina and Uruguay, which would allow the peoples concerned to enjoy their rights and shoulder their responsibilities in full.

14. His delegation welcomed the reports contained in documents E/CN.4/1985/17-21, and supported in principle the view that the Commission should be enabled to request that a special rapporteur should report on the situation in any country where the Commission might feel a detailed study to be warranted. Such reports should, of course, focus on human rights issues and be prepared in full co-operation with the national authorities concerned; moreover, all sides to any dispute should be considered and the findings carefully analysed. He agreed that the preparation of reports should touch also upon the question of mass exoduses.

15. The Commission's reporting and follow-up procedures were a useful means towards the ending of human rights violations. The Working Group set up to examine the particular situations referred to the Commission under Council resolution 1503 (LXVIII) was an effective means of ascertaining facts.

16. Jordan was fully committed to the Organization's efforts to remedy situations of human rights violations; Prince Hassan of Jordan was active in independent human rights bodies, including a commission established under United Nations auspices whose studies, together with the Commission's efforts, should help in preparations for a draft declaration on a new international humanitarian order.

17. A study of major situations of flagrant and systematic human rights violations throughout the world revealed that the prime cause in most cases was internal strife or conflict with neighbouring States; another important factor was the tension created by the presence of certain foreign military Powers, which prevented the establishment of democratic rule. Unfortunately, in no such cases had the Organization's attempts to remedy or at least alleviate the situation been strong enough to prevail.

18. Although the situation in the Arab territories occupied by Israel had been considered under another agenda item, the situation in southern Lebanon warranted further mention. The observer for Lebanon had referred to Israel's continued acts of aggression; in addition, the international mass media continued daily to report further acts of repression, including killings, on a scale virtually unthinkable. His delegation endorsed the request that the Commission should condemn such acts and call for their cessation. Any such positive step by the Commission would surely help towards ending the suffering in the region.

19. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that the United States representative's statement on the current agenda item had, in its references to the Soviet Union, achieved flights of fancy unequalled in any fairy-tale. Regrettably, the shameful situations prevailing in the United States itself were no tale but hard facts. No tale could compare in grimness with the figures of 8.5 million unemployed and 3 million homeless in the United States, or with that country's

policy of genocide which had reduced the Indian population from several millions at the time of colonization to a mere 800,000. Likewise inescapably real was the high proportion of United States citizens suffering from mental and physical disorders, a fact reliably attested to, inter alia, by the National Institute of Mental Health, whose findings had been published in Newsweek on 15 October 1984.

20. The United States delegation, in its constant efforts to portray the Soviet Union unfavourably in comparison to its own country, had asked rhetorically, during the Commission's thirty-ninth session, why Stalin's daughter, Svetlana Peters, had left the Soviet Union to settle in the United States; she had, however, since returned to the Soviet Union and had referred, during a press conference, to the nightmarish human rights situation in the United States. He himself had seen conditions there, and had met a former Leningrad doctor, doing menial work in New York, who had expressed the wish to return to the Soviet Union after living for 50 years in the United States. He had also been present at negotiations conducted between the Soviet and Austrian heads of Government, during which the latter had formally requested information about the possible return to the Soviet Union of thousands of Jews dissatisfied at the prospect of being settled in Canada, Israel or the United States.

21. The variety of national surnames seen in the Soviet delegation sufficed alone to refute the United States representative's allegations about the Russifying of all the Soviet Union's peoples. The fact that, for obvious reasons, Soviet delegations spoke only Russian in United Nations forums had nothing to do with the fact that all the Soviet Union's national and linguistic groups continued to use their own languages. There were publications in over 100 languages in the country; textbooks were provided, and lessons taught, in 80 languages in primary schools. There were also radio and television programmes, and film soundtracks, in many languages. Local-language newspapers appeared throughout the Union republics, autonomous republics and regions. The Jewish communities too had publications in their own language, and there was a local Jewish theatre in Moscow. Translations were frequently made into Russian from Hebrew and other national languages. Therefore, the alleged Russifying of the Soviet peoples was a myth.

22. In contrast, there were unlikely to be textbooks in more than one language in the United States, or a single newspaper printed in an Indian language; there was, indeed, a quarterly publication entitled Indigenous World, but it appeared only in English and Spanish. He also wondered whether the United Kingdom delegation could cite one instance of a newspaper in Gaelic or Hebrew in its country. At a press conference held in London, he himself had replied in Hebrew to an editor who had inquired about Jewish publications in the Soviet Union, and had asked why a Jewish newspaper printed in the United Kingdom appeared in English.

23. To use the method of analogy adopted by the United States representative in his slanderous remarks about Poland, it could surely be said that, had Poland been in Latin America, its situation would have been but one more in a long succession of grim events such as the upheavals in Guatemala in 1953, in Chile during 1973 and more recently in Grenada.

24. The United States representative had asked what was the use of polemics about human rights, but his concept of usefulness was rather unique. He considered it useful for his country to send its rapid deployment forces around the world, establish dictatorial régimes, disseminate slander and falsehoods about other countries and refuse to provide economic assistance to nations which did not wish to become its satellites. He found incontrovertible truth about gross and massive human rights violations to be less than useful, however. One such truth was that since British troops had gone into Northern Ireland in 1969, 2,500 people had been killed and many more had been injured - but according to the United States representative, that was an example of human rights in action.

25. Another example of what was useful in the eyes of the United States representative were the gross and massive human rights violations in the Netherlands. The authorities of that country made no attempt to hide the fact that they wished to force members of many minorities to emigrate. To achieve that end, they had recourse to repression and discrimination against them. They had also made it common practice to use bulldozers to destroy the temporary housing improvised by the great numbers of homeless people. The reports of the Netherlands to the Sessional Working Group and the Human Rights Committee had been widely and strongly criticized because of evidence of violations of civil, political, social, economic and cultural rights. A final example of violations of the most fundamental human rights was the actions of the Netherlands in Suriname.

26. It was all very well to tell old wives' tales, but the Commission should pay more attention to the hard facts about human rights violations.

27. Mr. MOREIRA-LOPEZ (Observer for Guatemala), speaking in exercise of the right of reply, said that his country's co-operation with the Commission and its Special Rapporteur had resulted in an escalation of criticism on the basis of unreliable sources. The current Government, which was a transitional one, had taken office on 9 August 1983 and represented a drastic change from previous Governments and their policies. It had come to power because of the people's desire to have free elections, peace and the ability to enjoy human rights and fundamental freedoms. It had promoted the involvement in politics of people representing every conceivable point of view, greatly improved the human rights situation, held exemplary elections and demonstrated its democratic orientation despite conspiracy, subversion and armed aggression by extremist factions. Although criticism had been orchestrated on "verified" or "reliable" claims that systematic and massive human rights violations continued in Guatemala, the report of the Special Rapporteur (E/CN.4/1985/19) showed that there had been substantial improvement.

28. There were no massacres in rural areas: violence did occur, but those who accused Guatemala deliberately failed to mention either cases of subversive activities or common criminality which, unfortunately, was a world-wide phenomenon. Those who insisted in seeing "serious violations" of human rights revealed nothing but ill-will and a stubborn desire to obstruct the country's progress towards full democracy.

29. With regard to the repeated accusations about disappearances, he said that the facts showed they were entirely false. The Head of State had established a tripartite body to investigate the complaints of the Mutual Support Group. It should be stressed once again that "disappeared persons" often proved to have been kidnapped by subversive factions or by common criminals or to have gone off to join the guerrillas. In fact, some of the "disappeared" had reappeared when the Government had declared an amnesty which had encouraged many who had been involved in clandestine activities to return to normal life.

30. The accusation that members of the civil defence patrols were impressed into service was refuted in paragraph 139 of the Special Rapporteur's report; it was revealing, moreover, that civilians participated in the patrols in an effort to fend off the attacks of subversive factions.

31. Development centres were constantly described as concentration camps which were the result of the enforced displacement of the indigenous rural population. It had been exhaustively proven that no one was forced to live in the centres and that people were free to enter and leave them as they pleased. Because of the centres, food production in rural areas had increased to such an extent that Guatemala was now able to help meet the demand for cereals in neighbouring countries. The centres had been visited by private individuals, representatives of humanitarian organizations and ambassadors accredited in Guatemala. In the light of the repeated statements that the causes of the revolt were injustice and poverty, it was surprising that those very centres which were helping to eliminate those evils should be systematically targeted for criticism. Any effort to improve the social, economic and cultural situation of the most impoverished sectors was systematically blocked by those who realized that progress would deprive them of pretexts for inciting armed rebellion and promoting the destruction of a system based on individual freedom rather than State dictatorship.

32. Everyone was aware that the insistent accusation that the elections of July 1984 had been rigged was false, although they had taken place in extremely difficult conditions fomented by foreign interests. It was especially unfortunate that peaceful and well-intentioned peasants had become involved in a cause which was not their own.

33. The Special Rapporteur had incontrovertibly demonstrated the falseness of another claim, namely, that the Guatemalan Government maintained secret prisons. His delegation awaited the testimony of representatives of Amnesty International who were scheduled to visit Guatemala in April 1985.

34. His delegation rejected the groundless accusations and criticisms made by the representatives of Sweden, Norway, Spain and the Netherlands. The statement by the representative of France was especially perplexing since the situation in New Caledonia should make him sensitive to the problems of rural populations. He would do better to base his statements on hard facts rather than on tendentious and dubious sources.

35. Mr. JAYEWARDENE (Sri Lanka), speaking in exercise of the right of reply, said that the remarks by the spokesman for the International Commission of Jurists (ICJ) had been primarily political and had touched on human rights only incidentally. A more objective approach might have been expected from a body of international jurists; unfortunately, the statement only demonstrated that the organization was motivated otherwise than by an interest in human rights in Sri Lanka.



36. With regard to the issue of the hardships caused by the emergency regulations, the escalation of terrorist activity had compelled his Government to take steps to ensure security for civilians and to step up action to end terrorism. Since the terrorists had been operating in heavily populated areas and from off the shore, a narrow seashore strip had been designated as a prohibited zone in which the army could take action against terrorists. A further area, where terrorists intermingled with civilians, had been designated a security zone in which residents were required to carry proof of identity and possessors of vehicles had to be registered and the movement of vehicles regulated so that terrorists using hijacked vehicles could be monitored. All the regulations had been designed to ensure a balance between the preservation of national security and territorial integrity, on one hand, and the limitation of restrictions to an absolute minimum, on the other. The Government had taken steps to compensate all persons financially affected by the disruption of their lives and to reduce the inconvenience caused to a minimum.

37. When the representative of the ICJ had referred to affidavits, he had probably been unaware that the title Justice of Peace was a misnomer, handed down from the colonial era for Commissioner of Oaths.

38. His Government categorically denied that the army had been used for extra-judicial killings. When members of the armed services had been guilty of misconduct or excesses, the Government had taken prompt and severe action: members of the security forces had been punished following investigations into complaints of conduct prejudicial to good order and military discipline.

39. A political solution remained his Government's goal and would be best realized by the continued functioning of the democratic political machinery which had been in operation in Sri Lanka since 1931. Freely chosen representatives of the people had in the past taken decisions on how the country should be governed. The disappointing end to the All Party Conference raised serious doubts as to whether the TULF was able to negotiate a peaceful solution as long as the terrorists, who sought a military solution, were active. In referring to self-government for the Tamils or the power of veto of the President, the representative of the ICJ had entered an area of controversy that did not arise between a section of the Tamil community and the majority community. Such irresponsible statements tended to foster disharmony between communities. Sri Lanka was a unitary State in which all legislation had to be approved by all the people through their parliament or by their elected head of State. The representative's derogatory reference to the power of veto exercised by the President showed a lamentable disregard of fundamental constitutional theory and might equally well be addressed to the leaders of most democratic countries.

40. His Government condemned the shameful murder of Father Mary Bastion but could not yet be sure who had been responsible. An investigation was being conducted by a special team from the Criminal Investigation Department and any person, whether a member of the security forces or otherwise, shown to have been involved, would be duly prosecuted. In order to allay the fears of potential witnesses, all members of the services stationed in the area at the time of the alleged incident had been transferred elsewhere.

41. The claim by the representative of Centre Europe-Tiers Monde that the Government was planning a scheme of forced resettlement was absolutely false: in fact, the plan was designed to turn what was now barren wasteland into inhabitable areas.

42. Mr. AKRAM (Observer for Pakistan), speaking in exercise of the right of reply, said it was unfortunate that the representatives of the Anti-Slavery Society for the Protection of Human Rights and of the International Association for the Defence of Religious Liberties had misconstrued the role of the Government of Pakistan with regard to the status of the Ahmadiyya community and misread the intent of the Ordinance of April 1984. The contention that the Government of Pakistan had acted arbitrarily against the community for political reasons was inaccurate. It had been the National Assembly of Pakistan, duly elected by the people, which had defined the religious status of the Ahmadis, after a comprehensive consideration of all views, including those of the Ahmadiyya community. Subsequent to that decision, it had been found necessary to issue the April 1984 Ordinance to define the exact status, rights and privileges of the Ahmadis.

43. The Ordinance was not intended to deprive the Ahmadis of their rights, least of all the right to practise their religion. It provided for full legal protection to life, honour and property and the Government had taken appropriate steps to uphold those rights. The Ahmadiyya community had been allotted a separate seat in the National Assembly and similar assured representation in the four Provincial Assemblies as a minority group in the same manner that such seats had been reserved for other minorities. The privileges enjoyed by the Ahmadis were therefore fully protected and they continued to participate fully in the affairs of the country. That fact had been conceded by the representative of the Anti-Slavery Society when he had admitted that members of the community continued to serve the country in senior positions.

44. The basic purpose of the Ordinance was to defuse tension between various sections of society. It was well known that no incident of any significance had been reported by the Ahmadiyya community nor had there been any cases of Ahmadis being maltreated or victimized because of their belief.

45. His delegation took strong exception to the term "legalized discrimination", used by the representative of Ireland with regard to the situation of the Ahmadiyya community. He invited him to undertake a closer and impartial study of the laws regarding that community's status before making such sweeping judgements.

46. In the view of the delegation of Pakistan, the criterion of impartiality required that due consideration should be given to both sides of an issue. Unfortunately, while commenting on the powers of the civilian judiciary and the competence of military courts, the representative of Ireland had failed to observe those basic prerequisites. The Government of Pakistan had repeatedly stressed that the function of its military courts was to deal expeditiously and exclusively with serious crimes which involved terrorism and the use of sabotage and were aimed at undermining the stability and integrity of the country. The Supreme Court of Pakistan, recognizing that the country was facing an immensely difficult external and internal situation, had sanctioned the imposition of martial law, a measure required in order to protect the interests of the people of Pakistan as a whole. It was incorrect as well as unfair to regard those guilty of serious offences such as sabotage and subversion as prisoners of conscience. Furthermore, the military courts observed due process of law including the right of the accused to be represented by counsel of his choice, the right of appeal, and so on.

47. In making allegations about the use of torture in Pakistan, the representative of Ireland had apparently chosen to base his charges on what could politely be described as speculative journalism. Those charges were baseless and had not been supported by inquiries conducted by Pakistani and independent observers.

48. In conclusion, he reminded the representative of Ireland that the Government and people of Pakistan had willingly provided refuge to millions of homeless and destitute people at the risk of their own economic and social development. In doing so, they had been guided by humanitarian principles, in particular their commitment to human rights. It was therefore ironical that his Government should be accused of violating human rights.

49. Mr. de PIEROLA (Peru), speaking in exercise of the right of reply, said with regard to the remarks made by the observer for Sweden concerning the existence of extreme violence in Peru, that a terrorist group known as the Sendero Luminoso was seeking to achieve control in Ayacucho Department by all means, including murder, force and intimidation. His Government was determined to prevent the terrorists from instituting a reign of terror and was therefore using all the legal means at its command.

50. With regard to the concern expressed by the observers for Canada and Ireland about the discipline of the military and police forces and human rights violations, he pointed out that in Peru both the armed forces and the police were subject to the Executive, i.e. the Government. Any breach of discipline or violation of human rights committed by a military or police official gave rise to disciplinary punishment and the application of the Penal Code, depending on the seriousness of the case.

51. It was the duty of the Government to ensure the security of the population and its policy respected human rights and punished any abuses that might be committed. He was pleased to note the statement by the representative of Ireland that the prosecutor's department in Peru firmly defended human rights. It should be added that the Executive fully respected the autonomy of the prosecutor's department and gave it full support.

52. With regard to the allegations by Pax Romana, he said that the only violent deaths in Ayacucho had been the result of criminal activities of Sendero Luminoso or of armed confrontations in the course of which many members of the police and the military had died.

53. The World University Service had claimed that human rights were being violated in Peru, but no evidence had been produced to support such allegations. Such claims did not merit any consideration, but he wished the record to show that they were without foundation and entirely false.

54. The International Confederation of Free Trade Unions had said that Peru had a solid tradition of respect for human rights but had expressed concern about a possible change in the situation. His delegation wished to make it clear that such concern was unjustified and that the Peruvian Government, which had been chosen by free and democratic elections, fully respected human rights, including the rights of workers and trade unionists. It was only the Sendero Luminoso terrorists who were attacking human rights, killing and terrorizing those who refused to support them.

55. The constitutional mandate of the current Government of Peru would shortly come to an end. On 14 April 1985 elections would be held and the entire adult population of over 8 million duly registered voters would take part. The new Government would therefore truly represent the will of the people, as did the current Government. Similarly, the new Government would fulfil its constitutional and international commitments and ensure the full enjoyment of human rights.

56. Mr. ISMAIL (Observer for Sudan), speaking in exercise of the right of reply, said with regard to the remarks by the representatives of Australia and of Amnesty International that Mahmoud Mohamed Taha had been executed not for expressing an opinion but for engaging in various activities that contravened the Islamic Sharia. Mahmoud Mohamed Taha and his followers had criticized the application of Islamic law in Sudan and endangered national unity, which was based on respect for religion. His delegation had already referred to the numerous judgements passed on Mahmoud Mohamed Taha, who had also been convicted by several ulamas both inside and outside Sudan. He had been pardoned several times and given numerous opportunities to change his ways. Mr. Taha had not done so and he and four of his followers had finally been tried by a criminal court. They had been provided with legal assistance. The trial had been fair and the court's competence and its integrity could not be questioned. Mr. Taha's four followers had been pardoned after invoking their right under article 44 of the Constitution to apply for pardon, mercy or commutation of sentence. The fact that they had been pardoned showed that there were no summary executions in Sudan.

57. With regard to the statement by the representative of the Netherlands, he wished to point out that article 5 of the Universal Declaration of Human Rights did not specify any particular punishment. Penalties under Islamic law were intended to improve the convicted person's attitude rather than to inflict corporal punishment.

58. In his report on summary or arbitrary executions (E/CN.4/1985/17), the Special Rapporteur had referred to the trial of the five Sudanese in question. He had made statements based on rumors and had passed judgement on the sentences without waiting for the information he had requested. Consequently, the Special Rapporteur was hindering co-operation between himself and Sudan.

59. Referring to the remarks by the representative of the Arab Lawyers Union, he pointed out that the judiciary in Sudan was directly responsible to the President and that judges must base their judgement on the relevant legislative provisions.

60. In September 1983, his Government had pardoned 1,000 persons who had been convicted of offences involving theft, moral turpitude, economic corruption and armed conspiracy against the Government and its institutions. His country's values preached tolerance and did not allow for torture or inhuman treatment. Under its laws, a person was presumed innocent until proved guilty.

61. The events in southern Sudan concerned a rebellious and secessionist movement which was in the service of an unfriendly country and was engaging in terrorist activities. His Government had constantly tried to achieve a peaceful solution to the situation. In that regard, he referred to the process which had been initiated at Addis Ababa in 1972 involving an agreement which provided for a dialogue and for the granting of a full amnesty to all those who had taken up arms against the Government. During the current month, his Government had announced the suspension of its military operations, renewing its offer of amnesty and calling for a dialogue. The response had been positive and in the past few days 20,000 persons had heeded the call.

62. Mr. DHILLON (India), speaking in exercise of the right of reply, said that his delegation's statement at a previous meeting concerning the ethnic situation in Sri Lanka had been motivated by its deep desire to see an improvement within the framework of the sovereignty and territorial integrity of that country and by its intention to extend all possible co-operation for that purpose.

63. The representative of Sri Lanka had questioned the authenticity of the Indian delegation's statement that over 50,000 Tamils, who were Sri Lankan nationals, had sought refuge in India since ethnic violence had erupted in Sri Lanka in July 1983. It was difficult to believe that thousands of poor and ordinary people struggling for survival would leave their homes and remain uprooted in another country unless they feared for their lives and property.

64. The influx of refugees from Sri Lanka was continuing unabated. His Government had had to cope with the problem of providing them with food and shelter and with the political, social and economic tensions generated by their presence.

65. A large community of Tamils of Indian origin had lived in Sri Lanka for more than a century. In a unique gesture, his Government had agreed to accept as Indian citizens the major proportion of Tamils of Indian origin who were stateless persons in Sri Lanka. The Government of Sri Lanka was aware that there were established procedures to be followed by both Governments before the persons who had been granted Indian citizenship could return to India. Of the 418,085 stateless persons in Sri Lanka who had been granted such citizenship, 336,980 had already come to India.

66. The situation in Sri Lanka was qualitatively different from that in the Punjab, where all communities, including Sikhs, enjoyed full political, economic and cultural rights.

67. In conclusion, he said that his Government was opposed to separatism, secession and all forms of violence. It had no truck with terrorism and could have no interest in exacerbating ethnic tension in Sri Lanka. Since the beginning, his Government had impressed on all concerned the need to find a political solution within the framework of the unity and integrity of Sri Lanka. He welcomed the statement by the Sri Lankan representative that his Government was committed to such a solution.

68. Mr. MELARA (Observer for El Salvador), speaking in exercise of the right of reply, said that his delegation shared the view expressed by the representative of Mexico that much time was wasted in diatribes to the detriment of the Commission's fundamental task of promoting human rights.

69. It was ironic that the allegations came from countries which were systematically violating human rights not only on their own territory but also in countries which they subjugated with occupation forces.

70. Those who were making unfounded accusations against the legitimate Government of El Salvador were largely responsible for the tragedy afflicting the Salvadorian people who were fighting against troops armed and financed from abroad.

71. It was the height of cynicism that countries which used brute force and promoted subversion for expansionist purposes were making slanderous accusations in order to conceal their aggressive and interventionist policies.

72. Some delegations had limited their criticism of the armed opposition in El Salvador, saying that it was seriously damaging the country's economic infrastructure. However, the report of the Special Representative (E/CN.4/1985/18) and the international press showed clearly that the guerrillas in El Salvador were killing large numbers of persons.

73. In conclusion, his delegation firmly rejected all the slanderous accusations made by the Soviet Union and its satellites, as well as those voiced by certain non-governmental organizations, seeking to support the subversive groups.

The meeting rose at 1 p.m.