



SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. HAMER (Netherlands)

later: Ms. BROSNAKOVA (Czechoslovakia)

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AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

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The meeting was called to order at 10.10 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/41/3, A/41/180, A/41/274 and Add.1, A/41/317 and Add.1, A/41/507, A/41/710, A/41/719, A/41/778, A/41/787, A/41/183, A/41/189, A/41/213, A/41/315, A/41/326, A/41/337, A/41/343, A/41/354, A/41/398, A/41/461 and Corr.1, A/41/462, A/41/494, A/41/523, A/41/607, A/41/667, A/41/729, A/41/771; A/C.3/41/1, A/C.3/41/3, A/C.3/41/6, A/C.3/41/10, A/C.3/41/11, A/C.3/41/L.18/Rev.1, L.76, L.79, L.97/Rev.1 and L.98/Rev.1)

1. Mr. MONTAÑO (Mexico) said that it was because the human rights field constituted an essential aspect of the work of the United Nations that his delegation wished to express its concern at the recent tendency to distort the meaning and direction of the debates. Human rights questions were frequently dealt with in a spirit of condemnation, reproach or political revenge characteristic of a regional or universal confrontation. Similarly, it was often the case that a question acquired or lost importance for reasons quite apart from human rights. In that sense, the institution of the Special Rapporteur constituted a fundamental element of information on the human rights position in particular countries, through which objective criteria had been arrived at on the basis of which most delegations could draw their own conclusions. However, it frequently happened that there was a drastic contrast between the reports of the Rapporteurs and the data obtained by organizations specializing in the field of human rights, which indicated a structural defect in the system. To maintain coherence, the Rapporteurs should adopt common criteria for assessing all situations and they should express themselves in plain and unambiguous language. The experience of the Third Committee and the Commission on Human Rights indicated that even in cases where a Government's co-operation was not obtained, clear, though perhaps not definitive, conclusions could be established.

2. Another matter of concern to his delegation was the decision to reduce the Organization's budget for human rights matters. Despite the difficult financial situation, in seeking to rationalize budget appropriations the usefulness of the activities and bodies affected should be borne in mind. The submission of reports in only one language and in summary form seemed a deplorable aberration when compared with the mountains of paper consumed by interminable and vague discussions. Equally discouraging was the cancellation of the session of the Sub-Committee on Prevention of Discrimination and the Protection of Minorities, of one of the three sessions of the Committee on Civil and Political Rights and of one session of the open-ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and their Families. It was to be hoped that the last decision, in particular, was an exception and would not affect the work of the Group, which was already at a very advanced stage, the second reading now being under way and the difficult chapter on definitions having already been approved. He trusted that draft resolution A/C.3/41/L.79, of which Mexico was a co-sponsor, which recapitulated the Group's recommendations (A/C.3/41/3) would be adopted without a vote as at previous sessions of the General Assembly.

(Mr. Montaña, Mexico)

3. The reports of the Ad Hoc Group of Experts on Southern Africa revealed the increase in human rights violations in South Africa since the imposition of a state of emergency in July 1985; the racist régime continued to uphold the apartheid system and was persisting in the indiscriminate and arbitrary use of force against organizations and individuals seeking to end it. Mexico unconditionally condemned detentions without trial, forced evacuations of population and other practices of the South African Government in contravention of the fundamental principles of respect for human rights, and supported the decision of the Security Council demanding the immediate lifting of the state of emergency and the unconditional release of all political prisoners. It further considered that the compilation of information on institutions that lent assistance to the South African régime was an important means of combatting apartheid.

4. The report of the Economic and Social Council for 1986 contained serious charges about summary and arbitrary executions, the practice of torture in prisons and religious intolerance and persecution in Iran, to which the Government of that country had offered no official reply. Similarly, attention had been drawn to the consequences to the civilian population of the military operations in Afghanistan, the use of inhumane methods of warfare and the ever-growing number of refugees. The authorities of the two countries, both of which were States Parties to the Covenant on Civil and Political Rights, were required to respect the provisions of the Covenant and to guarantee the right of all persons to effective recourse against violations of their rights, even those committed by individuals in the course of their official duties.

5. Mexico hailed the restoration of democracy in Guatemala. It could bear witness to the efforts of the Government of President Cerezo to end violence and to establish the full rule of law through such measures as the abolition of the Department of Technical Investigations, accused of political crimes; the removal of the military from control of the key development sectors, which had passed to the Ministry of Development; and the adoption, on 1 October 1986, of the Act establishing a National Human Rights Commission. The international community should recognize that the process of national reconstruction, after a long period of interruption in the exercise of fundamental freedoms, was taking place gradually, and not being held back by a lack of political will.

6. Regarding the situation of human rights in El Salvador, an effort was made in draft resolution A/C.3/41/L.18/Rev.1, of which Mexico was a co-sponsor, to interpret the letter and the spirit of the report of the Special Rapporteur. The resolution recognized that the Government of the country had put into effect policies directed at improving respect for human rights, towards which considerable advances had been made. Nevertheless, the Special Rapporteur himself had drawn attention to the persistence of serious violations of human rights, in particular assassinations on political grounds, the increase in the number of political prisoners, the existence of legislation incompatible with international human rights standards, the insignificant impact of the plans for judicial reform on the real situation in El Salvador and the damage caused to the economic and social infrastructure. For that reason, his delegation hailed President Duarte's recently

(Mr. Montaño, Mexico)

expressed willingness to continue the dialogue, as being the only means of attaining a negotiated overall political solution conducive to genuine national reconciliation.

7. His delegation reiterated its concern at the deterioration of the human rights situation in Chile, corroborated by the report of the Special Rapporteur. Over the past year, suppression of the exercise of the right of freedom of expression and association had intensified through the use of new methods of repression against social and political manifestations of opposition, in particular, the searches by the armed forces of marginal settlements and university buildings, and the intimidation of lay and religious human rights bodies had increased.

8. The growing differences between the Government and the great majority of the population had been manifested in situations such as the reluctance of the Government to recognize the representativeness of the leaders of the political forces and the social organizations representing the majority; the discrediting of persons, even through slander, that had contributed to attacks on many of the political and social leaders; the rejection of all formulas for a democratic solution of the crisis; the suppression of the right of assembly for all social and political groups regarded as being in opposition to the Government, while its supporters had been able to exercise that right without restrictions; the insistence of the Government on imposing by force the application of a political Constitution contrary to the human rights and sovereignty of the people; the serious deterioration of the right to justice, which had been denied to nearly all persons killed as a result of political incidents or abuses of power since the beginning of the application of the present Constitution; the trend towards broadening the jurisdiction of the military tribunals which had resulted in the virtual creation of an alternative judicial power; the systematic persecution of human rights bodies, with a total of 126 such reports, ranging from serious threats to life, detentions, torture, kidnappings and prosecutions of people merely doing their jobs, to public threats made by the Head of State himself, and the tenacious campaign against the communications media that had culminated in the closing of some of them, the kidnapping and assassination of a national leader and a campaign of intimidation against many journalists. All those events had resulted in an increase in the polarization of the political and the social conflict and had led to an increase in detentions, supported by the use of the courts as repressive instruments supported by special laws and the so-called "broad investigatory powers", an extra-legal method that was contrary to the present Constitution, by virtue of which there had been dozens of military raids on the shantytowns.

9. On the other hand, there had been no change in the situation among exiles. In 1986, the granting of authorizations for return from exile had decreased, while at the same time a list of undesirable foreigners had been prepared, which included a number of Chileans who, as a result of the local laws of the countries that had welcomed them, had opted for nationality of those countries.

10. His delegation hoped that the trend towards democratization which had been broadened and strengthened in Latin America would serve as a stimulus for Chile to

(Mr. Montano, Mexico)

recover its pluralistic and democratic tradition. That was the purpose of draft resolution A/C.3/41/L.99, which Mexico submitted to the Third Committee on behalf of the sponsors, who had been joined by Australia, Austria and Luxembourg.

11. Mr. GHAREKHAN (India) said that his delegation was concerned about the violations of human rights and fundamental freedoms which continued to be committed throughout the world, despite the adoption of numerous international covenants and declarations on the question. The creation of new institutional machinery would in no way correct that situation. Attention must be centred on improving the effectiveness of existing instruments, through the universal acceptance and strict implementation of their provisions without any political consideration. No mechanism could guarantee human rights if Member States were constantly tailoring their position with respect to those rights to suit political purposes.

12. His delegation believed that one of the most effective measures for the promotion and protection of human rights was the strengthening of national institutions. The Constitution of India guaranteed all its citizens without distinction, social, economic and political justice, freedom of thought, expression, belief, faith and worship and equality of status and opportunities. Similarly, it promoted brotherhood by ensuring respect for the dignity of the individual and the unity of the nation. An informed public opinion, free press, independent judiciary and in particular, representative parliamentary democracy were effective guarantees for the exercise of human rights of citizens.

13. Perhaps the biggest problem with regard to the protection and promotion of human rights was that those rights were still subject to interpretations which in many cases were dictated by political expediency. Conflicts between political blocs had repeatedly arisen, not only regarding specific situations, but also with respect to concepts and texts that were labelled "collectivist" or "individualist". For example, despite the recognition that human rights were based on the inherent dignity of the human person, the right to freedom was defined as an individual right and the right to development as a collective one. Such compartmentalization was based on a profound misunderstanding and was conceptually subjective. The individual and society should be seen as complementary. When the interests of the majority and of the individuals in a society coincided, that became the interests of the society. That was the very essence of democracy. The contradiction that arose at the international level was that the interest of one conglomeration of individuals might differ from that of another.

14. The two International Covenants on human rights recognized that conditions had to be created whereby all individuals could exercise their civil and political, as well as economic, social and cultural rights. But whenever it was stated that the establishment of a new international economic order was essential for such conditions, there was an outcry that there could be no preconditions for the promotion and protection of human rights. Some delegations spoke of the indivisibility of human rights; however, while they expressed great concern about violations of civil and political rights, they rarely were interested in economic, social and cultural rights. Lofty commitment to individual freedoms should also

(Mr. Gharekhan, India)

take into account the loss of the inherent dignity of the human person that was brought about by deprivation. His delegation saw no reason why it was necessary to choose between freedom and the satisfaction of basic needs, since the lack of either of the two was equally dehumanizing. A synthesis of political democracy, economic development and social justice should be pursued.

15. While great successes had been achieved, the situation of human rights and fundamental freedoms throughout the world left much to be desired. The biggest challenge faced today in the field of human rights was the policy of apartheid of the racist régime of Pretoria which was a constant threat to the consciousness and dignity of the human person. The relevant resolutions and decisions of the General Assembly had repeatedly expressed the will of the international community in that respect. He wondered how was it possible, since all were agreed that apartheid was a crime against humanity, that it was so difficult to eliminate it.

16. The Palestinian people and the people of the occupied Arab territories too were victims of grave discrimination. A comprehensive solution to that problem could be achieved only through the unconditional withdrawal by Israel from all occupied Arab territories and the exercise by the Palestinian people of their rights to self-determination.

17. With respect to the protection of the human rights of migrant workers, his delegation appreciated the work of the Working Group on the drafting of an international convention on that question and commended the progress made during its seventh session. Similarly, it hoped that further progress would be made during the proposed meeting in 1987.

18. He hoped that at the current session the General Assembly would be able to adopt the Declaration on the Right to Development by consensus. The Declaration could constitute one of the most important initiatives of the United Nations in the field of standard setting and codification by providing legal recognition of that essential right. Conventional wisdom in the developed countries took it for granted that civil and political rights were the only basic human rights. While it was conceded that the right to development was relevant to human needs, its status as a basic human right was often denied. However, it was wrong to deny the validity of that right by arguing that it was not provided for under current international law. India believed that the right to development was an inalienable human right and that all human rights were indispensable and interdependent. That belief stemmed from the historical experience of the developing countries, most of which had won their independence in the recent past. That was not to imply that civil and political liberty was contingent upon the fulfilment of social, economic or cultural rights. India believed, however, that opposition to the establishment of more just and equitable international relations and denial of economic, social and cultural rights hindered the protection and promotion of civil and political rights.

19. Mrs. BELLORINI de PARRALES (Nicaragua) said that the success of the work of the Economic and Social Council and its subsidiary bodies was directly related to the attainment of the fundamental objectives of the United Nations, in particular the strengthening of international peace and security and the establishment of peaceful relations among nations on the basis of respect for the principle of equality of rights and the self-determination of peoples. The definition of human rights contained in the Universal Declaration remained valid, but the threats to those rights varied considerably with the emergence of new aspirations of individuals and peoples, who today could not be content with a purely formal democracy or with classic civil and political rights, since the struggle for human rights was a dynamic and evolving process.

20. Underdevelopment was one obstacle to the enjoyment of fundamental human rights. Hunger and illness continued to cause the deaths of millions in the third world. Unfortunately, some circles were opposed to the demands of the developing countries for the establishment of a new international economic order and recognition of the right to development. It was the view of her Government that human rights and fundamental freedoms were indivisible and that the exercise of civil and political rights was impossible without the full enjoyment of economic, social and cultural rights.

21. The attainment of lasting progress in the protection of human rights and fundamental freedoms was dependent on the existence of sound and effective national and international economic and social development policies. A climate of peace was essential to the attainment of those goals. Nevertheless, Nicaragua was denied that right. Nicaragua was today beset by an economic crisis and political and military aggression. The economic crisis was the result of the current deteriorating international economic situation and of the economic attrition whose most intense expression was the economic embargo imposed against the country. The aggression of a military super-Power like the United States of America, which had already been going on for six years, had claimed some 35,000 victims, more than 1,100 of them children less than 12 years old, and had caused economic damage totalling more than \$2,821 million. She recalled that Nicaragua had only just over 3 million inhabitants and exported barely \$300 million per annum.

22. The war of aggression against Nicaragua constituted a violation of the human rights of an entire people and was characterized by terror and violence against civilians through acts such as mutilation, assassination, torture, kidnapping, rape and forced resettlement; the destruction of schools, hospitals, production centres and co-operatives; and the mining of roads and attacks on civilian vehicles. An attempt was being made through aggression to restrict Nicaragua's right to independence, sovereignty and self-determination, thus violating the principles of non-intervention and the non-use of force or the threat of its use in international relations and peaceful settlement of disputes.

23. That situation had obliged Nicaragua to utilize all available means for the peaceful settlement of disputes. Nicaragua had appealed to the United States Government on a number of occasions to renounce its illegal policy of intervention and force and conduct its policy in accordance with the norms of international law,

(Mrs. Bellorini de Parrales, Nicaragua)

as befitted a world Power. Faced with the repeated refusal of the United States Government to take part in bilateral negotiations, Nicaragua had instituted legal proceedings against the United States before the International Court of Justice. As was public knowledge, in its Judgement of 27 June the Court had found the United States guilty of violating the basic principles of customary international law relating to non-intervention, prohibition of the use and threat of force, and respect for the sovereignty of States and the principles of international humanitarian law. Nevertheless, the war continued. The Government of the United States had recently approved an allocation of \$100 million for the mercenary army.

24. Despite the war, greater respect was accorded human rights in Nicaragua than in many countries that were at peace. Nicaragua had not interrupted the process of democratic institution-building, and had begun to establish a new legal and political system in which the formulation of a new Constitution occupied pride of place. The first stage of drafting the Constitution had comprised a national consultation embracing all political parties and trade-union and mass organizations in the country, which had made statements outlining their proposals before a Special Commission of the National Assembly. The second stage had involved a consultation carried out in open meetings, in which more than 100,000 Nicaraguan citizens had participated, and had included political debate by the parties on various contentious points. Subsequently, the adjudicating commission had revised the constitutional draft, article by article, taking account of the contribution made by the people, and the National Assembly had recently adopted the final draft. The process of democratic institution-building in Nicaragua was not affected by the war, but represented a manifestation of the firm will of the people and Government of Nicaragua to attain the ideals for which they had struggled for more than 50 years.

25. Mr. MOHAMMED (Iraq) said that he wished to refer to the flagrant violations of human rights and fundamental freedoms committed by the authorities of the retrograde Khomeini régime in Iran. There was no doubt that one of the grossest violations was the war of aggression which the Teheran régime insisted on waging against Iraq. Hundreds of Iranians were sent to feed the war machine and were deprived of their right to life, that fundamental right which could be guaranteed only in conditions of peace. The war also had harmful consequences for all aspects of the life of society. The state of emergency gave rise to a policy of terror in which all the mechanisms of society and the State were used. Destruction and persecution were being subsidized while poverty continued to exist, the number of people in prisons was growing and human rights violations were increasing. The Khomeini régime considered that war was an important factor for exporting what Khomeini called "the Islamic revolution". In reality, Islam had nothing to do with that. The war was linked to the very existence of the régime, and peace had become a forbidden word.

26. The reports on the subject which the Committee had before it indicated that the Khomeini régime had no intention of co-operating with the Commission on Human Rights, and that it continued to ignore General Assembly resolutions. In his report, the Special Representative mentioned that his repeated attempts to visit

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(Mr. Mohammed, Iraq)

Iran had failed, and that no reply had been received to messages sent to the Government of Iran. However, the report did not include the basic facts about that important question. Undoubtedly, the resolutions and decisions of the General Assembly and the Commission on Human Rights, as well as those of the Economic and Social Council, had not been adopted merely for the purpose of sending messages to the Government of Iran; they called for a comprehensive study and a detailed and objective evaluation of the human rights situation in Iran. That had been the Special Representative's mandate, as section II, paragraph 5, of the report indicated.

27. The "provisional" report could have become a definitive report if the Special Representative had included the available data. There was a great deal of information on the serious situation in Iran, for example, the 1986 report of Amnesty International, which contained detailed information on human rights violations in that country. Those data had been included in a memorandum dated 5 February 1985 submitted to the Commission on Human Rights at its fortieth session. In its report, Amnesty International cited increasing numbers of political prisoners and summary executions, without trial and without specific accusations being made against detained persons. It indicated that often, when suspects could not be found, members of their families and their relatives were detained. According to the testimony of people who had escaped, prisoners had no opportunity of defending themselves; they had no lawyers and were unaware of the reasons for their conviction. Medical examinations of refugees from concentration camps had revealed signs of torture and ill-treatment.

28. It was suspected that the majority of executions were of persons belonging to movements which opposed the régime. According to a message dated 27 October 1986, the Iranian National Council of Resistance comprised 13 opposition organizations and movements. The number of persons sentenced to death for political reasons was approximately 50,000. Women had been condemned to death for trivial reasons, and it was known that at least 25 pregnant women had been executed. That document provided irrefutable proof of the brutal and bloody nature of the Iranian régime.

29. A message from the United States Congress, sent to the Secretary-General on 24 March 1986, requested the adoption of stricter measures against Iran. The message referred to the treatment meted out to members of the medical association of Iran who had refused to go to war and had protested against the evacuation of hospitals to make room for those wounded in combat, since that deprived the civilian population of medical care.

30. In the face of criticism from various organizations, for example the European Parliament, the Iranian Government was attempting to justify its actions by invoking the religion of Islam; in reality, Islam condemned war and genocide. The Iranian régime discriminated against minorities such as Turks, Kurds, Arabs and Afghan refugees. Thousands of people, including religious leaders, were fleeing the Iranian hell; even the sister of the President had sought asylum in Iraq. It was hard to believe that such things were occurring in the twentieth century. Specific measures should be taken to put an end to the brutal violations of human rights in Iran.

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31. Mrs. SARANGEREL (Mongolia) said that, in the Mongolian People's Republic, the main objectives of State policy were to guarantee equal rights of citizens, develop democracy and increase the well-being of the population. The socialist system showed that true democracy was incompatible with the existence of inequality, exploitation and discrimination.

32. Analysis of the report of the Economic and Social Council indicated that the Council and the Commission on Human Rights had concentrated their attention on questions related to the struggle against massive and flagrant violations of human rights resulting from the policies and practices of apartheid, racial discrimination, colonialism, aggression and threats to national sovereignty and the denial of the fundamental right of peoples to self-determination.

33. The arms race and undeclared wars against sovereign States were conflict situations which were contrary to the very essence of human rights and fundamental freedoms and led to the violation of those rights. Her delegation considered that it was important for United Nations bodies to adopt a resolution on the guarantee of the right to life. That was particularly important since, in the nuclear and space age, that basic human right was being threatened.

34. Her delegation shared the concern of other delegations about the situation of human rights in South Africa, where the Pretoria racist régime, ignoring the demands of the international community, continued to practise the shameful system of apartheid. In the last year, various United Nations forums had clearly pointed to the cause of the conflict in the region and the means to resolve it. The conclusions of various conferences and forums confirmed that the racist régime could exist only with the collusion of a number of imperialist States. The aggressive acts against sovereign States and the assistance to criminal bandits had provoked just condemnation by international public opinion. At the eighth Summit Conference of Heads of State or Government of Non-Aligned Countries held at Harare, the policy of the apartheid régime had been categorically condemned. Mongolia fully supported the resolutions which the Economic and Social Council had adopted at its last session on violations of human rights in South Africa.

35. The competent United Nations bodies should pay special attention to the difficult situation of indigenous populations. A policy of genocide was being implemented not only in South Africa but also in other parts of the world. For example, American Indians were living on reservations in terrible conditions, deprived of fundamental rights and freedoms and suffering the effects of increasing unemployment and poverty. Mongolia was satisfied with the work which the Sub-Commission on Prevention of Discrimination and Protection of Minorities had conducted in that field, and supported the Economic and Social Council resolution which requested the Working Group on Indigenous Populations of the Sub-Commission to hold a meeting to draw up international norms on the rights of such populations.

(Mrs. Sarangerel, Mongolia)

36. During its forty-second session, the Commission on Human Rights had condemned the Zionist policies applied by the Israeli authorities in respect of the Palestinian people and the people of the other occupied Arab territories, with assistance and support from the forces of imperialism. The Commission had demanded that the rights of the Palestinian people be restored and that the flagrant violations of human rights in those territories be halted. Her delegation condemned Israel's expansion and its repression of the Arab peoples, as well as the flagrant violations of the inalienable rights of the Palestinian people, foremost among which was the right of self-determination, and declared its solidarity with the just cause of the Arab peoples in their struggle against aggression and for their territorial integrity and sovereignty.

37. Mongolia attached great importance to the resolution of the Economic and Social Council and the Commission on Human Rights on the inadmissibility of the use of mercenaries as a means to impede the exercise of the right of peoples to self-determination. The practice of using mercenaries against sovereign States and national liberation movements had been rightly condemned by the international community. Nevertheless, there was ample evidence that mercenaries were being used against fledgling States which offended imperialism, with a view to undermining their political integrity and depriving them of their freedom and independence. The use of mercenaries had come to constitute a massive and flagrant violation of human rights.

38. The persistent violations of human rights in Chile were a matter of concern for international public opinion everywhere. Thirteen years had passed since the reactionary forces of militarism, with support from the United States of America, had contrived to ensure the success of a Fascist conspiracy in the country. A cruel régime of terror had subsequently been established. More than 40,000 Chileans had been murdered and more than 3,000 had disappeared. The repressive apparatus of the régime was continuing to wreak havoc and to claim a huge number of innocent victims, including women, children and old people. The Junta continued to resort to the most contemptible methods: detentions and mass arrests, constant raids and sweeps and repressive gangs and squads. Dozens of people had been imprisoned in recent months. In the face of such repression and terror, the masses of the people were struggling against the Fascist régime for the re-establishment of democracy in Chile. The just struggle of the Chilean people merited the support and solidarity of the entire international community. Her delegation supported the recommendation of the Commission on Human Rights to extend once again the mandate of the Special Rapporteur, on the understanding that his report would duly reflect the actual human rights situation in Chile and would recommend practical measures to be adopted against the repressive dictatorial régime.

39. With regard to the so-called question of human rights in Afghanistan, her delegation was sorry that the subject had been raised at the United Nations by enemies of socio-economic progress, with the intention of interfering in the internal affairs of a sovereign State. It was unacceptable that peoples which had chosen an independent path to development and to the elimination of exploitation, injustice and inequality, should be subjected to criticism and condemnation inside

(Mrs. Sarangerel, Mongolia)

the United Nations. Her country requested that the mandate of the Special Rapporteur to examine that question should be terminated. It rejected the report of Mr. Ermacora, since it considered it to be unobjective and meaningless. It was impossible to understand how a report on a particular country could have been drawn up without first-hand experience of what was happening there. The representative of Afghanistan, in his intervention before the Committee, had categorically rejected the falsity, one-sidedness and lack of objectivity of the report. Her delegation declared its opposition to the resolution based on that report.

40. On the other hand, her country believed that the discussions on the struggle against fascism, nazism and neo-nazism, as well as on the indivisibility of socio-economic, civil and political rights, were positive. It also attached great importance to the right to development and supported the proposals that a declaration should be adopted on that subject during the current session of the General Assembly. Account should be taken in that connection of the importance of establishing a new international economic order which might allow the introduction of radical socio-economic changes. Her delegation had also noted with satisfaction that the United Nations was, in view of the designation of 1987 as the International Year of Shelter for the Homeless, devoting considerable attention to guaranteeing the right to shelter.

41. Her delegation attached great importance to international co-operation in the area of human rights but believed that such co-operation should serve, in particular, to bring peoples together and should exclude any speculation or intention to interfere in the internal affairs of States.

42. Miss AIOUAZE (Algeria) said that the firm commitment of the African people to the cause of human rights had been demonstrated in the African Charter on Human and Peoples' Rights, which had entered into force on 21 October 1986 following its ratification by two thirds of the members of the Organization of African Unity. The African continent was thus enabled to make its contribution to the existing body of legislation relating to human rights. The African States parties had thereby confirmed the inalienable right to self-determination and reaffirmed their intention to free the continent of colonialism, neo-colonialism, apartheid, zionism, foreign military bases and all forms of discrimination. The Charter constituted a valuable contribution to the ideal of the implementation of human rights viewed as interdependent and indivisible.

43. The imperative need for the implementation of the right of peoples to self-determination obliged the Commission on Human Rights to take on responsibilities with regard to conflicts occurring in various parts of the world. With respect to the question of Western Sahara, the Commission had reaffirmed, in resolution 1986/21, the legitimacy of that people's claim to exercise their inalienable right to self-determination and independence.

44. With regard to the human rights situation in the occupied Arab territories, attention had been drawn once again, in the report of the Special Committee entrusted with the task of investigating that question, to the criminal actions of

(Miss Alouaze, Algeria)

the Zionist occupation forces against the Palestinian people. The systematic violation of human rights and the repression of an entire people was merely added to the number of multiple crimes perpetrated by the Zionist leaders - with an impunity which was ensured by the complicity of other States - and revealed their sinister objective of radically altering the physical character and demographic composition of the occupied territories and denying the existence of a Palestinian identity.

45. Those who practised the abhorrent policy of apartheid were subjecting the peoples of South Africa and Namibia to an inhuman fate. The Pretoria Government was perpetuating terror and systematic denial of fundamental rights in a senseless and destructive attempt to maintain a system based on the false and ignoble tenet of racial superiority, for which there was no longer any future in Africa. The international community could not confine its reaction to expressions of regret over the tragic deterioration of the situation of peoples under racist régimes such as those of Tel Aviv and Pretoria. There was an urgent need to eliminate the causes of those tragedies in order to bring about the realization of the legitimate aspirations of the Palestinian, South African and Namibian peoples to self-determination and independence.

46. Another cardinal principle enshrined in the new African Charter was that of indivisibility, complementarity and the interdependence of civil, political, economic, social and cultural rights. Within that global framework, the African countries realized the importance of the right to development and the exercise of economic, social and cultural rights, especially taking into account the persistence of the world economic crisis, which revealed the structural defects of the existing international economic order and had serious consequences for all the developing countries, in particular the African countries.

47. Mr. WALTERS (United States of America) said that citizens of countries such as his own, with a long democratic tradition based on the right of the people to elect their Government and respect for the individual and his rights, were sometimes slow to recognize that certain régimes not only systematically violated human rights but used the suppression of those rights as the principal tool of government.

48. He referred to the human rights situation in Cuba which, although constituting one of the worst cases of human rights violations on a large scale in the world and despite the abundance of evidence, had received little scrutiny in the United Nations. If there was a régime guilty of the kind of long-term, flagrant and massive violations of human rights condemned in resolutions adopted by the General Assembly, it was that of the Castro brothers in Cuba. For nearly three decades, that régime had abused the Cuban people with impunity without even a cursory examination by the United Nations. No one could claim ignorance of what was happening in Cuba, since on at least two occasions - in 1961 and 1974 - significant evidence had come before organs of the United Nations and had been ignored. His delegation accused the Government of Cuba of systematic and flagrant violations of human rights and fundamental freedoms, which merited universal condemnation. It requested the international community to consider objectively the overwhelming evidence supporting that accusation.

(Mr. Walters, United States)

49. Thirty years previously, the 26 July Movement, fighting to overthrow the Batista dictatorship, had issued a manifesto in which it had indicated the goals and principles of the revolution, including, inter alia, the establishment of a democratic republic inspired by freedom; a system of public and individual rights that would be fully practised in real life; a true political democracy, i.e., the competition of ideas between political parties, and a representative Government based on the expression of the general will. Those principles had taken root in most of the Americas, while in Cuba the democratic dream had become a totalitarian nightmare, a revolution betrayed. According to the Inter-American Commission on Human Rights, the Cuban Communist Party played a predominant role in the country's political system. It was, in reality, a force above the State itself; it controlled the most important State organs and imposed adherence to a dogmatic ideology. The 1976 Constitution confirmed the role of the Party in typical Marxist terms, by describing it as the vanguard of the working class and the leading force of society and the State. The consequence of that in the sphere of human rights was the abolition of freedoms in all aspects of Cuban life. Dr. Ricardo Bofill, a Cuban human rights activist who had taken refuge three months previously in the French Embassy at Havana, had written from prison in 1983 that the most frequently violated articles of the Universal Declaration of Human Rights in Cuba were those concerning freedom of thought, conscience, religion, opinion and expression as well as the right to receive and transmit information and ideas through any means available to the people. The possession or distribution of the Universal Declaration of Human Rights constituted a crime.

50. Freedom of expression and assembly did not exist in Cuba since anyone who expressed an innocuous "political" opinion could be sentenced to imprisonment or death, and membership in private associations was prohibited; on the other hand, membership in "mass organizations" was virtually compulsory. There was no freedom of the press, since the State controlled all means of communication and publishing houses, censored the news and subjected writers to rigorous political screening before publishing any of their works. There was no artistic freedom, since the official "workshop" system for artists and writers ensured State control and anyone who dared to treat topics other than those considered ideologically correct by the State were sentenced to prison.

51. The régime had demoralized Cuban society. A young Cuban novelist persecuted for "ideological diversionism" had described the debilitating effects of repression on the Cuban people. In their opinion, the most terrible was the repression of silence, the daily extortions, the unceasing official threat, the mechanisms which not only repressed and censored but also led to self-repression and self-censorship.

52. Repression of religion was as thorough and pervasive as repression of political opposition. The construction of churches was prohibited, and many of them had been closed. Believers were denied higher education and all but menial forms of employment. Religious instruction suffered from the shortage of churches and priests and from relentless intimidation by the so-called Committees for the Defence of the Revolution. Pastors and members of Protestant churches were persecuted and imprisoned for preaching, and the reproduction or distribution of religious materials could mean imprisonment or execution.

(Mr. Walters, United States)

53. Cuba's administration of justice scorned international standards of human rights. Dr. Bofill stated that none of the basic rights in the Universal Declaration of Human Rights was more threatened than the right to life. He said that during the past 25 years there had been massive and systematic executions after illegal trials presided over by special tribunals that provided no legal guarantees. The country had been under a virtual state of martial law since 1959; anyone could be arrested without trial, accused of any charge fabricated by the Cuban security police, without evidence of any kind or on the basis of confessions obtained by violent means, and sentenced to death.

54. The treatment of offenders was unrelentingly severe: preventive detention, house arrest, forced psychiatric treatment, confinement in a forced labour camp, imprisonment under barbaric conditions or execution by firing squad. Political defendants could not expect to receive justice: lawyers, like prosecutors and judges, received instructions from the State; a plea of innocence was rarely taken into account; defence witnesses were as scarce as prosecution witnesses were plentiful. Consequently, conviction was certain and sentences as harsh as those demanded by the prosecutor. Defence lawyers who tried to fulfil their obligation and judges who handed down sentences other than those demanded risked dismissal or prosecution.

55. Political prisoners did not have the privileges enjoyed by common criminals and, in many cases, they lacked the wherewithal to satisfy the basic necessities of life. The plantados, who refused to participate in "political rehabilitation" programmes or to wear the uniform of a common criminal, received more brutal punishment. Frequently, their sentence was arbitrarily extended. When they were released, they found it difficult to survive, since they were routinely refused housing permits and ration cards and denied access to almost all kinds of work. They were constantly subjected to surveillance and harassment by the police. Perhaps their families suffered most. According to Armando Valladares, who had spent 22 years in prison in Cuba, the wife and children of a traitor to the Revolution lost their jobs, were mistreated and discriminated against at school and were condemned to poverty, perpetual harassment and all kinds of humiliation. Moreover, the prisoners' wives, mothers and daughters suffered degrading searches and personal affronts during the few visits permitted. Nevertheless, despite the regime's efforts, in Cuba's prisons and among a growing segment of Cuban society, it was an honour to have been a plantado. The plantados and their families were the real heroes of the brutal society which Cuba had become.

56. Of those who represented the struggle and suffering of Cuba, he wished to mention Dr. Ricardo Bofill, founder and President of the Cuban Committee for Human Rights, and his colleagues, Domingo Jorge Delgado Castro, José Luis Alvarado, Enrique Hernández, Adolfo Rivero Caro and Elizardo Sánchez, imprisoned for attempting to register their association under the Law of Association of Cuba, an attempt partly inspired by repeated approval of such institutions by the United Nations; the poets Armando Valladares and Jorge Valls who, in their verses and memoirs, had described the confrontation in Cuban prisons between inhuman cruelty and superhuman spirit; the revolutionary student Pedro Luis Boltel and the lawyer

(Mr. Walters, United States)

Aramis Taboada, both friends of Castro during their youth, who had lost their lives for opposing communism; the trade union leader Guido Faranián Hernández, who had tried to set up an independent trade union and had died in prison; Huber Matos, a former Comandante of the Revolution, who had been tried and convicted as a counter-revolutionary in 1960 for protesting against the betrayal of the Revolution, and the legislator Ramón Grau Alaina, who, after securing his family's departure from the country in 1960, stayed to help thousands of children to escape, a crime which his tormentors described as worse than an attempt to assassinate Castro. However, the régime also persecuted countless ordinary people: youths like Antonio Frías Soza, a teenager arrested in Havana for possession of a copy of the Universal Declaration of Human Rights, who had "committed suicide" some hours after his arrest; women like Teresita Díaz González, the secretary of a judge convicted in the same case as Dr. Taboada, who had been sentenced to 15 years imprisonment for her loyalty to her friend; men like Luis González, a common soldier in Batista's army, who had been arrested on 2 January 1959 and held without trial ever since; he had not seen his wife or his children in all that time.

57. The draft resolution on the situation of human rights in Cuba, submitted by the United States delegation, was long overdue. The United Nations should long ago have investigated the situation of human rights under a régime such as that of Castro, which had driven 15 per cent of its population into exile, held 15,000 political prisoners - the highest proportion per capita in the world - and engaged in terrorist activities. A "double standard" in human rights could not be tolerated. Tyrannies of the left should not be any more immune from condemnation than those of the right. The Cuban dictator and his followers must realize that the civilized world would not remain impassive in the face of his brutalities and would not allow the awful truth to be hidden.

58. Miss Brosnáková (Czechoslovakia) took the Chair.

59. Mr. LEBAKIN (Ukrainian Soviet Socialist Republic) said that collaboration between States in the field of human rights should be conducted on equal terms and on a basis of equity, with respect for the dignity of all peoples without discrimination. It was from that point of view that the delegation of the Ukrainian SSR examined and evaluated the foreign policy of various States and the activities of the international organizations, including those of the Economic and Social Council, in the field of human rights. Countries which, under the pretext of protecting human rights, carried out activities which poisoned international relations or made statements which bore no relation to reality, as the representatives of the United States of America had repeatedly done, contravened the provisions of the Charter of the United Nations.

60. The delegation of the Ukrainian SSR categorically condemned the despicable acts perpetrated by the United States of America against Cuba. The United States of America had submitted a hostile and completely false draft resolution, which had no connection with human rights and was exclusively designed to further selfish and short-sighted political interests, as confirmed by the statement which the United States delegation had just made. Moreover, it was attempting to mount a campaign

(Mr. Lebakin, Ukrainian SSR)

of disinformation and slander against Bulgaria. The Ukrainian SSR fully supported the statements made by the delegation of Bulgaria, a country in which citizens were guaranteed equal rights, regardless of their national origin and religion.

61. The delegation of the Ukrainian SSR considered it right and just that the Economic and Social Council and the Commission on Human Rights should give considerable attention to the consideration of massive and flagrant violations of human rights, particularly in southern Africa, the Arab territories occupied by Israel, Chile, El Salvador and other countries and regions. For many years, southern Africa had been one of the most volatile parts of the world. South Africa had become one vast prison for millions of black and coloured Africans; massive and flagrant violations of the fundamental rights and freedoms of the non-white population were committed in that country. By setting up a reign of terror, the Pretoria régime was attempting to stifle the legitimate aspirations of the peoples of South Africa and Namibia to free themselves from the yoke of racism and exercise their right to self-determination.

62. The international community had constantly expressed its concern over Israel's expansionist and aggressive attitude and the massive and flagrant human rights violations in the occupied Arab territories. Concern had also been expressed about the unremitting efforts to deprive the Palestinian people forever of their right to return to their lands and to establish their own State. Eleven years had passed since the General Assembly had adopted resolution 3379 (XXX), in which it had determined that Zionism was a form of racism and racial discrimination. Since that time, Israel had demonstrated how apt that definition was. Zionist leaders generally denied the very existence of the Palestinian people and, on that pretext, justified their arbitrary acts. Racism was so deeply embedded in Israeli society that it manifestly discriminated not only against Arabs, but also against the Jews making up the majority of the population: the Oriental Jews, or Sephardim, who had come from Asia and Africa. In Israeli society, Sephardic Jews were considered racially inferior. Only Ashkenazi Jews, of European descent, were first-class citizens. Such discrimination was based on religious dogma and, although most Israelis were not religious, they all had to abide by the medieval precepts of the Talmud. According to the Talmud, many thousands of Israeli citizens were officially considered to be inferior Jews.

63. Mr. DOWEK (Israel), speaking on a point of order, said that when a religion's sacred books were referred to so abusively, it was incumbent upon the Chairman to intervene immediately. The Committee was not a forum for anti-Semitism and, therefore, the representative of the Ukrainian Soviet Socialist Republic could not continue to make offensive remarks about the sacred texts. The Chairman should draw that to the attention of the Ukrainian delegation.

64. The CHAIRMAN said that the Committee maintained a flexible attitude towards statements. Consequently, all that could be done was to request the Ukrainian representative to take into account what the representative of Israel had just said.

65. Mr. DOWEK (Israel), speaking again on a point of order, said that the Chairman's decision was unacceptable, because she should have ruled on Israel's request.

66. The CHAIRMAN said that it was really quite difficult to differentiate between the substantive and non-substantive elements of the debate on the Committee's agenda. She would therefore ask the Ukrainian Soviet Socialist Republic to proceed with its statement.

67. Mr. LEBAKINE (Ukrainian Soviet Socialist Republic) said that thousands of Israeli citizens were looked upon as imperfect or inferior Jews and were not permitted to enter into marriage with "pure" Jews. In 1970, the Knesset had promulgated a law establishing the nationality of its citizens on a racial, clerical and religious basis. That law was reminiscent of the Nazi principle of racial purity, and it divided citizens into those who had full rights and those who did not, into pure and impure Jews.

68. Massive and flagrant human rights violations in Chile had occurred unceasingly since United States imperialism had overthrown the democratic Government of Salvador Allende in 1973 and installed an evil military dictatorship. The purpose of that coup d'état had been to slow down the revolutionary process by force and to gain economic control over the country. American monopolistic totalitarianism had brought the racist totalitarianism of Pinochet into power. What kept him in power was the backing of those who controlled the richest copper deposits in Chile, which President Allende had nationalized. The Military Junta continued to be guilty of arbitrary arrests and detentions, torture and repression. The United Nations must continue to pay special attention to the human rights situation in Chile.

69. The General Assembly and the Commission on Human Rights had repeatedly expressed their concern over the human rights situation in El Salvador. The Special Representative's report showed that there had been practically no change for the better there.

70. The Ukrainian Soviet Socialist Republic favoured intensifying international co-operation with respect to measures to be taken against Nazi, Fascist and neo-Fascist activities, and considered itself duty-bound to warn against the danger of taking a lenient attitude toward the current revival of fascism. In the United States and elsewhere, direct or indirect encouragement was given to neo-Fascist parties and movements. No allusion to freedom of speech, belief or assembly could justify the indulgence of the authorities in that regard. Yet, the latter hunted down the peace movements. Forty years after the Nuremberg trials, which had established a sound international basis for the punishment of all war criminals, the United States and other countries were concealing many Nazi criminals and protecting them from the punishment they deserved. Measures must be taken to ensure that crimes against humanity would never again be committed and that nazism would never rise again.

71. Ms. SEAH (Singapore) said it was encouraging that many delegations, including those of the super-Powers, had eloquently reaffirmed the right to self-determination and had reiterated their support and respect for the right of nations to freely choose their own Governments. Their vigorous opposition to actions which undermined those rights was equally encouraging. It was therefore puzzling that certain delegations which championed the right to self-determination had opposed draft resolution A/C.3/41/L.76, on the human rights situation in Afghanistan, on the ground that it amounted to interference in the country's internal affairs. The real question was who had interfered in the first place in the internal affairs of Afghanistan by its invasion in December 1979 and unleashed human rights violations. Recently, 122 countries had voted in favour of the resolution on Afghanistan, recognizing that the invasion and occupation of that country by the Soviet forces violated the most fundamental right: the right upon which enjoyment of all other civil and political rights depended, namely, the right to self-determination.

72. Her delegation was convinced that there was a fundamental difference between the human rights situation in Afghanistan and the situations in Chile, El Salvador and Guatemala. The human rights violations in Afghanistan arose from armed aggression and foreign occupation, while the same could not be said of the situations in the other countries. Mr. Ermacora, the Special Rapporteur, had indicated in his report that the occupying forces had taken positive steps towards reaching a political settlement in Afghanistan. However, he had also indicated that the Government, with the assistance of foreign troops, was still engaged in conflict with opposition movements and their civilian supporters. As a result of growing frustration and their inability to contain the resistance, the occupying forces had resorted to even more brutal methods, directed principally against the civilian population.

73. The report of the Special Rapporteur on the situation of human rights in Afghanistan was probably one of the most painful documents released by the United Nations, for it documented in every detail the continued suffering of the Afghan people. New elements had come to light and must be taken into account. They included the continuation of the flow of refugees, which numbered one third of the Afghan population, the intensification of the brutality of military operations and the changes in the demographic composition of the country. All the major international covenants and conventions to which Afghanistan was a party had been violated.

74. The annex to the report contained descriptions of reprisals by the armed forces against civilians for supporting the insurgents. Gratuitous acts of brutality against women and children were cited. Children were being injured by booby traps in the form of toys; the age of conscription had been lowered to 15; many children were sent to the Soviet Union against their will to be trained in espionage, and on their return were forced to collect information on opposition movements. Her delegation urged all delegations to vote in favour of draft resolution A/C.3/40/L.76.

75. Mr. CALDERON (Chile) noted that his delegation's participation in the debate was a new sign of co-operation with the United Nations in the promotion and protection of human rights. In his Government's view, the report of the Special Rapporteur reflected a serious effort to achieve objectivity and balance, and although certain portions gave rise to reservations, the report as a whole constituted a body of evidence and should be duly taken into account. The report testified to the broad and unrestricted co-operation the Government of Chile had extended and was extending to the Special Rapporteur, an attitude not shared by all States which were the subject of special proceedings in the United Nations. The Special Rapporteur was given the information he requested, his recommendations were taken into consideration and important measures had been taken on the subject.

76. Chile had concluded an agreement with the International Committee of the Red Cross, which had a permanent agency in the country, granting that institution the broadest powers to discharge its humanitarian functions when it deemed necessary, even during the state of emergency. Furthermore, the Advisory Committee of the Ministry of the Interior, established in 1986, with competence in relation to unlawful coercion and terrorism, was empowered to look into the situation of persons temporarily prevented from entering the country.

77. It should also be indicated that the majority of persons detained under the exceptional powers granted under the state of emergency proclaimed as a result of the escalation of subversive terrorism which had culminated in the assassination attempt against the President of the Republic had already been released or handed over to the competent courts for their alleged participation in the events under investigation. Only three persons currently remained in detention, and their situation would be regulated in the next few days. The total number of persons detained was 185. Of those persons, 121 had been handed over to the courts, because information available led to the presumption that they had participated in acts of a criminal nature, while 59 had been released after it had been decided that there were no grounds for bringing them to trial. Finally, among those tried, several had been unconditionally released. That was the truth concerning the reports of thousands of detained persons.

78. The state of emergency was gradually being lifted as the situation returned to normal. The report gave recognition to the magnitude and importance of the escalation of subversive terrorist activity. The genuinely democratic international community should take due note of that fact and understand the extent of the danger threatening not only Chile but the entire hemisphere. The report had also spoken positively, although with reservations, of the Chilean political process. It contained for the first time an appeal to the Government and the so-called democratic opposition to reach as soon as possible a consensus formula leading to a relaxation of the current situation. In the past, complete responsibility had always been assigned to the Government in that respect.

79. Chile could not agree with parts of the report that contained disproportionate and unfair criticisms of the administration of justice. The Chilean courts' century-old tradition of independence and effective action in trying and punishing criminal activities went back more than a century. That independence had been

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publicly reaffirmed by the President of the Supreme Court of Justice, about whom the Special Rapporteur had made some very laudatory remarks. The independence of the courts could be seen, in particular, in their discretionary power to accept or reject trials initiated by the Government.

80. The criticism concerning the slowness or unsatisfactory outcome of certain trials widely commented on by the public was a hasty one. It should be pointed out that numerous homicide trials of communist terrorists for the killing of government officials had not been settled either, but that had not been interpreted as being the result of inefficiency or lack of independence of the judiciary. The case of young Rojas and young Quintana, for example, was in progress, which explained why a final verdict had not yet been issued.

81. The criticism that the political dialogue, initiated at the request of the Government, was insufficient, was also unacceptable. On the contrary, it was at the level appropriate and necessary, for the time being, since the debate over the laws on political parties and elections, in which all democratic sectors had been invited to participate, would shed light on the political climate, give full representativeness to the political leaders of the different tendencies and ultimately make it possible to reach solid agreements. The Special Rapporteur had stated that the Government was not a democratic one and that was one of the factors influencing the human rights situation, but he had recognized, nevertheless, that measures were being taken, within the constitutional system in force, to bring about the full re-establishment of democracy.

82. It should be recalled at the end of 1970, a crisis in representative democracy had occurred in Chile, when the Communist Party, under the guise of the so-called Popular Unity Government, had come into power and ended the rule of law by trampling underfoot the powers of the legislative and judicial branches and the rights of citizenry. Thousands of political activists from the Soviet sphere of influence had then begun to arrive, to infiltrate the Government administration and form paramilitary forces with the weapons they were smuggling into the country. The current Government of Chile had undertaken to re-establish the rule of law, had put an end to the process that had been bringing Chile into the Soviet orbit and had begun salvaging the legal and economic infrastructure of the country. That was the reason for the current period of transition in Chile which was to end in 1989, a time period established in the Political Constitution for the purpose of attaining full and "peaceful" democracy, in the words of Professor Volio.

83. His delegations' intentions were serious and responsible; nevertheless, despite Chile's co-operation with the Special Rapporteur and the information contained in the latter's report (A/C.3/41/719), the item had been treated in the same way as in previous years. Draft resolution A/C.3/41/L.99 was incompatible with the report and was flawed from its inception, as had been drafted by a country, namely Mexico, which was hardly in a position to speak about representative democracy and to assume the role of defender of human rights in the hemisphere. First, in obvious bad faith, only the negative had been emphasized; factors which, in the report, had been considered essential, such as terrorism, had

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been omitted and charges of a general character concerning, for example, alleged violations of minority rights, had been made although they had not even been mentioned in the report. Secondly, the draft resolution was irresponsible, since it sought to describe a reality which did not exist in Chile and to distract the Committee's attention from the essence of the problem.

84. All those factors concealed the undeniable objective of belittling a system for the protection of human rights when it did not serve the interests of certain countries. The discussion had brought out clearly the hostile attitude the Soviet Union and its satellites assumed towards the Special Rapporteurs because they were serious and objective, because they had not said that the situation in Chile had deteriorated, because they had described the horrendous situation of Afghanistan, and because they had not gone along with the Soviet Union's political game of using the issue of human rights for its own purposes.

85. Nor was the attitude of other countries responsible. The United Kingdom, speaking in the name of the European Economic Community, had made omissions which could distort the Committee's judgement in that, through error or hostility, it had not mentioned the factors which had given rise to the state of emergency or its principal cause - the escalation of subversive terrorism which had culminated in an assassination attempt - nor had it referred to the gradual elimination of the state of emergency or to the fact that only three persons now remained in detention. Spain, too, should show greater respect and understanding for the current situation of Chile; its failure to mention terrorism was a sad omission, because Spain was experiencing a similar problem, and gentleness was not exactly the term to describe its repression of separatist terrorism.

86. The omission of terrorism was a fundamental factor in the deterioration of the United Nations system for the protection of human rights, so far as Chile was concerned. Some countries represented on the Committee, which were encouraging the revolutionary process throughout the greater part of the continent and described themselves as democracies which defended human rights, had sent enormous quantities of clandestine arms to Chile. Their silence on the issue of terrorism disqualified the sponsors of the draft resolution from dealing with the issue. It was no exaggeration to say that terrorism in Chile was directed, co-ordinated and encouraged directly by Radio Moscow, as was clear from the daily broadcasts to his country.

87. Every year a grotesque episode was repeated in the Committee: a country which was the greatest violator of human rights, namely, the Soviet Union, arrogated to itself, in the case of Chile, the defence and representation of those rights. The Soviet Union had said that, a reign of terror had started in Chile on 8 September 1986, but had not said that it had itself, through the intermediary of Cuba and other satellites, initiated, maintained and encouraged that reign on a scale hitherto unknown in the hemisphere. In addition, reference had been made to shootings and mass executions - a subject of which the Soviet Union had great experience - which had allegedly taken place in Chile, but there was no mention of them in the Special Rapporteur's report. The Soviet Union had also said that the

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Organization of American States had condemned Chile, but at the recent General Assembly of OAS, no mention had been made of Chile in the relevant resolution.

88. Another satellite of the Soviet Union which had participated in the attack on Chile was Czechoslovakia. Its delegation had mentioned the alleged pauperization of the people of Chile, thus demonstrating the lack of information which was characteristic of the Eastern countries; in reality, in the World Bank document entitled "Poverty in Latin America", Chile was numbered among the countries which had taken effective measures to eradicate poverty. Furthermore, the delegation of Czechoslovakia had referred to the alleged terrorism of the Government of Chile, without taking into account the fragility of its own arguments; in that connection, the 28 November 1986 issue of L'Express had mentioned Czechoslovakia in connection with the latest terrorist outrages in France and the Federal Republic of Germany. The Western European countries which had co-sponsored the draft resolution should bear that report in mind.

89. Moreover, it was inexplicable that western European countries which were themselves victims of terrorism should co-sponsor the draft alongside Cuba, which had joined the chorus of satellites of the Soviet Union in its attack on the Special Rapporteur and was the State most directly linked to the entry of arms and terrorism into Chile. Cuba had an unenviable record on violations of human rights, to which the poet and politician Armando Valladares had borne eloquent testimony.

90. His delegation wished to address one comment to all those countries which had made charges of a general nature against Chile without taking any account of the Special Rapporteur's report: if they wanted due process to be respected in certain countries, such as Chile, they must begin by respecting it in the Committee; otherwise, the proceedings could not be taken seriously.

91. Despite the Special Rapporteur's report on Afghanistan, whose people was the target for one of the greatest genocidal campaigns in history because of their opposition to the military occupation by the Soviet Union, it was virtually certain that the resolution adopted on that issue would be less severe than the draft resolution relating to Chile. In contrast to Afghanistan, Chile had co-operated fully with the United Nations and its specialized agencies; it had a Constitution which guaranteed the full re-establishment of democracy in the near future; it had nothing to hide and indeed was ready to receive a visit by observers. Nevertheless, hateful discrimination against Chile continued for the purpose of erecting a smoke screen covering mass, flagrant and systematic violations in other Member States. Such iniquitous treatment would not however move Chile from the path which its people had chosen on 11 September 1980 when the current Constitution had been approved by a huge majority and the country had confirmed its democratic destiny.

Draft resolutions A/C.3/41/L.97/Rev.1 and A/C.3/41/L.98/Rev.1

92. Mrs. RODRIGUEZ PEREZ (Cuba), introducing draft resolution A/C.3/41/L.97/Rev.1 concerning human rights and fundamental freedoms in Puerto Rico said that, since the end of the previous century, the United States Government had used Puerto Rico as a platform for aggression against other peoples of the Caribbean and Central America. Studies by the Puerto Rican bar association and reports in the United States press confirmed that, without the knowledge of the Puerto Rican people, activities related to nuclear weapons were being carried out and emergency plans were being drawn up to turn Puerto Rico into a strategic centre for nuclear operations. In various parts of the country, especially on the island of Vieques, the people had suffered the consequences of systematic manoeuvres by the United States army, which bombarded areas under cultivation or fishing grounds. Those manoeuvres endangered the security of the population or deprived it of its sole livelihood for extended periods of time.

93. The United States was taking advantage of the colonial status of Puerto Rico to turn its territorial waters into dumping grounds for highly radioactive wastes, endangering the health of the island's population and marine life in the area. In the socio-economic field, colonial rule had brought with it disastrous consequences for the Puerto Rican people. In 1985, 40 per cent of the working population had been unemployed. That figure explained why frequently a high proportion of Puerto Rican citizens were compelled to leave home and seek other means of subsistence in the metropolitan country, where they fell prey to exploitation and discrimination.

94. The Puerto Rican minority living in the United States was the poorest and least educated group and the one most heavily dependent on public welfare organizations. The most fundamental civil and political rights of Puerto Rican independence activists were also violated, and they were kept in maximum security prisons; reports by leading members of the Catholic and Episcopalian clergy indicated that the basic rights of those of the imprisoned activists who professed religious beliefs had also been violated. Puerto Rican political prisoners were considered to be "dangerous" and were ill treated by being beaten up, confined to cells for up to eight months, subjected to forced interrogation, denied visits from their families and threatened with death. Even worse was the treatment received by prisoners who were placed in solitary confinement units created especially for independence activists.

95. United States policy violated civil and political rights, the right to freedom of worship, the right to self-determination and economic, social and cultural rights, the purpose being to secure the acculturation of the Puerto Rican people and wipe out its national identity. The international community should be aware of those facts, which the United States Government sought to conceal and distort. The Cuban delegation believed that a report on the subject should be submitted and that the Commission on Human Rights should explore the possibility of appointing a Special Rapporteur to investigate the situation with regard to human rights and fundamental freedoms in Puerto Rico.

(Mrs. Rodriguez Perez, Cuba)

96. She also introduced draft resolution A/C.3/41/L.98/Rev.1 concerning the situation of the human rights and fundamental freedoms of the Indian nations and the black community in the United States. She pointed out first of all that in the English-language version of the document, the word "negro" should be replaced by the word "black".

97. The policies of the various United States Administrations with regard to the indigenous populations constituted a crime against humanity. Over a long period the Government had destroyed the culture and traditions of the Indians, whom it had confined to the so-called "reservations". The situation of the North American Indians had been described at the forty-second session of the Commission on Human Rights by a delegation from the International Treaty Council, which reported on the Government's intention to evict 12,000 members of the Navajo and Hopi tribes from their lands in the Great Mountain region, for the purpose of extracting uranium and developing other local resources. The Indians had stated that 371 treaties had so far been concluded between the United States Government and indigenous groups and that the Government had broken them all. The colonial status of the American Indians was demonstrated by the fact that they were economically the most deprived group. The Indian peoples refused to accept the constant plundering of their lands and resources, which had led to repression of the utmost severity. The leaders of the American Indian Movement had been murdered, imprisoned on false charges and persecuted with all the force of the Government's political might.

98. The black population of the United States was in no more favourable a situation. Statistics on the ghettos and on rising poverty among young black people were alarming. Half of all black children were poor, and many of them failed to complete their secondary education and had no regular access to medical care. However, it was not only that situation of social marginalization and economic hardship that the black population suffered. Their most fundamental civil and political rights had been violated, solely on grounds of the colour of their skin. Lynchings, murder, persecution and racial segregation of the North American black population had for many years been reported in the international press. That situation was not at an end; every day information was received on new events pointing to the impunity of Fascist and racist groups acting in collusion with the authorities.

99. It was necessary to put an end to that situation, which had prevailed for more than a century. The international community was under a moral obligation to urge the United States Government, as it was doing in the case of the racist régime of South Africa, to desist from its racist policies, which violated the most fundamental human rights of its citizens. To that end, the Cuban delegation was submitting draft resolution A/C.3/41/L.99/Rev.1, requesting the Secretary-General to prepare a detailed report on the question and the Commission on Human Rights to explore the desirability of appointing a Special Rapporteur to study the situation with regard to the violation of the human rights and fundamental freedoms of the Indians and blacks in the United States of America.

The meeting rose at 1.35 p.m.