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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 61st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 March 1994, at 10 a.m.

Chairman: Mr. van WUFFTEN PALTHE (Netherlands)

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The meeting was called to order at 10.20 a.m.

1. Mr. PEREZ NOVOA (Cuba), speaking on a point of order, noted that the Commission was meeting on 8 March 1994, International Women's Day and said that his delegation wished to extend its warmest congratulations to all the women in the Conference Room, including members of delegations, the Secretariat, the press and non-governmental organizations. Its congratulations also went to women throughout the world who were struggling in defence of their rights and all human rights. His delegation assured them of its solidarity and eternal gratitude.

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, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1994/3-6, 7 and Corr.1 and Add.1 and 2, 8, 46-61, 97, 102-104, 110, 115, 119, 120, 122 and 123; A/48/526 and Add.1, 561, 562, 578, 584, 600 and Add.1, 601 and 875; E/CN.4/1994/NGO/7, 9, 12-15, 22-24, 26, 28, 29, 37, 40 and 42-44)

2. Ms. FRITSCHÉ (Observer for Liechtenstein) said that the Vienna Declaration and Programme of Action had reaffirmed the commitment of all States to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms. Her delegation considered the Vienna document to be a milestone in the history of human rights and called for its early and effective implementation. It was convinced that the High Commissioner for Human Rights would play an essential part in achieving that goal.

3. The work of the special rapporteurs on thematic issues and on country situations was an indispensable element of the Commission's activities and all States should therefore contribute thereto by providing information, extending invitations and implementing the relevant recommendations. Her delegation also hoped that the necessary human and financial resources would be given to the special rapporteurs so that they could carry out their mandates fully and effectively. In that connection, she said that, in appointing special rapporteurs in the future, due regard should be given to qualified women, as recommended in the Vienna Declaration.

4. She reiterated her delegation's conviction that advisory services in the field of human rights should be limited to countries which clearly intended to make use of the assistance provided by the United Nations system as one element in a comprehensive programme to promote and protect human rights.

5. Racial discrimination, anti-Semitism, xenophobia and intolerance continued to exist in many parts of the world. Those phenomena were directed against the very basis of democratic societies and had therefore to be combated at the national as well as at the international level. Persons committing such criminal acts must be punished according to the existing legal

provisions but the international community must contribute to the eradication of such tendencies. She thus welcomed the appointment of a Special Rapporteur on that issue.

6. Her delegation was deeply concerned at the human rights situation in China, including Tibet. Information from various special rapporteurs clearly revealed that the administration of justice there did not come up to international standards. The situation in Tibet had not improved and the Government of China continued to apply a policy which threatened the cultural, religious and ethnic identity of persons belonging to minorities.

7. The final report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran (E/CN.4/1994/50) made it clear that that situation had remained virtually unchanged, with violations of human rights continuing to occur on a large scale. Discrimination against women persisted and, despite the reforms undertaken by the Government, the administration of justice fell short of the applicable international standards. There were alarming reports of acts of religious intolerance and, in particular, the Baha'i community continued to be subjected to discrimination and harassment.

8. The Government of the Islamic Republic of Iran should cooperate fully with the authorities of other countries in investigating reported attempts on the lives of Iranian exiles and refugees, especially when Iranian agents were implicated, and should refrain from any action constituting a breach of international law.

9. Most of the recommendations in Commission resolution 1993/97 relating to human rights violations in East Timor had still to be implemented, especially those concerning invitations by the Government of Indonesia to several thematic mechanisms. The implementation of those recommendations as well as any other measures designed to end human rights violations in East Timor were of the utmost importance.

10. As for the tragic situation in large parts of the territory of the former Yugoslavia, an exhaustive list of the human rights violations committed by all parties to the armed conflict - the Serbs being the prime culprits - would be almost identical with a list of the thematic mechanisms established by the United Nations human rights system. Her delegation was, however, particularly horrified at the odious practice of ethnic cleansing and the systematic rape and sexual abuse of women and children. The Special Rapporteur's conclusion, after 18 months of untiring commitment, that human rights played only a secondary role in the context of international politics was a challenge to the Commission, which must call for the full implementation of the Special Rapporteur's recommendations. She hoped that the International Tribunal established pursuant to Security Council resolutions 808 (1993) and 827 (1993) would soon be provided with the financial resources it needed to begin its work.

11. At the forty-eighth session of the General Assembly, her delegation had introduced some ideas concerning a new approach to the right to self-determination believing that, in the light of the numerous ethnic and nationality conflicts in the world, any attempt to avoid human suffering and maintain a more peaceful world was of great potential value. While the

subsequent discussion had made it clear that many aspects of those proposals were controversial, a considerable number of delegations had acknowledged that the issue deserved further consideration. Her Government would thus make appropriate efforts to pursue the matter further.

12. Mr. ANTONIO (Observer for Haiti) said that the first time a delegation of the legitimate Government of Haiti had addressed the Commission it had been to submit a programme of action that would make it possible to improve the human rights situation in its country. However, the coup d'état by the military in September 1991 had ended that democratic project when it had barely begun. Since then, his delegation's sad task had been to denounce the persistent and clear violations of human rights in Haiti by a handful of military officers who had usurped power.

13. According to reports from non-governmental organizations, nearly 4,000 persons had been killed and 55,000 tortured. To those murders and extrajudicial executions had to be added the thousands of persons who had died at sea fleeing from repression and the thousands of others who had disappeared.

14. The Governors Island Agreement, signed by President Aristide and General Cédras in July 1993, provided for the return of the President to power in October 1993. The military had not respected that commitment and, with their accomplices, they had mocked the international community and continued to violate the rights of Haitians.

15. After referring to murders committed by and on behalf of the military, he said that the massacre which had taken place in February 1994 was further proof of the cruelty of the military and their accomplices. About 50 persons, both military and civilians, had broken into an abandoned house where a group of young persons who had been threatened by members of FRATH, a terrorist association, had taken shelter. Fourteen bodies had been found and the whereabouts of the survivors, who had been taken away by the murderers, was not known.

16. One of the consequences of the coup d'état was the disruption of the Haitian family. More than 300,000 persons had had to flee their homes because of the military's reign of terror. His delegation hoped that the Secretary-General's Representative on internally displaced persons would take them into consideration.

17. About 40,000 Haitians had risked their lives in fragile boats to seek refuge abroad. Very few of those who had successfully made the crossing had been granted temporary asylum; the others had been taken to makeshift camps before being returned to Haiti. Such refoulement was forbidden by article 33, paragraph 1, of the Convention relating to the Status of Refugees and his delegation called upon all the States concerned to grant Haitian refugees the provisional refuge they sought for the duration of the crisis and upon the High Commissioner for Refugees to take stronger action on their behalf.

18. His Government acknowledged the efforts made by the Commission and considered that, by unreservedly condemning the military take-over at each of its sessions, it had fulfilled its responsibilities. Any attempt to diminish

the role of the international community in the search for a solution to the Haitian crisis would undermine the international legitimacy of his country's fight for democracy.

19. The Haitian people refused to envisage anything but victory in its struggle for the rule of law. In that connection, his delegation hoped that the Commission would strongly support the integral implementation of the Governors Island Agreement which remained the only valid framework for resolving the crisis.

20. Bearing in mind the recommendations contained in the report of the Special Rapporteur (E/CN.4/1994/55, paras. 227 and 228) his delegation also requested the Commission to recommend a set of practical measures to implement as soon as possible the objectives of the Organization of American States and the United Nations and put an end to the defiance by a handful of Haitian officers of the international community. It also used the Commission to extend the Special Rapporteur's mandate.

21. Mr. MORA GODOY (Cuba) said that his delegation would have preferred consideration of the human rights situations in El Salvador and Guatemala to have remained under agenda item 12. In the case of El Salvador, it considered that, despite the advances made, no progress had been achieved with respect to the fulfilment of the Agreement signed and that the recent murder of FMLN members demonstrated the need for the Commission to send a clear signal of condemnation. His delegation had played a modest part in the search for a consensus, but greater transparency in the participation of the parties concerned would have been more beneficial for the negotiation process.

22. As for Guatemala, the independent expert had provided sufficient elements in his report (E/CN.4.1994/10) to justify the Commission's concern about the human rights situation there. Measures to prevent violations of human rights were still insufficient and efforts should be made to ensure a continuation of the dialogue between all the parties.

23. His Government considered that the situation in Haiti, where the military had seized power and the legitimate President had been exiled - as a result inter alia of manipulation by a nation which was the self-proclaimed champion of human rights - deserved more practical action by the Commission. His delegation thus strongly supported the adoption of the resolution on that question.

24. During the discussion of the item under consideration participants had once more heard repetitive and tedious statements, one of which had lasted about an hour, aimed at convincing the members of the Commission that no serious human rights violations occurred in the industrialized and civilized societies of the North, that the economic and political model in that part of the world was the only one capable of dealing with such violations and that the countries of the South were the ones that merited international scrutiny. The countries of the North were not only untouchable in the Commission but they reserved the right to tell other delegations what to do, in a so-called new international order in which the Northern delegations were the perennial accusers.

25. However, racist and neo-Nazi manifestations, ruthless repression of those protesting against unemployment and the high cost of living, the plight of thousands of migrant workers fleeing the misery imposed on their own countries by the international economic order, the horrible conditions in which ethnic minorities and indigenous peoples lived in the midst of scandalous waste, and the use of children for pornographic purposes were just some of the flagrant and massive violations of human rights that took place almost daily in Europe and North America. Every one of those violations merited the appointment of a special rapporteur.

26. His delegation wondered why it was not possible for the United Nations to play its genuine role of promoting and protecting human rights wherever they were violated in the world. Perhaps some members of the Commission were more equal than others. He was well aware that the powerful would resort to the most blatant forms of pressure, including blackmail, rather than engage in genuine cooperation to resolve such rather less than civilized situations in the Northern societies.

27. He had been amazed to hear some delegations express reservations in the Commission with regard to the real impact of foreign debt payments on human rights. It was the Governments those delegations represented which were responsible for the fact that 40,000 children died every day from curable diseases throughout the world, that families suffered from hunger, and that 80 per cent of the world's population lived in underdevelopment. Those same Governments had looked on in silent complicity while a parliament building was bombarded in the name of democracy and freedom, in utter disregard for the lives of the deputies inside.

28. A few days previously, the members of the Commission had been presented with a voluminous document containing the report of the United States State Department on human rights situations all over the world. Though making accusations right and left, that document failed to mention the United States of America itself. The mass media sought to give the impression that the United States was the most formidable defender of human rights and the champion of all freedoms. The real situation was somewhat different. There was no country in the western hemisphere which had not the United States to thank for such unfortunate incidents as the violation of its citizens' human rights by marines, by massacres caused by bombs made in the United States of America and by multinational corporations which exploited their workers, plundered their economic resources and destroyed their natural environment.

29. Mention should also be made of the execution of minors and the mentally retarded, the miserable situation of 38 million persons living below the official poverty level, the increase in infant mortality among the black and Ladino populations, the concession of the sacred lands of indigenous nations to private companies, radioactive experiments on its own population, alarming discrimination against women and children, and police brutality.

30. All those situations, which no one could deny, were serious and required consideration by the international community. The reports submitted by the various thematic rapporteurs revealed that the United States Government did not deign even to respond to countless complaints of such violations, thereby demonstrating its lack of respect for genuine cooperation in the field of

human rights. That lack of respect was also demonstrated by the fact that the titular champion of human rights had signed very few of the international conventions and treaties on the subject.

31. Mr. KHURSHID (India), recalling the teachings of Mahatma Gandhi, said that his delegation welcomed the enhanced global commitment to the promotion and preservation of human rights. At the same time, it wished to stress that the evaluation of human rights records must be holistic in order to be effective.

32. The Constitution of India, adopted in 1950, had gone beyond the Universal Declaration of Human Rights and anticipated the two International Covenants on Human Rights. It guaranteed the rule of law and the human rights and fundamental freedoms of all citizens, irrespective of caste, creed, race, religion or sex. It also provided for the punishment of human rights violations. Among the other safeguards in India were a free and critical press, an informed public opinion and an active community of non-governmental organizations (NGOs). His Government maintained a long-standing dialogue with the Centre for Human Rights on many issues, a dialogue which it hoped to continue. It would also seek closer interaction with the Commission's thematic rapporteurs.

33. Given its high regard for the protection and promotion of human rights, his Government could not condone the pursuit of political or territorial goals in their name, and particularly in the name of the right to self-determination. It was preposterous to equate the right to self-determination with religion and with extraterritorial ambitions, for nearly all States were multi-religious and multi-ethnic to some degree and nations would become more, rather than less, pluralistic with the increased protection of human rights. Home to many ethnic, religious and linguistic groups, India had solid experience in achieving unity in diversity as part of an open society.

34. While Pakistan pretended to plead the cause of the people of Kashmir, it had actually done very little for the Kashmiris under its illegal occupation. By contrast, in the Indian State of Jammu and Kashmir, the per capita plan assistance over the past 20 years had been more than six times the national average.

35. The Pakistani appeal for self-determination in the Indian state of Jammu and Kashmir negated historical facts and was contrary to international law. It was motivated by the sole objective of territorial expansion and mistakenly viewed the state of Kashmir as one monolithic whole, rather than as a mixture of ethnic, linguistic, cultural and religious groups, including Muslims, Hindus, Buddhists, Sikhs and Christians. The history of Pakistan itself illustrated the futility of basing nationhood on religion.

36. For the Government of Pakistan, self-determination meant the forced assimilation of Jammu and Kashmir into Pakistan. Indeed, the Prime Minister of Pakistan had said as much on more than one occasion. Unable to accept that Jammu and Kashmir belonged to India, Pakistan had made it the target of

State-sponsored terrorism. In the past five years, thousands of men, women and children had died; women had been brutalized and raped; and children had been maimed, orphaned or forced into the cult of violence.

37. Given its own human rights record with regard to women, religious or ethnic minorities and political opposition groups and the fact that it was not yet a signatory to the major human rights instruments, Pakistan had no justification for introducing human rights resolutions against India. Draft resolution E/CN.4/1994/L.40 on the situation of human rights in Jammu and Kashmir was blatant Pakistani propaganda. The Commission should also consider that Pakistan's terrorist acts were in gross violation of General Assembly resolution 48/122 and draft resolution E/CN.4/1994/L.39/Rev.1 on human rights and terrorism.

38. His Government was committed to resolving the problems in Jammu and Kashmir through a revival of the political process. Behind the Pakistani request that the Commission should send a fact-finding mission to Jammu and Kashmir were political and territorial ambitions. There was no need for a fact-finding mission, for India a democratic State, was already open and transparent. No one could deny that the Indian Government had a responsibility to protect its citizens' human rights, which were being attacked by terrorists and their sponsors.

39. His delegation welcomed the transition to a united, democratic and non-racial South Africa and, in the Middle East, the signing of the Declaration of Principles on Interim Self-Government Arrangements. The Declaration must form the basis for a comprehensive settlement and the restoration of the legitimate rights of the Palestinian people. The tragic incident at Hebron should be taken as a warning signal in that connection. His delegation fully supported the unity, independence, territorial integrity and non-aligned status of Cyprus. It was concerned about the slow pace of peace negotiations among the three communities in Bosnia and Herzegovina and hoped for a speedy end to the atrocities there through a political agreement.

40. Mr. RI Tcheul (Observer for the Democratic People's Republic of Korea) said there was a disturbing tendency for the accusations levelled by western States under agenda item 12 to grow in numbers, the criticism being largely directed at socialist or developing countries for political and ideological reasons. The polarization between North and South was thus becoming evident in the field of human rights and obstructing the Commission's work. However, the accusers, too, had their share of human rights problems, including unemployment, racial discrimination, new forms of racism directed towards migrant workers, rising crime and intolerance. It was intolerable that the developed, industrialized nations should preach about human rights when human rights and fundamental freedoms were not enjoyed equally in their own societies, which were not people-centred.

41. In 1991, for the first time in history, the two Koreas had reached an agreement on reconciliation and cooperation. The exchange of special representatives was currently being discussed in Panmunjom. The only expectation which the Democratic People's Republic of Korea had of the South Koreans was faithful compliance with the agreement. The South Korean people called their Government a military dictatorship in disguise because of the

Fascist laws it promulgated. He referred, in particular to the "National Security law" under which many South Koreans who had spoken out in favour of independence and democratization had been arrested, barbarically tortured and detained over the past 40 years. In March 1994, the United States Secretary of State had officially urged South Korea to repeal the "National Security Law".

42. The question of human rights in South Korea involved the fate of more than 150 prisoners who refused to accept the Government's ideology. Among them were dozens of persons in their seventies who had spent more than 40 years in prison cells measuring two square metres. The exact number of such prisons could not be ascertained, but it would be a terrible mistake for the Commission not to come to their aid.

43. Mrs. EIVAZOVA (Observer for Azerbaijan) said that the tragedy in her country had not been as widely publicized in the outside world as that in Bosnia and Herzegovina. For six years, the Republic of Armenia had been waging an undeclared war against Azerbaijan and Armenian troops currently occupied 20 per cent of its territory. More than 10,000 civilians had been killed, 30,000 had been wounded and 50,000 had been disabled. There were more than 1 million refugees and displaced persons. The economic infrastructure, too, had been destroyed.

44. The Government of the Republic of Armenia asserted that it was not involved but her own Government had already submitted to the Secretary-General numerous facts and documents proving their contrary.

45. Gross violations of the human rights of innocent civilians could no longer be ignored. The Armenian authorities had been pursuing a policy of genocide and ethnic cleansing against her people long before that policy was practised in the former Yugoslavia. In February 1988, some 200,000 Azerbaijanis had been deported from Armenia. More than 60,000 had been driven out of their homeland, Nagorno Karabakh. In February 1992, the whole world had become aware of the brutal massacre staged by Armenians in the Karabakhi town of Khodjaly.

46. Azerbaijani hostages and prisoners of war had been deported to Armenia, mainly to Spitak, and forced to work in mines and to clear the debris from the earthquake. Of the 300 Azerbaijanis held in the concentration camp near Spitak, 210 were women, children or elderly persons. Twenty-three prisoners of war had reportedly been killed in that concentration camp in February 1994 and, according to the Ministry of Foreign Affairs of Armenia, eight more had been shot while trying to escape. About 4,000 Azerbaijanis, 90 per cent of them women, children and elderly persons, were interned in concentration camps near the Armenian towns of Gumri, Spitak, Echmiadzin and Gukark. Young women and even children were abused and forced into prostitution and Azerbaijani hostages and prisoners of war were used as donors in the flourishing Armenian trade in human organs and blood plasma.

47. Such violations were contrary to international law and the 1949 Geneva Convention. A permanent international criminal tribunal should be established to deal with war crimes committed not only in the territory of the former Yugoslavia but everywhere in the world.

48. Her delegation welcomed the efforts of the international community, the United Nations, the Conference on Security and Cooperation in Europe (CSCE) and individual States to achieve a peaceful settlement of the Armenian/Azerbaijani conflict. It also welcomed the Security Council resolutions calling for the immediate and unconditional withdrawal of the occupying forces from Azerbaijani territory, and General Assembly resolution 48/114 on emergency international assistance to refugees and displaced persons in Azerbaijan.

49. Attempting though it was to build a democratic State under adverse conditions, Azerbaijan had acceded to a number of human rights instruments including the International Covenants on Human Rights; the Convention on the Rights of the Child; and the Convention and Protocol relating to the Status of Refugees. Committed to the protection of human rights, her delegation welcomed the establishment of the post of the High Commissioner for Human Rights and the appointment of its first incumbent.

50. Mr. VAN WALT (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said his organization continued to be concerned about the situation of the Greek minorities in Albania. Some progress had been made, but the Albanian Parliament had yet to adopt legislation on the education of Greek children in their mother tongue. It was important that the Parliament should take action in the current month, as promised, and for other issues to be resolved before they developed into conflicts that might upset the otherwise good relations between the Greek and Albanian communities in Albania.

51. While the violations of civil and political rights in Tibet had been the focus of the Commission's attention, his organization wished to point out that there had also been alarming violations of economic, social and cultural rights there, especially the right to housing. In Lhasa, 5,000 Tibetans had been forcibly evicted from their homes since 1989 and more than 10,000 were currently threatened with eviction and the demolition of their homes under the still-secret Lhasa Development Plan. Tibetans currently occupied 2 per cent of the dwellings in Lhasa, the remainder being occupied by Chinese settlers. The Commission must seek to forestall the planned evictions, thereby ensuring that socio-economic rights were taken as seriously as civil and political rights.

52. His organization was alarmed at the irresponsible attitude of the Government of Papua New Guinea to the human rights of the people of Bougainville. That was highlighted in the report of the Secretary-General on human rights violations in Bougainville (E/CN.4/1994/60). It was also evident from the Government's failure to respond to the initiatives taken by the Commission and its monitoring bodies. The Commission should request the Secretary-General to appoint a special representative to deal with the situation in Bougainville.

53. Mr. TUNIM (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that, as a Bougainvillian, he hoped that the Commission would adopt a concrete resolution

and a plan of action to assist his people and the Government of Papua New Guinea to resolve their differences. In the continuing struggle for their right to self-determination, the people of Bougainville were suffering at the hands of the Government of Papua New Guinea.

54. Many had fled to the jungle in order to avoid being forced into shelters controlled by the Papua New Guinea Defence Forces (PNGDF). In those shelters, people were treated like slaves and the army dispensed medicines, clothing and food donated by the Red Cross and NGOs in exchange for garden vegetables or sexual favours. In some of the shelters, women and even young girls were sexually exploited by the army of Papua New Guinea. The Government had offered to restore social services and the human rights of the people of Bougainville if they surrendered, but it was obvious that those rights would not include the most basic of human rights, the right to self-determination.

55. The people of Bougainville welcomed the adoption of Commission resolution 1993/76, calling for the blockade to be lifted, for international fact-finding missions to be permitted to visit the island and for a negotiated settlement. However, a year later, there had been no negotiations, no fact-finding mission and no restoration of his people's human rights. Although the Government had invited an Australian delegation to visit the island, he did not believe that it would actually be allowed to carry out its work.

56. The people of Bougainville were concerned about their environment and their land, which had been transformed into a desert by the mining activities of the Government of Papua New Guinea. Since the first protest against the mine owners, all his people had ever sought were negotiations, but the Government of Papua New Guinea had insisted on a military solution. Destitute though they were as a result of the total economic and social blockade imposed on their island, the people of Bougainville would not abandon their struggle for self-determination. The civilian population of the island must not be made to suffer the consequences of whatever mistakes had been made by the Bougainville Revolutionary Army (BRA).

57. Ms. OZDEN-NEURY (Centre Europe-Tiers Monde) said that the situation in Haiti was alarming. Notwithstanding the many resolutions adopted by the United Nations and despite the Governors Island Agreement, the leaders of the coup d'état continued to flout the will of the international community. The United States Government clearly wanted to avoid raising the question of refugees, given the agreement that it had signed in 1980 whereby its ships were allowed to enter Haitian territorial waters in order to stop and turn back vessels carrying refugees.

58. She called on the Commission to do everything in its power to ensure implementation of the 11 recommendations contained in the report of the Special Rapporteur on the situation of human rights in Haiti (E/CN.4/1994/55); to instruct the Representative of the Special Rapporteur on internally displaced persons to address the situation of the 300,000 internally displaced Haitians; and to urge the international community to compel the leaders of the coup d'état to comply fully with the Governors Island Agreement.

59. Ms. PERREGAUX (Centre Europe-Tiers Monde) said that the Commission must condemn the terrorist State of the Islamic Republic of Iran for the numerous murders it had carried out abroad. She recalled that the metal detector at the entrance to the Conference Room had been set up in the mid-1980s out of fear lest an attempt be made on the life of a colleague, Kazem Radjavi, even within the Palais des Nations. He had, in fact, been assassinated subsequently. At the time, the execution of opponents living abroad had already become common practice for the Islamic Republic of Iran, which had been responsible for dozens of killings throughout Europe. The killers had never been punished: the terrorist State was so powerful that it could murder on foreign territory and ensure the impunity of the killers.

60. Mrs. RADJAVI (Centre Europe-Tiers Monde) said that her late husband, Kazem Radjavi, had repeatedly denounced the torture, summary executions and other atrocities committed by the Iranian regime against its opponents, the People's Mojahedin (PMKO). Rejecting violence and dictatorship, he had travelled all over the world to urge States to take a stand against Iranian barbarity. A commando of 13 killers had been sent to Switzerland by the Iranian Government and, on 24 April 1990, her husband had been murdered in the nearby town of Coppet.

61. She was greatly angered that the Commission allowed the representatives of those who had ordered her husband's killing to sit in its midst. More and more countries were yielding to the blackmail of the Iranian regime. Only recently, the Government of France had released two of her husband's murderers and placed them on a plane leaving for Tehran. That was a betrayal of all those who worked for justice and freedom.

62. The Commission, the voice of all the men, women and children who had been abandoned to their sufferings, must firmly condemn the Iranian regime for its crimes.

63. Mr. FAUZI (Regional Council on Human Rights in Asia), speaking on behalf of 10 other non-governmental organizations also*, said that the continuing violations of the human rights of the people of Sri Lanka and the discrimination against the minority communities on the island should be given priority attention by the Commission. The military conflict in the north-eastern part of the country had caused tremendous loss of life and property; more than 1 million persons had been internally displaced and thousands had fled to other countries. The civilians in the north-east had to endure shortages of food, fuel and medicine and minimal access to medical attention. They were subjected to widespread and indiscriminate bombings by the Sri Lankan security forces.

64. The Government of Sri Lanka was using the conflict to prolong the state of emergency declared in May 1983, under which many of the fundamental freedoms guaranteed by the Constitution continued to be infringed with impunity. He asked the Commission to urge the two main parties to the conflict, the Government of Sri Lanka and the Liberation Tigers of

* The list of non-governmental organizations concerned appears as an annex to this summary record.

Tamil Eelam, to cease hostilities and seek a negotiated settlement, with the assistance of the Secretary-General as a mediator. The Chairman of the Commission should appoint a special rapporteur to make a thorough study of the situation of human rights in Sri Lanka and submit a report to the Commission at its fifty-first session.

65. Ms. GONZALEZ (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, in Colombia, numerous violations of the right to life, fundamental freedoms and due process continued unabated. Every day, the media reported violations committed by agents of the State. More persons had been murdered every year in Colombia for the past 10 years than in Chile during the entire 17 years of the Pinochet dictatorship.

66. An event typical of the human rights situation in that country had occurred on 5 October 1993 in the neighbourhood of El Bosque, in the western part of the country. Two dozen heavily armed men, some dressed in mufti and others in military uniforms, had tortured and murdered 13 members of the Ladino and Molina families, after raping the women. Later, 70 soldiers had come and had simulated an armed confrontation, firing their weapons at invisible enemies. When local peasants and members of the press arrived on the scene, the victims had been found to be clothed in military uniforms, but ones that had no bullet holes in them. The same evening, the television media, showing the bodies, had spoken of guerrillas killed in an operation led by Lieutenant-Colonel Luis Felipe Becerra Bohórquez, and the event had been presented as a great victory in the fight against the subversives.

67. The deception had soon been discovered, however, and, in the subsequent investigation, the name of Becerra Bohórquez had repeatedly arisen in connection with numerous human rights violations; he had eventually become such an embarrassment to the Government that he had been transferred to another service.

68. Six military officers and NCOs, including Juan Pérez and Carlos Guarín, had recently been placed in pre-trial detention on charges of belonging to a group that had been carrying out "clean-up operations" in Bogotá. As the Presidential Adviser for Human Rights had admitted in his statement to the Commission, certain members of the armed forces and the police had participated in extrajudicial executions, disappearances and torture or had been involved in operations of "social cleansing" and that, as the State had been unable to identify and punish those concerned, it bore a degree of responsibility.

69. Her organization had recently received a threatening letter from Colombia targeting a number of her colleagues. That document alone was palpable proof of the situation of human rights in Colombia.

70. In Turkey, the Turkish army and paramilitary forces had been carrying out an implacable and indiscriminate repression against the Kurds in the 13 provinces in which a state of emergency had reigned for the past 15 years. She was particularly concerned that, in the last three years, the inhabitants of 874 villages had been forced to leave the region; the Turkish armed forces

had stolen the little the refugees had owned and had then burnt their houses if they refused to collaborate. She also condemned the recent murder of Nuri Ekinçi, an influential local leader.

71. Her organization was still concerned about the situation of Saharans who had disappeared after the Moroccan invasion; called upon the Government of Indonesia to allow the Commission's experts, rapporteurs and working groups to visit East Timor; urged the Commission to intervene in the quest for solutions in Haiti and in Sri Lanka; and suggested that the members of the Commission should attend a screening of a video cassette recording which showed three policemen in the United States of America subjecting four youths to ill-treatment merely because they were foreigners.

72. Mr. SINGH RAI (Liberation) said that, according to independent reports, the Government of India had been committing gross human rights abuses in Punjab since 1984. More than 10,000 Sikhs had been detained for political reasons, including Mr. Singh Maan, the Akali Dal leader, who was still being held for trying to lead a protest rally to Delhi; several thousand persons had been tortured, including the political leader, Mr. Pal Singh; more than 20,000 Sikhs had been killed by security forces in attacks or summary executions; and there had been thousands of involuntary disappearances.

73. Four human rights activists reporting to the United Nations had been killed, two had disappeared and several had been tortured. More than 5,000 Sikhs had fled the country to escape oppression. The ex-chief of the Punjab police, had admitted that many civilian deaths in the Punjab had been the result of contract killings by criminal gangs, sometimes working in close association with the police.

74. Although there was no declared emergency in Punjab, legislation derogating from human rights norms was in force. Under the Terrorist and Disruptive Activities Act, the police did not have to inform the accused of charges for up to 10 days; detention pending investigation could last for one year; punishable activities included indirectly questioning the territorial integrity of India; confessions obtained under torture were admissible; an accused was considered guilty unless proven otherwise; the property and land of the accused could be forfeited; the police could arrest entire families on charges of harbouring an accused; and officers could act with total impunity. The Government itself admitted that 54,000 people were in detention under the above-mentioned legislation.

75. Before the gaining of India's independence, Indian leaders had reached an agreement with the Sikhs that Punjab would join a confederation of States and that the Constitution of India would require the approval of the Sikhs. After independence, the Government of India had reneged on the agreement, and the Sikhs had then refused to accept the Constitution. There was scope for a settlement between the Sikhs and India, but the Government must restore freedom of expression so that the issues could be discussed freely. The Sikhs of the Punjab simply sought dignified coexistence and wanted independent control of their holiest shrine, Sri Harimandir Sahib (the Golden Temple). Those demands were not a threat to India's democracy, secularism or unity.

76. Mr. KANT (Indian Institute for Non-Aligned Studies) said that, according to the Human Rights Commission of Pakistan, Amnesty International and the Jubilee Campaign, virtually every section of society in Pakistan - except the ruling elite - was subject to the most gruesome human rights violations including torture, bonded labour, excesses in the name of religion, and discrimination against women. Furthermore, Pakistan had given no sign that it was ready to accept international human rights norms.

77. Discrimination against women in Pakistan was wide-ranging. The law discriminated against women in matters such as divorce, custody, and inheritance. Violence against women was common. A religious council had declared that family planning violated Islamic law. Violations of the human rights of children had also been reported. Kidnapping of children remained a major crime in Pakistan; abducted children were sometimes forced into servitude or drug trafficking.

78. Discriminatory laws and social intolerance continued to have adverse effects on the religious minorities in Pakistan. Harassment and humiliation of members of minorities and insensitivity towards them occurred at both official and public levels. Members of some religious communities had been sentenced to prison solely for exercising their religious beliefs. Furthermore, minorities were finding it increasingly difficult to bring their claims before the courts: legislation adopted in 1991 had ordered the Islamization of every sphere of life, including the judicial system. Discrimination against religious minorities could also be seen in the political sphere. There were gross violations of human rights in the areas of justice, law enforcement, freedom of expression, and freedom of worship.

79. In recent years, Pakistan had been promoting and encouraging the export of terrorism to other parts of the world. It had trained, indoctrinated and smuggled young men into Jammu and Kashmir in order to spread terror and destruction. It had established training camps for terrorists on its territory. Various credible sources had made it clear that Pakistan was responsible for the current phase of conflict, confrontation and terror in Jammu and Kashmir. As a result, there had been massive refugee flows, and the traditional harmony and peace of India was in danger.

Statements in exercise of the right of reply

80. Ms. KALNIETE (Observer for Latvia) said that, in June 1993, Latvia had held its first elections after gaining its independence. The majority of the electorate had voted for democratically-oriented parties, confirming that her country refused to endorse radicalism, in sharp contrast to the recent parliamentary elections in the Russian Federation.

81. Under Latvia's system of parliamentary democracy, all the political parties represented in parliament had the right to express and defend their views. Parliament was not a chorus repeating the same melody, as it had been under Soviet rule. In the field of human rights, it had enacted legislation which international experts considered to be compatible with international standards in the area.

82. Her Government was committed to eradicating all violations of human rights and fundamental freedoms and had recently established a post of Minister for Human Rights. Human rights and fundamental freedoms were guaranteed to all, regardless of their affiliation.

83. Russia's demand that Latvia should grant citizenship to all the persons who had been transferred into the country during the 50 years of occupation was unacceptable. The granting of citizenship was an internal matter which concerned only the sovereign State involved. Nevertheless, her Government had submitted its draft law on citizenship and naturalization to the Council of Europe for evaluation and had incorporated the Council's recommendations into the revised draft law.

84. Mr. KAKAKHEL (Pakistan) said that in a recent statement, the representative of India had violently denounced Pakistan for its acts and had denied allegations of human rights violations in Jammu and Kashmir.

85. The Commission on Human Rights was not the place to resolve political disputes. Its purpose was to assess the situation of human rights. In that connection, international and local human rights organizations had detailed documentation showing that Indian military and paramilitary forces had, during the past four years, instituted a reign of terror in Jammu and Kashmir, carrying out a campaign of death and mayhem and making life impossible for the people, who were struggling to express their inalienable right to self-determination.

86. The Government of India had tried to hoodwink the international community by asserting that the Kashmiris were involved in acts of terrorism. It had questioned the Kashmir people's right to self-determination and it had openly defied Security Council resolutions.

87. If the delegation of India was correct in asserting that there had been no violations of human rights in Jammu and Kashmir, it would have no objection to allowing an objective and impartial body to be the judge. To that end, the Commission on Human Rights should send a fact-finding mission to Jammu and Kashmir.

88. Mrs. LUKUDU (Sudan) said that, when referring to the human rights situation in the Sudan, the representatives of the United States of America, Japan and Poland had concentrated on her Government's alleged bombardment of the rebels in the south and reprisals and threats against the Special Rapporteur. While acknowledging that no such threats had been made by the Government, those delegations had failed to mention the Special Rapporteur's remarks concerning the sources of inspiration for the Islamic faith, which was tantamount to endorsing those remarks. That was a serious and unfortunate state of affairs. The very foundations of the United Nations were based on respect for the sovereignty of States and a neutral approach. It was clear that the Special Rapporteur had not even attempted to respect those principles.

89. The statement presented by Macram Max Gassis of Pax Romana under item 12 was entirely false. Macram Max Gassis was an active member of the rebel

forces in southern Sudan and had made his slanderous statement out of political interest. It was unfortunate that a bishop should abuse his religious status by spreading lies in an international forum.

90. Pax Romana, the International Fellowship of Reconciliation and Christian Democrat International had all devoted their entire statements to the situation of human rights in the Sudan, as if other parts of the world did not deserve their attention. With their fanatic politicizing, they had succeeded in rallying the Christian world against the people and Government of Sudan. What they all had in common was a hatred and animosity for Islam.

91. Mr. Seung HO (Republic of Korea) said that, since the establishment of a new Government the previous year, his country had accelerated its efforts to promote and protect human rights and fundamental freedoms. Its practices in that area were in conformity with international human rights standards and he welcomed the scrutiny of the international community in that regard.

92. Some people in his country had called for rescinding of the National Security Law; however, the majority believed the law should be maintained. He sincerely hoped that the National Security Law would become superfluous once relations were normalized between North and South Korea. In that connection, he wished to point out that a call for rescinding that law was not part of official United States policy.

93. North Korea did not abide by the rule of law, but used certain legislation to maintain a totalitarian regime under which many human rights abuses were committed. Under its Penal Code, any counter-revolutionary or anti-Government thought, utterance or act was punishable, thereby making legitimate North Korea's use of coercive measures, terror and the death penalty.

94. Mr. PAK Dok Hun (Observer for the Democratic People's Republic of Korea) said that, in 1991, North and South Korea had signed an agreement prohibiting slander against either side. He would, therefore, refrain from mentioning the systematic human rights violations in South Korea.

95. The provocative statement by the representative of South Korea coincided with talks relating to the exchange of special envoys with a view to resolving areas of disagreement between North and South Korea. He wondered whether South Korea was trying to destroy those negotiations.

96. South Korea was the last regime which should criticize another State's human rights record. The history of Fascist rule under the South Korean military and the current situation in South Korea provided eloquent proof. It was during the period of military rule that numerous repressive organs and laws had been established, including the National Security Law, and peaceful demonstrators had been cruelly massacred. In 1992, the so-called civil Government had come to power but it was no different from the former military dictatorship. It maintained the repressive laws and used them to imprison individuals simply because they demanded democracy and reunification for Korea. A number of prominent figures had been imprisoned on ideological grounds; some of them had been tortured or subjected to other abuses.

97. It was not by chance that members of the Human Rights Committee had recommended in 1991 that the National Security Law should be rescinded.

98. Mr. ANSARI (India) said that the delegation of Pakistan was playing a worn-out gramophone record; it believed that, by repeating its baseless allegations over and over again, it could brainwash the Commission into believing them.

99. There was only one real issue: the role of Pakistan in promoting terrorism and the concomitant violation of human rights. Instead of addressing that issue, the delegation of Pakistan had initiated a draft resolution against India, which was entirely unacceptable. Pakistan's act was part of its ceaseless efforts to gain control of territory which legally belonged to India.

100. After a recent visit to Jammu and Kashmir, a group of ambassadors from the European Union had concluded that the situation existing in that State since 1949 had been the result of militant actions supported by Pakistan. It had concluded further that the Pakistani authorities must cease all assistance on and from their territory to the militants in Jammu and Kashmir.

101. Mr. KAKAKHEL (Pakistan) said that the draft resolution in question called on the Commission to send a fact-finding mission to Jammu and Kashmir. His Government was not seeking bilateral concessions. It desired only an impartial and objective assessment of the situation in Jammu and Kashmir.

102. The Commission could not allow the barbaric acts and atrocities of the Indian Government to go unnoticed any longer. In fact, India constantly interfered in the affairs of its neighbouring States, using a cruel and merciless policy to coerce and intimidate them into complying with its plans for hegemony.

103. Mrs. SABHARWAL (India) said that it was a documented fact that, in the Punjab and in Jammu and Kashmir, terrorists sponsored by Pakistan were violating human rights.

104. India's transparency and openness had been acknowledged by all, including the European Union ambassadors who had recently visited Jammu and Kashmir.

105. Constant sniping at elected Governments, thereby encouraging transborder terrorism, was a sure recipe for destroying democracy and human rights everywhere.

106. The CHAIRMAN said that, in the course of the Commission's consideration of agenda item 12, a number of comments had been made with regard to various aspects of the reports by special rapporteurs that the Commission had been considering under that item. That was only normal and appropriate. Every delegation had a right to express its views on the contents of those reports. A number of those comments had, however, cast serious doubt on the integrity of one of the special rapporteurs.

107. It was his duty as Chairman to remind the Commission that the special rapporteurs were appointed by the Commission and entrusted with mandates that were often delicate and always sensitive. The appointment of special rapporteurs was the result of a solemn decision of the international community as represented by the Commission: they were the agents of the Commission, no more and no less. To cast any doubts on the integrity of the special rapporteurs was to cast doubt on the Commission itself. It was, therefore, the duty of the Commission to ensure that, while respecting the right to freedom of expression and the right to disagree, the character and integrity of its special rapporteurs were not called into question.

The meeting rose at 1 p.m.

Annex

List of non-governmental organizations sponsoring the statement by the
Regional Council on Human Rights in Asia, under agenda item 12

Human Rights Advocates

Pax Christi International

World Student Christian Federation

International Movement for Fraternal Union Among Races and Peoples

Women's International League for Peace and Freedom

Third World Movement against the Exploitation of Women

World Alliance of Reformed Churches

World Christian Life Community

International Movement against All Forms of Discrimination and Racism
