

SUMMARY RECORD OF THE 79th MEETING

Chairman: Mr. GARVALOV (Bulgaria)

CONTENTS

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

AGENDA ITEM 65: CRIME PREVENTION AND CONTROL (continued)

- (a) CAPITAL PUNISHMENT: REPORT OF THE SIXTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (continued)
- (b) SIXTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (continued)
- (c) IMPLEMENTATION OF THE CONCLUSIONS OF THE FIFTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (continued)

AGENDA ITEM 82: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)

- (a) QUESTIONNAIRE ON THE DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)
- (b) UNILATERAL DECLARATIONS BY MEMBER STATES AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)
- (c) DRAFT CODE OF MEDICAL ETHICS (continued)
- (d) DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT (continued)

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Distr. GENERAL
A/C.3/35/SR.79
12 December 1980
ENGLISH
ORIGINAL: FRENCH

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

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)
(A/C.3/35/L.52/Rev.2, L.60, L.61, L.64, L.66, L.70, L.71/Rev.2, L.74, L.76, L.77,
L.78 and L.79)

AGENDA ITEM 65: CRIME PREVENTION AND CONTROL (continued) (A/C.3/35/L.65/Rev.1)

- (a) CAPITAL PUNISHMENT: REPORT OF THE SIXTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (continued) (A/C.3/35/L.67, L.75 and L.80)
- (b) SIXTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (continued) (A/C.3/35/L.81)
- (c) IMPLEMENTATION OF THE CONCLUSIONS OF THE FIFTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (continued)

AGENDA ITEM 82: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/C.3/35/L.82)

- (a) QUESTIONNAIRE ON THE DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)
- (b) UNILATERAL DECLARATIONS BY MEMBER STATES AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)
- (c) DRAFT CODE OF MEDICAL ETHICS (continued) (A/C.3/35/L.83)
- (d) DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT (continued)

1. The CHAIRMAN said that the Nigerian delegation had requested a brief suspension of the meeting in order to complete its consultations on draft resolution A/C.3/35/L.52/Rev.2 concerning human rights in Bolivia. He would therefore suspend the meeting for about 20 minutes.

2. The meeting was suspended at 3.21 p.m. and resumed at 3.40 p.m.

3. Mr. ORTIZ-SANZ (Bolivia) said that he wished to point out to the Committee that since 21 November 1980, no one had been detained for political reasons in Bolivia. The 36 persons who were still being held for those reasons prior to that date had been turned over to the intergovernmental Committee for European Migration: they had either already left Bolivia or would be transferred to the countries of their choice with the assistance of that Committee. Some 15 days previously, the President of Bolivia had invited the Commission on Human Rights to send a delegation to study the human rights situation in Bolivia at first hand.

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4. Mr. HEIDWEILER (Suriname), noting that the importance accorded to human rights was aimed at discouraging Governments from degrading the dignity of the human person, said that he was distressed at the way in which the issue of human rights had been dealt with in the Committee over the years by some members who seemed to be mainly concerned about settling political scores and avenging political grievances. That position was hardly in the immediate interest of the victims of human rights violations, nor would it contribute in the long term to restoring human rights in the countries involved.

5. The Committee's practice of according special attention to the human rights situation in Latin America and ignoring the massive atrocities that had already been committed or were being committed in other parts of the world was perhaps based on its hope that it could help improve the situation in Latin America. His delegation believed that it would have been preferable if the situation in Bolivia and in other countries of Latin America had been dealt with within the Organization of American States, and in particular by the Inter-American Commission on Human Rights. It shared the concern which arose about violations of human rights regardless of the country in which they were committed; his Government believed that all efforts aimed at improving such situations should be guided by moral as well as practical considerations. Regional organizations were generally best suited to deal with problems which arose in their member countries. In that regard, his delegation had noted that the Organization of African Unity was currently elaborating an African Charter of Human Rights. Draft resolution A/C.3/35/L.84, sponsored by Bangladesh among others, which drew attention to the offer of the Government of Sri Lanka to host a seminar of member States of the region on the promotion and protection of human rights in Asia, was also a good example of regional co-operation in that field. The role which regional institutions could play accorded with Article 52 of the Charter of the United Nations.

6. Since the Organization of American States, at its tenth regular session currently being held, had studied the annual report of the Inter-American Commission on Human Rights and had taken note of the ongoing negotiations with the Bolivian Government regarding the visit to Bolivia by representatives of that Commission his delegation believed that the draft resolutions under consideration on the human rights situation in three Latin American countries duplicated the work of the Organization of American States and might impede the solving of those problems. The Committee should take up such matters only in cases where regional institutions did not exist or whenever those institutions had failed to obtain satisfactory results.

7. For those reasons, his delegation would abstain in the vote on the three draft resolutions concerned. Suriname favoured a world order based on mutual respect for human rights, as its Minister for Foreign Affairs had stated on 10 October 1980 before the Permanent Council of the Organization of American States. His delegation's abstention in no way meant that Suriname was unconcerned about the human rights situation in the countries involved.

8. Mr. ROS (Argentina) recalled that, in its statement on item 12 during the general debate, his delegation had criticized the tendency to draw distinctions between countries and regions and even groups of individuals in cases of violations of human rights. From the legal point of view, respect for human rights must naturally be based upon objective and universal values. His delegation had also noted that only persuasion and the establishment of a constructive dialogue could be successful in combating violations of human rights. Those criteria did not seem to have been respected, and his delegation would therefore vote against draft resolutions A/C.3/35/L.52/Rev.2, A/C.3/35/L.61 and A/C.3/35/L.71/Rev.2.

9. Miss KEKEDO (Papua New Guinea) said that her delegation would abstain in the vote on draft resolution A/C.3/35/L.52/Rev.2 because it did not approve of the practice which had been followed by the Committee for several sessions of denouncing human rights violations only in certain countries.

10. Mr. AVILES (Nicaragua) said that he wished to explain his delegation's position on draft resolution A/C.3/35/L.52/Rev.2 which, he believed, was a manifestation of solidarity with the Bolivian people.

11. After tracing the history of the situation since the seizure of power by General Banzer's military dictatorship in 1971 and indicating, *inter alia*, that the positive development which should lead to the establishment of a democratic Government had been suddenly interrupted by the action of the military sector, he said that the coup d'etat on 17 July 1980 had been particularly violent and that the resistance on the part of the population, particularly in the mining centres, had been repressed by force of arms. The world press had broadly reported the various reprisals taken against the population. As in the case of any repressive régime, the authorities, in an attempt to justify the violation of human rights and fundamental freedoms, had said that they were freeing the country from alleged Communist extremism. The régime had not enjoyed the support of any organized social sector and the Bolivian people had been subjected to permanent repression: the mines had been occupied by the army and the universities closed; the radio stations broadcast only official communiqués and the economic situation had seriously deteriorated. In an attempt to mislead international opinion, some prominent trade union leaders had been freed, but arrests were continuing as well as the persecution of political leaders, some of whom had gone into hiding, and of trade union and rural leaders who did not agree to collaborate with the régime. The deputy Juvenal Castro, the Executive Secretary of the peasant trade union confederation, Augusto Siles, and the chief of the popular movement of national liberation of the La Paz region, as well as other members of his party, were still under detention. The régime had no support at the domestic level and was equally isolated at the international level since its actions had been denounced by nearly all international organizations since July 1980. The tenth regular session of the Organization of American States had declared itself in solidarity with the Bolivian people in adopting the decision of its Permanent Council. The Sixth Conference of Heads of State or Government of Non-Aligned Countries had urged its members to support the establishment of a democratic process in Bolivia. The World Conference of the United Nations Decade for Women, the sixty-seventh Interparliamentary Conference and the International Socialist Congress had also declared themselves in solidarity with the Bolivian people in the struggle it was waging for the restoration of the democratic process.

(Mr. Aviles, Nicaragua)

12. Those were reasons why his delegation, together with the Panamanian delegation, had submitted draft resolution A/C.3/35/L.88 which it had subsequently withdrawn in support of draft resolution A/C.3/35/L.52/Rev.2 in order to facilitate the consideration of that important question.
13. His delegation was convinced that the position taken on the question by the General Assembly at its current session could make possible the restoration of human rights and fundamental freedoms in Bolivia.
14. Mrs. WARZAZI (Morocco) said that the manner in which the Committee had considered human rights violations in Chile at previous sessions justified the scepticism of certain States as to the value of the draft resolutions under consideration. Her delegation supported the statement made by the representative of Suriname and would vote in the same way as it had always done.
15. Mr. LIGAIRI (Fiji) said that his delegation would abstain in the vote on the three draft resolutions because it believed that it would have been better to first call for the co-operation of the countries concerned.
16. Mr. GONZALEZ de LEON (Mexico) called for the closure of the debate on draft resolution A/C.3/35/L.52/Rev.2 under rule 117 of the rules of procedure.
17. Mrs. WARZAZI (Morocco) said that she opposed the motion for closure of the debate.
18. Miss NAGA (Egypt) said that she, too, was opposed to the motion for closure of the debate.
19. The CHAIRMAN put the motion to the vote.
20. The proposal to close the debate on draft resolution A/C.3/35/L.52/Rev.2 was adopted by 74 votes to 36, with 21 abstentions.
21. The CHAIRMAN gave the floor to the Singaporean delegation for an explanation of vote before the vote on draft resolution A/C.3/35/L.52/Rev.2.
22. Mr. KOH (Singapore), explaining his delegation's vote on draft resolutions A/C.3/35/L.61 on the protection of human rights in Chile, A/C.3/35/L.71/Rev.2 on the situation of human rights and fundamental freedoms in El Salvador and A/C.3/35/L.52/Rev.2 on human rights in Bolivia, recalled that one of the purposes of the United Nations under article 1, paragraph 3 of the Charter was to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. The work accomplished by the United Nations in the legislative field was commendable. An impressive body of legislative instruments and norms relating to human rights had been developed. In future the United Nations should pay more attention to seeking ways of promoting compliance by States with the international principles relating to human rights.

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(Mr. Koh, Singapore)

Above all it must adopt a fair approach. For if 10 countries committed the same human rights violation, it was unjust to select one for censure and ignore the activities of the other nine countries.

23. In the case of the three draft resolutions under consideration, it was quite clear that Bolivia, Chile and El Salvador were not the only countries in which human rights violations occurred. They were three relatively small countries governed by right-wing régimes. The same rules did not seem to apply to totalitarian régimes and to economically strong and politically influential countries.

24. For those reasons, his delegation would abstain on the vote on the three draft resolutions.

25. Mr. SHESTACK (United States of America) said that the situation in Bolivia since the military coup d'état of 17 July continued to cause serious concern in the United States. The Bolivian Government continued to detain many people without due process. It appeared that persons who were detained had, in many cases, been subjected to physical and mental abuse and torture. Families that refused to reveal the whereabouts of relatives sought by the security forces had been threatened. The Bolivian military régime had also detained many foreign journalists, missionaries, priests and representatives of international trade-union organizations.

26. Although the Bolivian Government had recently stated that it intended to release some of the hundreds of political prisoners, it was continuing to prevent trade unions and political parties from functioning normally; constraints were placed upon the press and other media, and the universities remained closed. The sanctity of the home was regularly violated, without judicial warrant, and freedom of movement within the country was not permitted. It was true that the Government of Bolivia had recently advised the Secretary-General that it was prepared to arrange a date for a fact-finding mission of the Commission on Human Rights to visit Bolivia to investigate alleged abuses. But since it had not yet responded to the communication sent on 8 August by the Inter-American Commission on Human Rights, its offer was obviously a device to avoid the scrutiny of that Commission. The United States felt that the Bolivian Government should respond immediately to the Inter-American Commission and authorize it to carry out its inquiry.

27. The military Government's declared intention promulgating a new State security law further heightened the concern of the United States; such a law could provide the legal camouflage for additional abuses and violations of the rights of Bolivian citizens. On the other hand, his delegation was gratified that the General Assembly of the Organization of American States had reaffirmed on 27 November 1980 the resolution adopted by its Permanent Council on 25 July on the situation in Bolivia after the coup d'état. His delegation supported draft resolution A/C.3/35/L.52/Rev.2 and hoped that democracy, human rights and fundamental freedoms would soon be re-established in Bolivia.

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28. Mr. AMINI (Comoros) said that his delegation condemned violations of human rights wherever they were committed. It felt, however, that draft resolutions of the kind now before the Committee should be submitted to the Commission on Human Rights, which would recommend measures to be taken. Consequently, his delegation would vote against draft resolutions A/C.3/35/L.52/Rev.2 and A/C.3/35/L.71/Rev.2.
29. Miss VARGAS (Costa Rica) said her delegation believed that the promotion of and respect for human rights were matters subject to international jurisdiction and constituted a basic element of international order. Costa Rica therefore felt that any complaint concerning the violation of human rights should be investigated and that proven infractions should be punished wherever they occurred.
30. She wished, however, to draw attention to certain questionable aspects of the draft resolutions to be presented to the General Assembly at its current session. First, many of the texts were obviously inspired by biased political considerations and not by legitimate concerns about violations of human rights. Furthermore, it was a matter of great concern that texts drafted in response to complaints that should lead to investigations had prejudged the results of such investigations. Lastly, she expressed her delegation's concern at the draft resolutions dealing with Latin American countries; she was not saying that the violations of human rights which the Governments of those countries had been accused of had not been committed or were less important than others, but it should be borne in mind that those countries were members of the Organization of American States, which had institutional machinery for promoting and protecting human rights in the region more completely and effectively than the United Nations could do it. All possibilities afforded by those authorities, particularly technical authorities such as the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, should be exhausted before having recourse to political bodies such as the United Nations General Assembly.
31. Her delegation therefore believed that it was important to examine carefully the draft resolutions relating to human rights in El Salvador, Bolivia and Chile. Besides the fact that those three countries belonged to the Organization of American States, the first two were also parties to the American Convention on Human Rights and were therefore required to have recourse to the Inter-American Commission on Human Rights, and, if necessary, to the Inter-American Court of Human Rights.
32. Her delegation did not in any way question the competence of the United Nations in the matter but felt that it was in the interest of the Organization itself to rely more on the existing regional systems. If it was nevertheless considered desirable that the United Nations too should intervene, the complaints should be referred to the Commission on Human Rights without prejudging the conclusions that body might reach.
33. For those reasons and because of the wording of the draft resolutions under consideration, her delegation would vote against the text dealing with human rights in El Salvador (A/C.3/35/L.71/Rev.2) - which was unbalanced and reflected unjust prejudices - and would abstain in the vote on the draft resolutions concerning Bolivia and Chile (A/C.3/35/L.52/Rev.2, A/C.3/35/L.61/Rev.1).

34. Mr. YEPES ENRIQUEZ (Ecuador) said that his delegation, considering it essential to conform to the principles that Ecuador had always applied in the area of human rights, would vote in favour of draft resolution A/C.3/35/52/Rev.2. In so doing, it would also fulfil its obligations under the Ríobamba Charter of Conduct, according to which signatory countries agreed to protect human rights in the subregion. He added that Ecuador made no distinction between the competence of the United Nations and that of regional organizations.

35. A recorded vote was taken on draft resolution A/C.3/35/L.52/Rev.2.

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Barbados, Belgium, Benin, Bulgaria, Canada, Cape Verde, Central African Republic, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, Iran, Iraq, Ireland, Italy, Jamaica, Kenya, Lao People's Democratic Republic, Liberia, Libyan Arab Jamahiriya, Luxembourg, Mali, Mauritania, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Poland, Portugal, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Spain, Sweden, Syrian Arab Republic, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Argentina, Brazil, Chile, Comoros, Guatemala, Paraguay, Philippines, Uruguay.

Abstaining: Bahamas, Bahrain, Bangladesh, Bhutan, Botswana, Burma, Burundi, Chad, Costa Rica, Egypt, El Salvador, Equatorial Guinea, Fiji, Gabon, Gambia, Haiti, Honduras, India, Indonesia, Israel, Ivory Coast, Japan, Jordan, Kuwait, Lebanon, Lesotho, Malawi, Malaysia, Maldives, Nepal, Niger, Nigeria, Oman, Papua New Guinea, Peru, Qatar, Saudi Arabia, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, United Arab Emirates, United Republic of Cameroon, Zaire.

36. Draft resolution A/C.3/35/L.52/Rev.2 was adopted by 77 votes to 8, with 49 abstentions.

37. Mrs. FLOREZ PRIDA (Cuba) said that her delegation had voted for the draft resolution concerning human rights in Bolivia because it believed that the General Assembly should take a decision on the very grave events now taking place in that country. However, it had reservations concerning the fourth preambular paragraph, which referred to the Organization of American States; Cuba was not a member of that organization and did not recognize its competence.

38. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/35/L.60.

39. Mrs. WARZAZI (Morocco) said that she regarded it as a duty to vote for the draft resolution entitled "Refugee and displaced children", which was of an eminently humanitarian character. Her delegation was particularly concerned about the fate of children throughout the world, especially those in distress because they were living in exile, refugees or displaced persons. She also wished to draw the attention of the Third Committee to a very disturbing problem which she believed should be the subject of an inquiry: according to the national humanitarian organizations of a certain country, several hundred African children had been taken from their homes, brought to a neighbouring country, given new names so that they could not be traced, and transported to a distant island, where they worked under compulsion and were subjected to indoctrination designed to turn them into robots. Her delegation was following the matter closely and would not fail to raise the issue again as soon as it had obtained reliable and proven information.

40. Mr. MUCORLOR (Liberia) felt the draft resolution before the Committee could not give any delegation grounds for objection; he hoped, therefore, that it would be adopted by consensus.

41. Mrs. FLOREZ PRIDA (Cuba) proposed that the third preambular paragraph of draft resolution A/C.3/35/L.60 should be amended by adding the words "and who in the main are victims of situations which result from apartheid, all forms of racial discrimination, colonialism, foreign domination and occupation, aggression and threats against the national sovereignty".

42. Mr. GIUSTETTI (France) said that his delegation saw no objection to adopting the amendment proposed by the Cuban delegation but hoped that draft resolution A/C.3/35/L.60 could be kept free of all political considerations. He proposed that the Cuban amendment should be further amended by replacing the words "in the main" with the words "inter alia". His delegation could not accept any differentiation between refugee children on the basis of the reasons for their situations.

43. Mrs. WARZAZI (Morocco) said it was regrettable that the Cuban delegation had felt a need to introduce political overtones into draft resolution A/C.3/35/L.60 by means of its amendment. In any case, she would like to add the following words at the end of the Cuban amendment: "from foreign military interventions against sovereign countries and the activities of mercenaries".

44. Mr. EDIS (United Kingdom) said it was unfortunate that political considerations should be introduced into a draft resolution which was of a strictly humanitarian character, and he asked the sponsors of amendments not to press for their adoption. If they nevertheless insisted on amending the draft resolution, he thought it best to adopt a text which could not give rise to controversy, for example, by replacing the text of the Cuban amendment with the words "and who are mainly victims of situations of violations of human rights".

45. Mr. CARDWELL (United States of America) asked those delegations which had proposed amendments to withdraw them. Draft resolution A/C.3/35/L.60 could be adopted by consensus as it now stood, and attempts to introduce political considerations into it could only cause trouble.

46. Mrs. DJAROMEYE (Niger) said that her delegation had originally intended to submit amendments to the draft resolution before the Committee; however, after consultations with the French delegation it had refrained from doing so, in the hope that the text could be adopted without controversy. She reminded the Committee that the children of the Sahelian countries, and in particular those of the Niger, had been displaced for reasons which were in no way political, namely, the after-effects of the drought that had afflicted the region; nevertheless, it would seem inappropriate to dwell too long on the many different reasons for the situation of refugee and displaced children. She therefore asked the Cuban delegation to withdraw its amendment and expressed the hope that draft resolution A/C.3/35/L.60 could be adopted unanimously.

47. Mrs. FLOREZ PRIDA (Cuba) said that her delegation was withdrawing its proposed amendment, so that draft resolution A/C.3/35/L.60 could be adopted without a vote.

48. Draft resolution A/C.3/35/L.60 was adopted without a vote.

49. Mr. LINNER (Sweden) said that his delegation supported the draft resolution which had just been adopted and which emphasized the importance of the search for the parents of refugee and displaced children with a view to avoiding the distressing separation that could result from their being entrusted to adoptive parents.

50. Mr. GONZALEZ de LEON (Mexico), introducing draft resolution A/C.3/35/L.61/Rev.1, said that the text was sufficiently clear and required no comment. He announced that Ireland had joined the sponsors.

51. Mr. CALDERON (Chile) said that draft resolution A/C.3/35/L.61/Rev.1 was unjust, for a number of reasons which his delegation had already explained on other occasions, the most important being that the treatment to which Chile was subjected therein was discriminatory and selective. After referring to cases of violations of human rights throughout the world which were clearly massive, flagrant and systematic, he pointed out that in such cases the United Nations had not taken the same measures as it had in the case of his country. That was a hypocritical manoeuvre obviously intended to make Chile a scapegoat in order to conceal actual massive, flagrant and systematic violations committed elsewhere.

(Mr. Calderon, Chile)

52. Apart from being unjust, the draft resolution was immoral; its sponsors included countries which had committed and continued to commit the violations he had mentioned; it ignored realities, as a visit to Chile would suffice to prove. In that connexion, he pointed out that a number of organizations concerned with human rights, including UNESCO and the Organization of American States, avoided naming a country if the accusations against it had not been properly verified. Lastly, by continuing to treat Chile unjustly, the United Nations was depriving itself of his country's co-operation.

53. By such actions, the United Nations had brought itself its disrepute and had failed in its mission, for instead of concerning itself with really serious cases, it had chosen to attack small countries.

54. Moreover, the draft resolution violated the principle of non-interference in the internal affairs of countries because it touched on issues which were not related to human rights, such as that of the plebiscite whereby the country's new constitution had just been approved. In that connexion, he stated that, contrary to what was said in the seventh preambular paragraph, the draft constitution had been prepared with the participation of representative sectors of the country. The simple fact that, out of 6.5 million votes cast, the draft resolution had received only 4.5 million, was sufficient evidence of the existence of an opposition, which, moreover, was of appreciable size; that was not always the case in a number of the countries which had sponsored the draft resolution. Another area in which the sponsors were attempting to involve themselves was that of justice. In Chile the judicial power was autonomous and would not tolerate any foreign interference.

55. Lastly, draft resolution A/C.3/35/L.61/Rev.1 was of a clearly political character, as was evident from the identity of some of its sponsors.

56. For all those reasons, the Chilean Government would refuse to co-operate with the United Nations so long as the latter failed to respect the general principles of law enshrined in the Charter and in the universal procedures it had itself established.

57. Mrs. RODRIGUEZ (Venezuela) said that, as in the case of similar resolutions in previous years, her delegation would vote in favour of draft resolution A/C.3/35/L.61/Rev.1. It wished to emphasize, however, that there was now a tendency to introduce an element of discrimination into resolutions relating to human rights violations, which drew attention only to certain countries when there were others that also deserved to be condemned. Her delegation appealed to the Commission on Human Rights to continue its efforts to bring to light cases of human rights violations throughout the world.

58. A recorded vote was taken on draft resolution A/C.3/35/L.61/Rev.1.

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Maldives, Mali, Mauritania, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Argentina, Bolivia, Brazil, Chile, Guatemala, Lebanon, Paraguay, Uruguay.

Abstaining: Bahamas, Chad, Colombia, Costa Rica, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Fiji, Gabon, Gambia, Haiti, Honduras, Indonesia, Israel, Ivory Coast, Japan, Jordan, Lesotho, Malawi, Malaysia, Morocco, Nepal, Niger, Nigeria, Oman, Papua New Guinea, Peru, Philippines, Saudi Arabia, Singapore, Somalia, Suriname, Thailand, Togo, Trinidad and Tobago, Zaire.

59. Draft resolution A/C.3/35/L.61/Rev.1 was adopted by 90 votes to 8, with 37 abstentions.

60. Mrs. SUTHERLAND (Canada), speaking in explanation of vote, said that her delegation had voted in favour of the draft resolution with a view to ensuring the protection of human rights throughout the world, including human rights in Chile. Her delegation had reservations, however, on the seventh preambular paragraph, since it would have preferred no reference to be made to any constitutional procedure in a Member country. It would have abstained in the vote on that paragraph if it had been put to the vote.

61. Miss FRANCO (Portugal) said that she had voted in favour of the draft resolution on the basis of the information given in the Special Rapporteur's report and in accordance with her delegation's position of principle on the question of human rights violations wherever they occurred.

62. Her delegation nevertheless considered that the Commission on Human Rights had taken a selective approach and that it should carefully examine all situations involving human rights violations. Her delegation would continue to support any action taken by the United Nations which would contribute to universalizing its action in that field.

63. Mrs. de REYES (Colombia) said that her delegation had abstained in the vote on draft resolution A/C.3/35/L.61/Rev.1 because, while it considered the question of human rights extremely important, the text just adopted was, in its view, discriminatory and selective. Claiming to defend human rights, it also defended political interests which had little relationship with such rights. The impression was given that such rights were violated only in Africa and Latin America whereas in reality they were also violated in countries that called themselves socialist and in totalitarian countries, where freedom of the individual and freedom of expression were limited; the subject of Chile was a hobby horse which was still being ridden with no consideration for the progress that had been made towards normalization as shown by the recent plebiscite in that country.

64. Her delegation appealed to other Latin American countries to take account of that situation.

65. Mr. EDIS (United Kingdom), speaking in explanation of his vote in favour of draft resolution A/C.3/35/L.61/Rev.1, said that, although the human rights situation in Chile had improved in recent years, the Special Rapporteur had reported a number of disappointing trends which his delegation hoped to see corrected. One case had been the torture inflicted on Miss Claire Wilson, a person of dual Anglo/Chilean nationality.

66. There were certainly many other countries which deserved the attention of the United Nations just as much as or more than Chile. Nevertheless, hundreds of persons including Mr. William Beausire, a British subject, who had disappeared in that country between 1973 and 1977 after their arrest by security police remained unaccounted for.

67. Although certain judicial inquiries were taking place in Chile, their progress was agonizingly slow. His delegation hoped that the Chilean authorities would co-operate fully in those inquiries and that the Chilean Government would agree to co-operate with the Group of Experts appointed by the Commission on Human Rights to study the question of disappeared persons in all parts of the world.

68. Mr. BYKOV (Union of Soviet Socialist Republics) said that his delegation maintained the position of principle which it had explained in detail on 25 November 1980. It had voted in favour of draft resolution A/C.3/35/L.61/Rev.1 because that draft resolution emphasized the serious concern which the tragic fate of the Chilean people aroused in the United Nations and in the entire international community.

69. Despite the decisions taken by the international bodies, the dictatorial and Fascist régime installed in Chile following a coup d'état fomented with the assistance of imperialist forces was pursuing a policy of mass repression. The Special Rapporteur's report and the discussions in the Committee had once again confirmed that flagrant violations of human rights had been taking place in Chile for more than seven years and that the situation had recently deteriorated still further.

70. His delegation wished to reiterate its expression of solidarity with the *Chilean patriots and democrats* and with the people of Chile who had suffered so much, and it hoped the day would come when human rights would be fully respected in that country.

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71. Mr. FLOOD (United States of America), speaking in explanation of his delegation's vote in favour of draft resolution A/C.3/35/L.61/Rev.1, said that the draft resolution reflected his country's desire to associate itself with the efforts of the United Nations to ensure respect for human rights in Chile. However, while certain deficiencies remained to be remedied by the Chilean Government, there had been some improvements since 1977 which the present draft resolution, like its predecessors, completely ignored. Greater objectivity should be shown in order to encourage the Chilean Government to heed United Nations resolutions on human rights. It should also be pointed out that some of the sponsors of the resolution were expressing concern at violations that were less serious in Chile than in their own countries. To refer in reports and resolutions exclusively to the case of Chile and to ignore the case of countries in which the situation was worse was to apply double standards. Such partiality could only hurt the cause of human rights. He was convinced that progress on the subject depended on the maintenance of a firm and objective stand.

72. Mrs. FAWTHORPE (New Zealand) said that she had voted in favour of the draft resolution and welcomed the more moderate tone of the revised text, which was more appropriate to the task of the United Nations. According to the Special Rapporteur's report, the situation which at one time had appeared to be improving had, in fact, deteriorated. She appealed to the Chilean Government to heed the recommendations of the international community, which should in no case be dictated by vindictiveness or partiality but should be based on a true concern to ensure respect for human rights.

73. Mr. GIUSTETTI (France) said that it was essential for the Commission on Human Rights to reconsider at its next session the methods it was applying to the case of Chile. Pending such reconsideration, his delegation, which shared the concern of the international community, had been obliged to support the text before the Committee. The case of Chile was now, however, comparable to that of other countries, and his delegation hoped that in the future it would have occasion to vote on a text which would not single out Chile as a special case.

Draft resolution A/C.3/35/L.64

74. Mr. NORDENFELT (Sweden) said that the word "Offenders" in the seventh preambular paragraph should be replaced by the word "Prisoners".

75. The CHAIRMAN said he understood that the Committee was prepared to adopt the draft resolution without a vote.

76. Draft resolution A/C.3/35/L.64, as orally amended by the representative of Sweden, was adopted without a vote.

77. Mr. SHESTACK (United States of America), speaking in explanation of vote, said that, as indicated in the draft resolution, persons arrested or detained by reason of their political opinions should be released and their arrest or detention could in itself constitute a violation of human rights. The resolution dealt with two categories of prisoners: those whose political opinions constituted the only offence and who should be released, and those who were detained because of their participation in a political movement involving acts which could constitute

(Mr. Shestack, United States)

ordinary criminal offences and whose detention might accordingly be justified. The draft resolution could not, therefore, be interpreted as calling for the release of all persons who, in serving their cause, were alleged to have committed offences the proscription of which was consistent with the Universal Declaration of Human Rights. His delegation nevertheless considered that offences against apartheid laws did not justify detention.

78. The United States was not satisfied with the vague formulation of the third preambular paragraph, which distinguished laws that were of a discriminatory nature or that involved other serious violations of human rights from laws which justified detention for common-law offences. That formula should in no case prejudice the fundamental principle that political commitment did not justify common-law offences or acts of violence.

79. Mr. EDIS (United Kingdom) said that the expression of political opinions was a freedom that was jealously guarded in the United Kingdom; his delegation therefore agreed with the draft resolution's objective of protecting the constitutional rights of every person to engage in legal and non-violent activities. It was also in favour of protecting the rights of persons detained under the law.

80. Mrs. HOUNGAVOU (Benin) said that her delegation had joined in the consensus on draft resolution A/C.3/35/L.64 because it considered that all the persons to whom it related, including the freedom-fighters in South Africa who were struggling for the elimination of apartheid and of all forms of racial discrimination, should be released.

Draft resolution A/C.3/35/L.66

81. Mr. MATELJAK (Yugoslavia) said that his delegation was opposed to draft resolution A/C.3/35/L.66, which was aimed at establishing a general fund for human rights even before the possibility of doing so had been given serious study; the establishment of such a fund would, moreover, be tantamount to doing away with the United Nations Trust Fund for Chile at a time when the Special Rapporteur had reported an aggravation of the situation in that country and when the Fund's activities should therefore be intensified.

82. Mr. BIALY (Poland) said that the draft resolution should be studied in depth by the various Governments before being put to the vote. Moreover, since, as was shown by the adoption of draft resolution A/C.3/35/L.61/Rev.1, the human rights situation in Chile had not improved, the establishment of another fund could only weaken the position of the United Nations with respect to human rights in Chile.

83. Mr. ABDUL AZIZ (Libyan Arab Jamahiriya) said that he shared the view of the Yugoslav representative that the draft resolution should be given more thorough study. He was therefore opposed to its adoption.

84. Mr. EDIS (United Kingdom) observed that the draft resolution did not involve the adoption of any final decision; the Commission on Human Rights was merely being requested to study the possibility of extending the mandate of the Trust Fund for

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(Mr. Edis, United Kingdom)

Chile and to report to the Economic and Social Council on the subject. He would be most interested to know the amount of contributions to the Fund, which countries had made such contributions, whether the countries which had spoken most forcefully with regard to the text under consideration were those which had made the highest contributions, and how much had been spent and on what activities.

85. Mrs. WARZAZI (Morocco) said that she too would be interested to know what expenditure had been incurred by the Fund's administration.

86. Miss WELLS (Australia) said that her country had traditionally abstained in the vote on resolutions on Chile because of their selective character, since there were victims of human rights violations in other parts of the world who also deserved assistance. In that respect, the draft resolution submitted by the Nordic countries was timely, since it invited the international community to consider the possibility of extending the mandate of the Fund, and not of doing away with it, as the representative of Yugoslavia claimed. Australia would therefore support the text.

The meeting rose at 6 p.m.