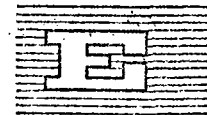


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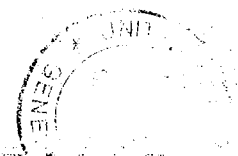
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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1634th MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 10 March 1981, at 10 a.m.



Chairman:

Mr. CALERO RODRIGUES

(Brazil)

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

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 13) (continued) (E/CN.4/1295; E/CN.4/1437; E/CN.4/1438; E/CN.4/1439 and Add.1; E/CN.4/1440; E/CN.4/1441; E/CN.4/1451; E/CN.4/1452; E/CN.4/1453; E/CN.4/1454; E/CN.4/1455; E/CN.4/1457; E/CN.4/1460; E/CN.4/1461; E/CN.4/1463; E/CN.4/1466; E/CN.4/1467; E/CN.4/1469; E/CN.4/1470; E/CN.4/1471; E/CN.4/L.1534; E/CN.4/L.1574/Rev.1; E/CN.4/L.1582; E/CN.4/L.1584; E/CN.4/L.1585; E/CN.4/L.1588; E/CN.4/L.1589; E/CN.4/L.1592; E/CN.4/L.1593; E/CN.4/L.1594; E/CN.4/L.1598; E/CN.4/L.1600; E/CN.4/L.1601; E/CN.4/L.1603; E/CN.4/L.1607; E/CN.4/L.1608; E/CN.4/L.1609; E/CN.4/L.1610; E/CN.4/L.1611; E/CN.4/NGO/294 and Add.1; E/CN.4/NGO/299; E/CN.4/NGO/305; E/CN.4/NGO/306; E/CN.4/NGO/314; E/CN.4/NGO/317; E/CN.4/NGO/319; E/CN.4/NGO/320; E/CN.4/NGO/322; E/CN.4/NGO/323; A/34/491; A/C.3/34/1; A/C.3/35/9)

1. Mr. RIBEIRO (Portugal) said that violations of human rights and fundamental freedoms occurred in most countries, but particularly in the many areas which were great in number and in which there were wars, revolutions or dictatorships. Members were made aware of those violations either by direct knowledge, through the mass media or by the thousands of complaints which the Division of Human Rights received every year. In addition, information on such violations was provided by non-governmental organizations, which were not prisoners of their ideology. The important role played by those bodies should never be underestimated and, in that connection, he paid a tribute to the work done by Amnesty International, the International Commission of Jurists, the International Federation of Human Rights and the International League for Human Rights.

2. Members of the Commission also heard quotations which were taken from the newspapers of the so-called "capitalist" countries and which were regarded by representatives of non-capitalist States as an excellent source for arguments against those countries. Unfortunately, the Western countries were not able to proceed in the same way when they wished to criticize other political systems, since the newspapers of the States concerned were censored and did not attack their Governments. The fact that material from United States or European newspapers was quoted frequently constituted a tribute to the freedom of expression and thought of which the Western world was so proud.

3. Of the many cases of human rights violations throughout the world, the Commission usually concentrated particular attention on Israel, South Africa and Chile. Although the violations in those countries were very serious, other violations occurring in the rest of the world were neglected. With regard to violations in Central and South America, he noted that the countries in the region were making efforts to remedy that situation, to give detailed replies to requests for information and to receive delegations from the United Nations. It must be recognized that they demonstrated a will to co-operate with the Commission even when they were faced with serious acts of violence by groups from the extreme right and extreme left.

4. It was well known that persons concerned with the defence of human rights in the countries of Eastern Europe were being persecuted, as were those who invoked the provisions of the Final Act of the Conference on Security and Co-operation in Europe. Moreover, mention should be made of the fact that citizens of those countries who tried to form organizations or hold meetings were deprived of their most elementary political rights. They were often sentenced on such charges as slander against the State, or hooliganism - a concept not found in the criminal codes of western countries. Although those facts were mentioned in the world press, the Commission dealt with them only on rare occasions. When reference was made to such cases, countries which felt that they were being attacked claimed that internal matters were involved and that no committee could question their national laws and regulations. As a result, the problem was dealt with through the adoption of anodyne resolutions which did not name the countries that violated the basic provisions of the Universal Declaration of Human Rights or the International Covenant on Civil and Political Rights.

5. Some members of the Commission were countries which had recently been subjected to long periods of dictatorship and in which there had been many cases of human rights violations. If the Commission had had an opportunity of intervening effectively in those cases, it would have been possible to avoid the massacre of thousands of persons or at least their torture or imprisonment. However, only the restructuring of the composition and functioning of the Commission could have made that possible.

6. Some countries represented in the Commission had domestic legislation which provided for sentences involving cruel, inhuman or degrading treatment or punishment. In recent years, the world had witnessed with amazement a reappearance of those barbaric manifestations, which were contrary to the most elementary rules of criminal law. Those countries, which justified such practices on religious grounds that were outdated and inconceivable in the modern world, then came to the Commission on Human Rights where they voted in favour of the various provisions of the future convention on torture and accused other countries of having restrictive legislation in certain areas. In view of that situation, his delegation considered that a State must fulfil certain minimum conditions in order to be a member of the Commission, for a country which did not respect internationally recognized standards could not judge the actions of other countries.

7. Lastly, the politicization of the Commission, for reasons of traditional friendship, regional solidarity or economic or ideological ties, led some members to ignore certain cases of human rights violations. That was a situation which had to be remedied, since the Commission, although not a tribunal, could not fail to denounce all violations wherever they occurred.

8. Mr. GIAMBRUNO (Uruguay) said it had been claimed that the idea of sovereignty was contrary to the concept of human rights. His delegation agreed that sovereignty should not be invoked in order to conceal human rights violations and it had endeavoured to promote the concept of the international protection of human rights. However, sovereignty was a reality which could not be abandoned, especially by small nations which could then be subjected to foreign intervention.

9. The United Nations system had been constructed on the basis of the principle of non-intervention, which was the counterpart of another principle, that of self-determination. It was of cardinal importance to defend the sovereignty of countries, particularly small nations, against any form of foreign intervention, because the sovereignty and security of countries must, like human rights, always be ensured the protection of international law. Countries would not renounce the exercise of their sovereignty, and the concept of non-intervention served as a means of defence.

10. A great many countries, particularly Latin American nations, had been victims of terrorism and armed violence, which had seriously affected their society. His Government had repeatedly drawn attention to the fact that such events represented a threat to civilization itself. Subversion was not an isolated phenomenon peculiar to any particular country. Subversive movements were closely interrelated and appeared in many countries with different economic and social systems. Those who had yesterday been mere spectators were today victims of unexpected violence. His Government was not prepared to negotiate with the merchants of hate and armed violence because that would constitute a step backwards and lead to further demands by the terrorists.

11. It might be asked whether the international community was able to act in order to defend the permanent values which must be protected and what a country should do in order to defend itself against violent acts for which it was unprepared. New measures had to be adopted, which was what the civilized nations had done. Those countries had never feared change, no matter how revolutionary, since what was involved was the defence of values created over many centuries.

12. In nearly all the cases under study in the Commission, the same type of violence was apparent. In some cases, the facile pretext of a deteriorating economic and social situation was put forward. In others, it was merely a question of a desire to transgress civilized standards. Thus, the world had witnessed violent acts by armed gangs in democratic countries such as the Federal Republic of Germany and Italy, but that phenomenon had never been considered by the Commission. He stressed that the causes of those violations of human rights were to be found in the phenomenon of international terrorism.

13. With regard to three Latin American countries whose situations were being considered by the Commission, he said that it would have been preferable if the spotlight of public debate had not been turned on those countries and if their cases had been examined in accordance with the principle of confidentiality. In that connection, he noted that that principle had been adopted by the Commission in order to study cases which seemed to involve gross violations of human rights, as defined in Economic and Social Council resolution 1503 (XLVIII). However, that resolution contained a provision which had been systematically overlooked, namely operative paragraph 10. His Government had on several occasions drawn attention to the fact that the procedure set out in that resolution should be reviewed and that the practice of confidentiality should be discontinued. His Government did not object to public debate so long as all cases of human rights violations were discussed in public.

14. The situation in El Salvador constituted a tragedy which had claimed the lives of thousands of innocent victims, including accredited diplomats. However, the violations of human rights in that country could not be attributed to the Government, which had informed the Organization of American States that it would accept the judgement of the international community. The only decision on El Salvador which his delegation could accept was one which would induce the Government of that country to co-operate with the Commission in finding a solution to the situation prevailing there.
15. The Government of Bolivia had expressed its willingness to receive a delegation from the Commission, but the Commission had not accepted that invitation in the same spirit in which it had been extended. The Commission had thereby compromised the possibility of co-operation with that Government.
16. Guatemala, which had a stable Government with powers renewed through periodic elections, was also undergoing a wave of violence. It was essential that the Commission should co-operate with that Government, bearing in mind the need for dignity and the fact that no action should be taken to compromise such co-operation.
17. Mr. GONZALEZ de LEON (Mexico) said that there had recently been much discussion of the role of the great powers in relation to the internal conflict in El Salvador. While that sterile debate went on, however, the bloodshed in El Salvador continued and the economic, social and cultural life of its people was gradually being destroyed. As the President of Mexico had recently said, the problem could not be solved by military action; only a political solution, upholding the principles of non-intervention and sovereignty, could bring peace. It was extremely difficult to promote self-determination in the face of military might. Central America was a region of hegemonistic confrontation and was treated as a strategic centre. Such a situation threatened to make the conflict worse by internationalizing it - a state of affairs which must be avoided.
18. The people of El Salvador continued to live in a state of emergency and were unable to exercise their human rights. The Commission must again call for the full observance of all those rights, including the right to self-determination; it must also strongly reiterate its adherence to the principle of non-intervention, and call upon all the Governments involved to refrain from exacerbating the conflict by supplying weapons.
19. Only a political solution - one which would inter alia enable the people of El Salvador to cast off the burdens of poverty, malnutrition and exploitation and determine their own destiny free from outside interference - could provide a sound and lasting basis for the exercise of human rights, and it was for that reason that his delegation had co-sponsored draft resolution E/CN.4/L.1582.
20. Mr. TERREFE (Ethiopia) said it was noticeable that many of the countries which, in recent years, had rid themselves of colonialism and were now free to pursue their independent development were often accused of human rights violations. It was noticeable, too, that the accusers were States which continued to prop up oppressive and dictatorial régimes in South Africa, Israel and certain Latin American countries. As demonstrated by the failure of the recent Geneva talks on the future of Namibia,

South Africa continued to obstruct the exercise by the Namibian people of their right to self-determination, while at the same time it was committing acts of aggression against Angola and Mozambique. Yet certain States collaborating with the apartheid régime refused to accept the fact that full respect for human rights had been restored in countries that had undergone fundamental social and economic changes and deliberately distorted the true development objectives of those countries.

21. With regard to situations in Latin America, two General Assembly resolutions warranted particular attention: resolution 35/188, which expressed grave concern at the deterioration of the human rights situation in Chile, a country whose legitimate Government had been overthrown with the help of foreign intervention; and resolution 35/185, which requested the Commission to review the human rights situation in Bolivia at its current session.

22. The situation in El Salvador was one of world-wide concern. However, the document submitted to the Commission by the United States delegation (E/CN.4/1467) was politically motivated and clearly reflected the aim of interfering in the internal affairs of a State and thwarting a people's struggle to free itself from exploitation. Moreover, that document contained allegations against his country which the Ethiopian Government had already rejected as utterly unfounded. Such allegations were intended to camouflage United States intervention in Latin American affairs and the massive build-up of United States forces elsewhere in the world, particularly in the Indian Ocean and surrounding areas.

23. Mr. SALAH-BEY (Algeria) said that his delegation was extremely concerned at the growing mass violations of human rights and fundamental freedoms in Guatemala, Bolivia and El Salvador.

24. The Commission, at its thirty-sixth session, had expressed its profound concern at the situation in Guatemala and had urged that country's Government to take measures to ensure full respect for human rights and fundamental freedoms in that country. Far from ending the violations, however, the Government was directly or indirectly implicated in them. The assassination of Mr. Alberto Fuentes Mohr in January 1979 had been but one of a long list of killings. In the first 10 months of 1980, the bodies of 3,000 abducted persons had been recovered, and the Canadian Inter-Church Committee on Human Rights in Latin America had concluded that in 1980 there had been some 30 to 40 victims daily. The year 1981 had begun with the massacre of 39 peasants in the Spanish Embassy. During 1980 over 100 teachers and students had been killed or abducted; 26 trade unionists had been abducted on 21 June 1980, and another 17 on 24 August 1980. The discovery of 26 bodies of torture victims in secret cemeteries testified to the extent of the horror. The country's Vice-President had himself denounced the part played by the Government and the army in abductions, assassinations and arbitrary arrests.

25. Document E/CN.4/1441 contained ample testimony to the serious violations of human rights in Bolivia. The coup d'état of 17 July 1980 had resulted in brutal acts of repression by paramilitary groups against trade unionists, workers, intellectuals and other sections of the population. The ruling junta held all political, legislative and electoral powers, and used them systematically to suppress freedom of activity and expression. Summary executions and arbitrary arrests, especially of parliamentarians and other political figures and of trade union and university personnel, were common occurrences. The General Assembly, in resolution 35/185, had requested the Commission to accept the invitation by the Bolivian authorities, which had denied the allegations made against them to send a delegation to Bolivia. Urgent action must be taken in response to that resolution, in order that the situation relating to Bolivia could be studied in greater detail by the Commission at its next session.

26. The situation of human rights in El Salvador had aroused the greatest indignation, and had led to the adoption of General Assembly resolution 35/192. The large number of deaths and disappearances, and the climate of repression and insecurity, constituted a case of gross and systematic violations of human rights which the Commission should strongly denounce. The gravity of the complaints about the situation in El Salvador had also been referred to by ILO. During 1980 violence and repression had caused the deaths of almost 10,000 persons and there had been an incalculable number of violations of human rights in that country.

27. Studies had clearly revealed the social and economic problems at the root of the country's current situation. Some 90 per cent of the population lived in extreme poverty, the unemployment rate had risen to 60 per cent, and 20,000 children died each year. However, poverty could not be overcome by repression.

28. Certain States were violating the elementary rules of international law by interfering in the internal affairs of that country, thus becoming accessories to the crimes committed against its people. The increase in the military aid provided to the ruling junta and the dispatch of military advisers constituted interference in El Salvador's internal affairs and a threat to peace in the region. The Commission must urge all governments to refrain from supplying arms and military assistance to El Salvador and to allow the Salvadorean people to establish freely their political and social status. To that end, the Algerian delegation, together with those of Mexico and Yugoslavia, had sponsored a draft resolution (E/CN.4/L.1502). The deteriorating situation in El Salvador called for a further study by a Special Rapporteur, who should be designated at the current session, so that the Commission could continue to examine the situation objectively and attentively.

29. The one ray of hope, among all the matters considered under agenda item 13, was to be found in the improvement of the situation relating to Equatorial Guinea, which had stemmed chiefly from that Government's will to restore political calm and promote economic and social progress. It was to be hoped that the Government's efforts would prove effective and, in particular, would enable the numerous political exiles to return and play their part in the work of national reconstruction.

30. Mrs. SLAMOVA (Observer for Czechoslovakia) said that many previous speakers had expressed the international community's concern about the large-scale violations of human rights in El Salvador, Guatemala, the Republic of Korea, Chile, the United States and Northern Ireland. The international community could not fail to see the serious effect on human rights of the poverty stemming from the mass unemployment in the countries of Western Europe. According to an article in the Tribune de Genève dated 23 December 1980, over 25 million people would be unemployed in the OECD countries in 1981. The Commission would be failing in its duty if it did not pay close attention to that and similar situations. Certain delegations, of course, sought to divert the Commission from that task by referring to the alleged persecution of individuals or groups in other countries. For example, the delegation of the Netherlands and the United States had referred to the "Charter 77" group, which, however, consisted of persons in Czechoslovakia who had broken the law. There was nothing new in such allegations; they had already been refuted by her delegation, which assured the Commission again that the overwhelming majority of Czechoslovak citizens had denounced the members of that group from the outset. In any case, such allegations constituted unwarranted interference in Czechoslovakia's

internal affairs. It should be remembered, too, that the Final Act of the Conference on Security and Co-operation in Europe, to which the Netherlands and United States delegations had referred, contained a number of very important provisions not mentioned by them - for example, on matters of State sovereignty, self-determination, co-operation among States and compliance with the principles of international law. Those delegations should also be reminded of the provisions of Articles 1 and 2 of the Charter.

31. Mr. TEFERRA (International Labour Organisation) said that ILO had studied with interest the report submitted by the expert who had visited Equatorial Guinea, pursuant to Commission resolution 33 (XXXVI). In that connection, he recalled the participation of two ILO officials in the interagency mission which had visited Equatorial Guinea in July and August 1980; they had examined the situation with regard to labour administration and legislation, employment, training, and the drafting of agreements relating to workers not nationals of Equatorial Guinea, on the basis of ILO instruments. Those activities had been fully reflected in General Assembly documents A/35/447 and Add.1. The General Assembly, at its previous session, had adopted resolution 35/105, operative paragraph 8 of which had requested ILO to do whatever was possible to help the Government of Equatorial Guinea in its manpower training programmes and in the formulation of a labour code and employment policies.

32. As a follow-up to the interagency mission, the chief technical adviser of the regional labour administration project in Yaoundé had visited Equatorial Guinea in November 1980 with a view to consulting with national authorities, UNDP and others concerned with the reconstruction of Equatorial Guinea. As a result, proposals had been formulated for consultation services to strengthen the Department of Labour, provide advice on labour problems and related matters, examine questions relating to migrant workers and give assistance in drafting agreements on the subject - a matter in which ILO had had experience in Equatorial Guinea as far back as 1942 - advise on manpower planning and social security and provide labour market information. In addition, a number of fellowships and seminars had been arranged. Thus, ILO was attempting to collaborate with the national authorities, UNDP and others concerned, in formulating a small-scale interdisciplinary project to deal with priority areas. In future, the Director of the ILO office in Yaoundé would visit Equatorial Guinea for consultations aimed at identifying other possible areas for co-operation - for example, industrial and rural vocational training.

33. Equatorial Guinea faced immense and challenging tasks, as could be seen from document A/35/447 and the expert's report (E/CN.4/1439). The tasks could be accomplished only if the means were provided to satisfy the country's basic needs.

34. Mr. EVUNA (Observer for Equatorial Guinea) expressed his delegation's appreciation of the report prepared by the expert appointed in accordance with Commission resolution 33 (XXXVI). The report had revealed further aspects of the difficult task facing the Government of the Supreme Military Council in the work of reconstruction and rehabilitation.

35. His Government would attach great importance to the Commission's reaction to the report. That Government had not, of course, been responsible for the violations of human rights which had occurred before the dictatorship of President Macias had been overthrown in August 1979. The new Government was concerned to ensure the enjoyment of all human rights by means of legal instruments, an endeavour in which it required the assistance of the international community.



36. Since the departure of the expert from Equatorial Guinea, further measures had been taken, such as the enactment of the Organizational Law for the Judiciary and the Education Act and the establishment of the Secretariat of State for the Promotion of Women, in order to improve the exercise of human rights. Measures had been taken to return educational facilities previously confiscated from the Church; in that connection, Monsignor Nze Abuy, who had returned to Equatorial Guinea, was organizing suitable teacher training and the re-establishment of religious schools. With the help of Madrid University, faculties of law and philosophy had recently been established at Malabo, and a university entrance course had been arranged for persons over 25 years of age who had not passed the school-leaving examination. Facilities for agricultural training were likewise being established.

37. As had been revealed in the expert's report, there was no doubt about the government's intention to restore human rights within the country. However, there was an overriding need for time and adequate personnel in order to repair the damage done during 11 years of misrule; for the enjoyment of human rights it was essential to ensure respect for the rule of law which required a change of mentality that could not take place overnight. Equatorial Guinea must, on the one hand, avoid creating conditions which would result in a return to the past and, on the other, avoid importing a style of democracy unsuitable to the country's particular situation. It was to be hoped that the United Nations, especially the Economic and Social Council, would provide as much technical, financial and other help as possible for the tasks ahead.

38. Ms. DUNBAR-ORTIZ (Afro-Asian Peoples' Solidarity Organization) said that her organization, which was dedicated to the eradication of the last vestiges of the colonial system in the interests of development and peace, was alarmed at the genocide being practised against the poor and underprivileged minorities in El Salvador and Guatemala by paramilitary and other Government forces with the approval and even material support and intervention of imperialist forces. The condition of the Indian population of Bolivia also had deteriorated rapidly since the bloody military coup of July 1980. In Chile, at least 30,000 people had been massacred and many more including many Indians, tortured, imprisoned, reported missing and exiled since the United States-sponsored coup in 1973.

39. The American Indians had been almost completely neglected in the Commission on Human Rights and elsewhere in the United Nations. She drew attention in that connection to documents E/CN.4/NGO/311 and E/CN.4/NGO/319, which showed how serious their plight was, and paid tribute to the Government of Nicaragua for its efforts to integrate its Indian minority into the democratic process while preserving and protecting that minority's autonomy and cultural distinctiveness. The United States would do well to follow that example instead of attacking Nicaragua for alleged human rights violations.

40. She found it ironic that the action of Kampuchea's Vietnamese neighbours to overthrow the genocidal régime of Pol Pot had been branded as intervention by the United States, a country which had attempted to exterminate the Vietnamese people and had created the conditions for the emergence of that régime. Her organization considered the General Assembly decision to recognize the ousted and corrupt Pol Pot group as the legitimate government of Kampuchea to be an unjust and unreasonable one which must be reversed. It was equally ironic that the United States Government, which supported the repressive paramilitary oligarchies in El Salvador and Guatemala, should come to the defence of a well-known scientist who had been subjected to disciplinary restrictions in accordance with his own society's laws and culture.

It was absolutely essential for Special Rapporteurs to be appointed to investigate the situation in El Salvador and Guatemala; her organization supported draft resolution E/CN.4/L.1582 on El Salvador and called for a similar draft resolution on Guatemala.

41. Mr. TERENZIO (Inter-Parliamentary Union) drew attention to the views and activities of his organization as described in documents E/CN.4/NGO/294 and Addendum and documents E/CN.4/1441 and E/CN.4/1438.

42. He wished to make a few observations regarding the nature and modalities of application of the Inter-Parliamentary Union's procedure for the examination and treatment of communications concerning violations of the human rights of parliamentarians. That procedure was based on a thorough examination of the documents relating to allegations and submitted by authorized sources, of information and opinions provided by national authorities and of relevant national and international legal instruments. Cases were examined in camera by a five-member Special Committee of parliamentarians chosen for their personal and legal competence and on the basis of representative geographical and political distribution. The Special Committee could decide to submit public reports on certain cases to the Inter-Parliamentary Council, where the representatives of the 89 member Parliaments met twice a year. The members were then obliged to support the implementation of the Council's decisions. Until early 1980, the Committee had dealt with relatively few cases, but out of 37 parliamentarians detained, 27 had been released, 17 of them during the public part of the procedure and 10 during the confidential part. Since August 1980 there had been a rapid increase in the number of cases dealt with.

43. The progress achieved and the results obtained could be attributed essentially to the active and growing support of the Union's members, who intervened, either directly or through their Governments, on behalf of their former colleagues.

44. It should also be stressed that the Inter-Parliamentary Union referred constantly to the relevant international legal instruments in its work, and primarily those of the United Nations. In 1978 it had expressed the view that measures derogating from those instruments must be exceptional and temporary.

45. The Special Committee had decided to submit for adoption by the forthcoming Inter-Parliamentary Council a basic statement of principle to the effect that the protection of human rights in accordance with the internationally recognized principles of law embodied in the Universal Declaration of Human Rights was a duty of the human community in all circumstances and in all countries, whatever their political system.

46. The protection of human rights was one of many international problems which had to be examined simultaneously at the intergovernmental and the interparliamentary levels and his organization would continue to lend its full support to the Commission's work.

47. Mr. LAURIJSSSEN (International Confederation of Free Trade Unions) said that thousands of trade unionists had been imprisoned, tortured or murdered or had disappeared under oppressive régimes of various ideological persuasions for defending economic and social rights, which were inseparable from civil and political rights, and that their fate deserved more attention than it had been given in the Commission.

48. Turning to the human rights situation in Guatemala, he drew attention to the conditions described in the report of the Secretary-General in document E/CN.4/1438, which confirmed the conclusion already drawn by an ICFTU mission to that country to the effect that to be a trade-unionist in Guatemala was to risk one's life. ICFTU had made strong protests about the abduction, murder and exile of trade union leaders and had lodged a complaint with ILO on the matter, but the general situation in the country had failed to improve. It therefore strongly appealed to the Commission to give special attention to the case of Guatemala and to appoint a Special Rapporteur to study the situation there.

49. A similar situation obtained in Bolivia, and he drew attention in that connection to the report in document E/CN.4/1441. The trade unions had been the sector hardest hit by the violent coup d'etat which had interrupted the democratization process in Bolivia. ICFTU had lodged a complaint with ILO against the arrests of trade-unionists and the adoption of a decree prohibiting all trade union activities and had sent a mission to the country to assist the imprisoned trade-unionists and their families. He referred in that connection to paragraphs 24-26 of the report. That mission had failed and trade-unionists continued to be arrested, assassinated and persecuted. ICFTU therefore hoped that the Commission on Human Rights would send a mission to Bolivia to make an on-the-spot investigation.

50. ICFTU had also lodged a complaint with ILO against the horrible crimes which had been committed against trade union leaders in El Salvador, a country whose case was particularly tragic, since the population was a prey to extremists of both the right and the left. ICFTU had appealed for the establishment of a government of national unity, which, operating by democratic methods and enjoying the support of the entire population, would put an end to the killings perpetrated by the political extremists of both camps. It therefore urged the Commission to condemn the actions of both factions and to call for the cessation of interference on the part of the foreign Powers backing them.

51. In Argentina and Uruguay the situation was virtually the same, and a whole series of legislative and other measures restricting trade union activities had been taken in recent times. ICFTU had filed several complaints concerning those countries with ILO. In the case of Uruguay, it had however been heartened by the rejection by the people of a constitution which would have institutionalized the system of repression, even though political activities had again been banned since that vote.

52. While it was not surprising that Governments which pursued an economic model designed for the benefit of a small élite and the transnational corporations should seek to repress the trade union movement, it was ironic that in certain countries which prided themselves on having eliminated the exploitation of man by man, workers who attempted to speak for themselves or to establish organizations of their own choosing, independent of the State and the party apparatus, were imprisoned, forced into internal or external exile, or even declared insane. Such was the case in the Soviet Union, and ICFTU appealed to the Soviet Government to release all persons imprisoned or exiled as a result of their links with independent trade union movements. It also called for freedom for that courageous fighter for human rights and the dignity of man, Andrei Sakharov.

53. Ms. GARCIA VILLAS (International Federation of Human Rights) said that unless human rights could be exercised freely, they remained a meaningless concept. In Latin America, peoples now realized that they could control their own destiny and regain their human rights and their human dignity. The peoples of Guatemala

and El Salvador in particular were no longer content to be exploited as cheap labour and were engaged in a fierce struggle against those Powers which stopped at nothing, including intervention, to perpetuate the status quo and deny the legitimate right of those peoples to self-determination. Those who dared to participate in that struggle were arrested, killed, tortured and denied due process, as a matter of Government policy. The peoples of those small and poor countries were paying a terrible price to free themselves from exploitation and win back their human rights. The human rights committees in those countries had been subjected to particularly savage attacks as part of a programme of repression and persecution carried out with the aid of United States advisers. After the failure of all peaceful methods of struggle, and faced with the prospect of genocide, armed insurgency was the only weapon left to those peoples.

54. The peoples of Bolivia, Chile and Uruguay were in the same situation, and had produced many martyrs in their struggle for freedom. All of those peoples shared a common determination to prevent genocide and to regain their most elementary human rights. Theirs was a legitimate struggle and those who participated in it could not simply be branded as terrorists.

55. The International Federation of Human Rights therefore urged the Governments which violated human rights in Latin America to respect the international human rights instruments which they themselves had ratified. It also urged the Commission to take effective action to support the peoples of Latin America in their struggle. She therefore supported the decision proposed in paragraph 6 of draft resolution E/CN.4/L.1582 and hoped that a similar decision would be taken in the case of Guatemala.

56. Mr. KAMUINGA (Amnesty International) said that, during the 1970s, more than half a million people were known to have been the victims of political killings. During the 12 months covered by Amnesty International's annual report for 1980, people had been murdered by Government forces, or executed for political reasons, in more than 30 countries. In 1979, Amnesty International had proposed that the Security Council should meet to discuss the rise in political killings, in view of the resulting threat to international peace and security.

57. Killings systematically ordered and executed under the auspices of Governments took place in detention as a result of torture, or were committed openly in the form of individual assassinations or the killing of peaceful demonstrators. The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had affirmed that such acts constituted a particularly abhorrent crime and had urged all United Nations organs dealing with crime prevention and human rights to do everything possible to put an end to such acts. Two recent examples of Governments openly encouraging the killing of political opponents had occurred in March 1980, when the Liberian Government was reported to have offered rewards for the capture or assassination of 20 suspected members of the opposition party, and in April 1980, when Colonel Gaddafi of Libya had announced that any Libyan abroad who did not make immediate arrangements to return would be liquidated. During 1980, at least 10 Libyan citizens had been assassinated in various European cities, in apparent implementation of that official policy.

58. In most cases, however, governments consistently asserted that they were not responsible, sometimes claiming that the death in question had occurred in the course of armed clashes with the security forces or had been suicide - which was difficult to maintain if the victim was found with signs of torture - and sometimes

attributing the killings to extreme right-wing or left-wing groups operating independently of the Government - which again was difficult to maintain when evidence existed that police or other Government officials had co-operated in the killing or when the Government persistently failed to take action against the perpetrators.

59. Many people of goodwill found it difficult to believe that Government machinery in some countries was actually used for systematic murder. Consequently, reports of such killings often were not believed and the real facts were established only after the Government had been overthrown, as in the case of Kampuchea and Uganda. It should be clearly understood that systematic and deliberate political killings continued under Governments currently in power. Amnesty International estimated that in Guatemala, for example, nearly 5,000 people had been killed by the security forces since General Lucas García had become President in 1978. Some 3,000 bodies had been discovered during the first 10 months of 1980 alone, and hundreds of other persons were still missing. Most victims had been killed by strangulation or suffocation, or had been shot. The Government did not deny that people it considered to be subversives or criminals were seized and murdered daily. However, it placed the whole blame on independent, anti-communist death squads. In the view of Amnesty International, no such groups existed independently of the Government. Information gathered by Amnesty International indicated that both the selection of targets for torture and murder and the deployment of security forces to carry out such acts were under the direct control of the President. The presidential agency carrying out the murder programme had been known until recently as the Regional Telecommunications Centre. Victims were selected because of real or alleged association with social, religious, community or labour organizations outside official control. A decision to kill a peasant was within the discretionary powers of the local security forces, while a decision to murder a professional or leader of a political party required the authorization of senior Government officials.

60. In El Salvador, most of the 12,000 people estimated to have died by violence during 1980 had been killed in detention by the security forces. Most of those killed had been in no way involved in armed guerrilla activities and had been seized from their homes or places of work. As in the case of Guatemala, the Government of El Salvador had alleged that anti-communist assassination squads, independent of the Government, were responsible for the killings. However, evidence obtained by Amnesty International clearly showed that the regular security forces were responsible.

61. In Bolivia, political killings continued. On 15 January 1980, soldiers had raided a house in La Paz where a meeting of the MIR party had been taking place. According to an official statement, nine subversives had been killed. However, according to the information received by Amnesty International, the nine had been shot despite being unarmed and offering no resistance. Some of the dead bodies handed over to families five days later had borne marks of torture.

62. There was clearly a need for the United Nations to act more forcefully against Governments practising systematic, organized murder. Under any legal system, the primary duty of a Government was to protect its population. If Governments refused to co-operate with international organizations, or to carry out adequate investigations into cases of murder, as in the case of Dr. Fuentes Mohr in Guatemala; if those who submitted information or published facts about killings were harassed and threatened by the authorities; if the authorities used their power not to protect, but to kill their citizens, then it was up to the United Nations to hold those governments accountable and to publish its findings.

63. Mr. EYA NCHAMA (International Movement for Fraternal Union among Races and Peoples) said that, as the report of the Expert (E/CN.4/1439) showed, the protection of human rights could only be firmly established in Equatorial Guinea with the restoration of democracy. Under the Macias dictatorship, Equatorial Guinea had been regarded as the private fiefdom of the Macias family, and all political opposition had been systematically liquidated. In November 1978, for example, the previous President of Equatorial Guinea had been imprisoned and had subsequently died in detention, although no charges had been brought against him. There was concrete evidence that that situation still prevailed. Many individuals who had fled the country under the previous régime had been subjected to physical attack by members of the security forces on their return to the country. In addition, the authorities had suspended assistance provided by UNHCR to refugees who had returned to Equatorial Guinea. Some 200 tons of foodstuffs had been expropriated and had not been distributed to the refugee population.
64. With regard to the Expert's conclusion that the people of Equatorial Guinea were not inclined to form groups to protect common interests, he said that the truth was that the people were afraid to form associations because they knew that former supporters of the Macias régime had become members of the police and armed forces. The people of Equatorial Guinea had called on the Government to establish a time-table for the restoration of democracy. Unless that step was taken, there was a risk that one dictatorship would simply be replaced by another.
65. Much had been said in the Commission on the question of racism. The view expressed in the Commission that Africans were unable to govern themselves democratically was not only completely false, but in itself represented a racist viewpoint.
66. With regard to the status of women in Equatorial Guinea, he said that, although, by 1969, some sexual equality had been achieved, with the advent of the Macias régime, the situation had changed dramatically. Women whose husbands had been murdered had been forced to remarry against their will. There were indications that that situation still prevailed.
67. It had been stated that Equatorial Guinea did not have sufficient professional and qualified personnel necessary for national reconstruction. He pointed out, in that regard, that many qualified nationals were unwilling to return to the country because they believed that there were no guarantees that their rights would be protected.
68. He called on the Commission to ensure that human rights were restored in Equatorial Guinea and to keep the situation in Equatorial Guinea under review until that end was achieved.
69. Mr. SCHIFTER (United States of America), speaking in exercise of the right of reply, said that violations of human rights should be brought to the attention of the international community, wherever they occurred. The observations made earlier by the representative of the Soviet Union again indicated that a double standard was being applied. While Soviet criticism of the United States was purportedly based on well-known facts, comments by the United States on human rights violations in the Soviet Union were described as part of an imperialist-capitalist plot to resurrect the cold war. The United States sought to maintain peaceful relations with all countries, particularly the Soviet Union. One means of ensuring such relations would be to engage in a candid and full discussion of human rights violations.

70. It had been stated that his delegation's observations concerning the situation in Czechoslovakia constituted interference in the internal affairs of that country, whose people had the right to choose their own system of government. Yet, in 1939, 1948 and 1968, popular Governments in Czechoslovakia had been overthrown by outside forces. His delegation sincerely hoped that the day would come when the people of Czechoslovakia would again be able to choose their Government without outside interference.

71. Much had been said concerning various difficulties existing in the United States. Unlike other governments, the United States Government recognized the problems existing in American society and was engaged in a vigorous search for solutions. Enormous progress had been made in race relations in the United States in recent years, and the Federal Government had played a vigorous role in ensuring equal opportunity and equal rights for all.

72. The accusations levelled against the United States constituted gross exaggerations of the problems and, in most cases, were entirely unfounded. The facts were well known to all delegations, including those who had made the accusations. The clearest evidence of the quality of life in the United States could be found in its migration statistics. While some countries were forced to restrict emigration, hundreds of thousands of aliens were admitted annually to the United States as permanent immigrants and hundreds of thousands more were waiting for an opportunity to immigrate. In addition, an estimated 4 million to 12 million undocumented immigrants were currently living in the United States. Those facts illustrated the situation prevailing in the United States better than any detailed response which his delegation could make.

73. Mr. GIAMBRUNO (Uruguay), speaking in exercise of the right of reply, said that the representative of ICFITU had made certain inaccurate remarks concerning trade union legislation in Uruguay. In that regard, he pointed out that, since February 1978, the Government of Uruguay had been studying trade union legislation called for under a provision of the 1934 Constitution. As was well known, most countries, including those of the free world, had no trade union legislation, but simply made provision for the rights of workers in their Constitutions. His Government had prepared the legislation in question in order to regulate the functioning of both workers' and employers' associations in general and to ensure compliance with the ILO Conventions which had been ratified by Uruguay, and in particular Convention No. 87 concerning the freedom of association. In the course of drafting the legislation in question, the Government authorities had maintained constant contact with all professional associations and with ILO.

74. Furthermore, it was not true that, since the holding of the referendum in November 1980, all trade union activities in the country had been paralysed. In January 1981, Uruguay had been visited by a representative of ILO, who had consulted freely with Government representatives and with all organizations concerned. That representative's report had recently been submitted to ILO.

75. Mr. EVUNA (Observer for Equatorial Guinea), speaking in exercise of the right of reply, categorically denied the allegations made by the representative of the International Movement for Fraternal Union among Races and Peoples that the

Government of Equatorial Guinea continued to pursue the policies of the Macias régime. The report of the Expert quite clearly showed that the Government did not favour any particular region or sector of the population, as demonstrated by the heterogeneous origins of appointed Government officials.

76. The Government of Equatorial Guinea was not opposed to the idea of a formal constitution or to the establishment of constitutional organs, as had been made clear in discussions with the Expert and in his own delegation's statements.

77. It was true that there was a shortage of qualified professional and technical personnel in Equatorial Guinea. That was attributable partly to the fact that the country had never possessed any vocational training facilities. Although there were perhaps a very small number of qualified individuals in exile who, for reasons of their own, did not wish to return to the country, it should be clearly understood that the Government had declared an amnesty for all political refugees, without distinction. The Government was working vigorously for the consolidation of human rights in Equatorial Guinea.

The meeting rose at 1 p.m.