



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/1996/L.10/Add.10
24 April 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-second session
Agenda item 25

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Rajamony VENU

CONTENTS*

<u>Chapter</u>	<u>Page</u>
X. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:	
(a) Question of human rights in Cyprus;	
(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolution 1235 (XLII) and 1503 (XLIII): Report of the Working Group on Situations Established by Economic and Social Council resolution 1990/41 of 25 May 1990	

* Documents E/CN.4/1996/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1996/L.11 and addenda.

X. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1235 (XLII) AND 1503 (XLIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

1. The Commission considered agenda item 10 and sub-item (a) at its 15th meeting, on 27 March 1996, at its 41st to 50th meetings, from 15 to 18 April 1996, at its 57th to 60th meetings, on 23 April 1996, and at its 62nd meeting, on 24 April 1996. Item 10 (b) was considered by the Commission in closed session (see paras. 98-100 below). 1/

2. For the documents issued for the fifty-second session of the Commission under item 10, see annex IV to the present report.

3. At the 42nd meeting, on 16 April 1996, the following Special Rapporteurs introduced their reports to the Commission:

(a) The Special Rapporteur on the situation of human rights in Myanmar, Mr. Yozo Yokota (E/CN.4/1996/65);

(b) The Special Rapporteur on the situation of human rights in Afghanistan, Mr. Choong-Hyun Paik (E/CN.4/1996/64);

(c) The Special Rapporteur on the situation of human rights in Equatorial Guinea, Mr. Alejandro Artucio (E/CN.4/1996/67);

(d) The Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Ms. Elisabeth Rehn (E/CN.4/1996/63);

(e) The Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre W. N'diaye (E/CN.4/1996/4 and Corr.1 and Add.1 and 2).

4. At the 43rd meeting, on 16 April 1996, the Special Representative of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, Mr. Maurice Copithorne, introduced his report (E/CN.4/1996/59). At the same meeting, the following Special Rapporteurs also introduced their reports:

(a) The Special Rapporteur on the situation of human rights in Cuba, Mr. Carl-Johan Groth (E/CN.4/1996/60);

(b) The Special Rapporteur on the situation of human rights in Sudan, Mr. Gáspár Bíro (E/CN.4/1996/62);

(c) The Special Rapporteur on the situation of human rights in Rwanda, Mr. René Degni-Ségui (E/CN.4/1996/7 and E/CN.4/1996/68);

(d) The Special Rapporteur on the situation of human rights in Zaire, Mr. Roberto Garretón (E/CN.4/1996/66).

5. At the 45th meeting, the Special Rapporteur on the situation of human rights in Iraq, Mr. Max van der Stoel, introduced his reports (E/CN.4/1996/12 and E/CN.4/1996/61).

6. In the general debate on item 10, statements 3/ were made by the representatives of: Algeria (47th), Australia (45th), Brazil (48th), Bulgaria (41st), Canada (45th), Chile (46th), China (48th), Colombia (44th), Cuba (43rd, 48th), Egypt (47th), India (48th), Indonesia (48th), Italy (on behalf of the European Union) (45th), Japan (47th), Madagascar (44th), Malaysia (45th), Mauritania (47th), Pakistan (48th), Peru (48th), Russian Federation (48th), Sri Lanka (47th), United States of America (48th), Venezuela (41st).

7. The Commission heard statements by the observers for: Afghanistan (42nd, 49th), Albania (49th), Armenia (46th), Azerbaijan (49th), Botswana (44th), Equatorial Guinea (43rd), Gambia (49th), Georgia (44th), Greece (46th), Iran (Islamic Republic of) (49th), Iraq (45th, 48th), Israel (49th), Jordan (49th), Kuwait (46th), Lebanon (44th), Myanmar (42nd, 49th), Nigeria (48th), Norway (46th), Papua New Guinea (47th), Poland (46th), Portugal (46th), Rwanda (43rd, 49th), South Africa (46th), Sudan (43rd), Syrian Arab Republic (49th), Zaire (43rd, 46th).

8. A statement was made by the observer for the United Nations Population Fund (49th).

9. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (49th), African Commission of Health and Human Rights Promoters (44th), Afro-Asian People's Solidarity Organization (46th), All Pakistan Women's Association (44th), American Association of Jurists (43rd), Amnesty International (42nd), Andean Commission of Jurists (49th), Anglican Consultative Council (49th), Anti-Slavery International (46th), Arab Lawyers Union (42nd), Arab Organization for Human Rights (49th), Article XIX: the International Centre against Censorship (44th), Asian Buddhists Conference for Peace (47th), Baha'i International Community (47th), Centre Europe Tiers Monde (43rd), Christian Democratic International (46th), Christian Solidarity International (46th),

Commission for the Defence of Human Rights in Central America (44th), Commission of the Churches on International Affairs of the World Council of Churches (49th), Coordinating Board of Jewish Organizations (44th), France Liberté: Fondation Danielle Mitterand (47th), Franciscans International (47th), Freedom House (46th), Friends World Committee for Consultation (Quakers) (49th), Greek Orthodox Archdiocesan Council of North and South America (47th), Himalayan Research and Cultural Foundation (44th), Human Rights Advocates (46th), Indian Council of Education (47th), International Association for Religious Freedom (41st), International Association of Democratic Lawyers (46th), International Association of Educators for World Peace (44th), International Association against Torture (49th), International Commission of Jurists (42nd), International Confederation of Free Trade Unions (44th), International Educational Development, Inc. (44th), International Falcon Movement (46th), International Federation for the Protection of the Rights of Religious, Ethnic, Linguistic and other Minorities (47th), International Federation of ACAT (46th), International Federation of Free Journalists (46th), International Federation of Human Rights (49th), International Federation Terre des Hommes (43rd), International Human Rights Association of American Minorities (46th), International Human Rights Law Group (44th), International Indian Treaty Council (44th), International Institute for Non-Aligned Studies (47th), International Institute for Peace, (44th), International Islamic Federation of Student Organizations (44th), International League for Human Rights (47th), International League for the Rights and Liberation of Peoples (43rd), International Movement against All Forms of Discrimination and Racism (46th), International Movement for Fraternal Union among Races and Peoples (46th), International Peace Bureau (47th), International Pen (43rd), International Prison Watch (49th), International Work Group for Indigenous Affairs (44th), Inter-Parliamentary Union (43rd), Latin American Federation of Associations of Relatives of Disappeared Detainees (46th), Liberation (44th), Minority Rights Group (46th), Movement against Racism and for Friendship among Peoples (46th), Muslim World League (47th), Pax Christi International (44th), Regional Council on Human Rights in Asia (49th), Reporters Sans Frontières (47th), Society for Threatened Peoples (44th), Survival International (49th), Transnational Radical Party (44th), Union of Arab Jurists (47th), War Resisters International (46th), Women's International

League for Peace and Freedom (47th), World Alliance of Reformed Churches (44th), World Conference of Labour (49th), World Federation of Democratic Youth (49th), World Muslim Congress (44th), World Organization against Torture (46th), World Peace Council (44th), World Society of Victimology (44th), Worldview International Foundation (49th).

10. Statements in exercise of the right of reply were made by the representatives of Angola (50th), China (44th, 47th, 50th), Cuba (44th, 50th), Germany (47th), India (50th), Pakistan (44th, 47th, 50th) and by the observers for Afghanistan (47th, 50th), Albania (47th), Bahrain (47th), Cyprus (50th), Equatorial Guinea (47th), Greece (50th), Iran (Islamic Republic of) (50th), Iraq (47th, 50th), Kenya (47th), Kuwait (50th), Lebanon (50th), Nigeria (44th), Papua New Guinea (47th), Sudan (47th), Turkey (47th, 50th) and Viet Nam (47th).

Situation of human rights in Burundi

11. At the recommendation of its officers, the Commission considered the situation of human rights in Burundi, under item 10, at its 15th meeting, on 27 March 1996.

12. At the 15th meeting, the High Commissioner for Human Rights made a statement.

13. At the same meeting, the Special Rapporteur on the situation of human rights in Burundi, Mr. Paulo Sérgio Pinheiro, introduced his report (E/CN.4/1996/16 and Add.1).

14. At the same meeting, Ms. Marcienne Mujawaha, Minister for Human Rights of Burundi, addressed the Commission.

15. In the general debate on the situation of human rights in Burundi under agenda item 10, statements 3/ were made by the following members of the Commission: Brazil (on behalf of Argentina, Bolivia, Chile, Colombia, Costa Rica, El Salvador, Ecuador, Nicaragua and Peru) (15th), Canada (15th), El Salvador (15th), Gabon (on behalf of the Group of African States) (15th), Italy (on behalf of the European Union) (15th), Japan (15th), Russian Federation (15th), United States of America (15th).

16. The Commission also heard statements by the observers for the Holy See (15th), Norway (15th) and Switzerland (15th).

17. The Commission also heard statements by the following non-governmental organizations: Amnesty International (15th), International Commission of

Jurists (15th), Pax Christi International (15th) and World Organization against Torture (15th).

18. At the 15th meeting, the representative of Gabon (on behalf of the Group of African States) introduced draft resolution E/CN.4/1996/L.4. Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Denmark, Ecuador, El Salvador, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Peru, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America subsequently joined the sponsor.

19. The representative of Gabon orally revised the draft resolution by replacing, in the fourteenth preambular paragraph, the word "society" by the words "the reconciliation process".

20. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission is drawn to the administrative and programme budget implications 2/ of the draft resolution.

21. The draft resolution, as revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/1.

Situation of human rights in Equatorial Guinea

22. At its 58th meeting, on 23 April 1996, the representative of Gabon introduced draft resolution E/CN.4/1996/L.30/Rev.1, sponsored by Gabon (on behalf of the Group of African States).

23. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

24. A statement in explanation of vote before the vote was made by the representative of Venezuela.

25. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/66.

Situation of human rights in Southern Lebanon and in Western Bekaa

26. At its 58th and 59th meetings, on 23 April 1996, the Commission considered draft resolution E/CN.4/1996/L.78, introduced by the representative of Egypt and sponsored by Afghanistan, Algeria, Bahrain, Bangladesh, Cuba, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco,

Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen.

27. Statements in connection with the draft resolution were made by the representatives of Australia (59th), Italy (on behalf of the European Union) (58th), the Philippines (59th) and the United States of America (59th) and by the observers for Israel (59th) and Lebanon (58th).

28. A statement in explanation of vote before the vote was made by the representative of the United States of America, requesting a vote.

29. At the request of the representative of Egypt, a roll-call vote was taken on the draft resolution. The resolution was adopted by 50 votes to 1, with 2 abstentions, as follows:

In favour: Algeria, Angola, Australia, Austria, Bangladesh, Belarus, Benin, Bhutan, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Gabon, Germany, Guinea, Hungary, India, Indonesia, Italy, Japan, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Nepal, Netherlands, Nicaragua, Pakistan, Peru, Philippines, Republic of Korea, Russian Federation, Sri Lanka, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zimbabwe.

Against: United States of America.

Abstaining: Cameroon, Côte d'Ivoire.

30. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/68.

Situation of human rights in Cuba

31. At the 59th meeting, on 23 April 1996, the representative of the United States of America introduced draft resolution E/CN.4/1996/L.86, sponsored by Australia, Belgium, Bulgaria, Canada, the Czech Republic, Finland, France, Germany, Hungary, Iceland, Japan, the Netherlands, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Denmark, Luxembourg, Romania and Sweden subsequently joined the sponsors.

32. A statement in connection with the draft resolution was made by the representative of Cuba.

33. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

34. A statement in explanation of vote before the vote was made by the representative of Chile.

35. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 20 votes to 5, with 28 abstentions, as follows:

In favour: Australia, Austria, Bulgaria, Canada, Chile, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Hungary, Italy, Japan, Madagascar, Netherlands, Nicaragua, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: China, Cuba, India, Indonesia, Zimbabwe.

Abstaining: Algeria, Angola, Bangladesh, Belarus, Benin, Bhutan, Brazil, Cameroon, Colombia, Côte d'Ivoire, Egypt, Ethiopia, Gabon, Guinea, Malawi, Malaysia, Mali, Mauritania, Mexico, Nepal, Pakistan, Peru, Philippines, Russian Federation, Sri Lanka, Uganda, Ukraine, Venezuela.

36. At the 62nd meeting, on 24 April 1996, the representative of Mexico made a statement in explanation of vote after the vote.

37. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/69.

Cooperation with representatives of United Nations bodies

38. At the 59th meeting, on 23 April 1996, the representative of Hungary introduced draft resolution E/CN.4/1996/L.87, sponsored by Australia, Austria, Chile, Costa Rica, Haiti, Hungary, Italy, Norway, Sweden and Switzerland. Argentina, Canada, the Czech Republic, Denmark, El Salvador, Ireland, Japan, Madagascar, Senegal, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

39. The draft resolution was adopted without a vote. For the text of the decision as adopted, see chapter II, section A, resolution 1996/70.

Situation of human rights in China

40. At its 59th meeting, on 23 April 1996, the representative of Italy (on behalf of the European Union) introduced draft resolution E/CN.4/1996/L.90,

sponsored by Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Iceland and Japan subsequently joined the sponsors. The draft resolution read as follows:

"The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on human rights,

Recalling the Vienna Declaration and Plan of Action in which the World Conference on Human Rights reaffirmed the obligation of all Member States to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under international instruments in this field,

Mindful that China is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, and welcoming China's expressed interest in acceding to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recognizing the significant transformation Chinese society has undergone since the introduction of the reform policies and the successful efforts of the Chinese Government in the development of the economic situation of the country and in reducing the share of its people living in extreme poverty, thus enhancing the enjoyment of economic rights,

Welcoming certain recent positive developments taking place in the framework of the reform of the Chinese legal system, in particular the adoption by the Chinese Parliament of a criminal procedure more respectful of the rights of the defendant, adopted with a view to bringing China's legislation towards higher standards consistent with the rule of law,

Concerned, however, about reports of the persistence of violations of human rights and fundamental freedoms throughout China, including inadequate protection of the distinct cultural, ethnic, linguistic and religious identity of Tibetans and others,

Taking note of the reports of the Special Rapporteurs on the question of torture (E/CN.4/1996/35 and Add.1), on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4 and Corr.1) and on religious intolerance (E/CN.4/1996/95), as well as the report of the Working Group on Enforced Disappearances (E/CN.4/1996/38),

Concerned at the treatment of political dissidents often sentenced to long-term imprisonment for non-violent activities, and the practices of administrative detention,

1. Expresses its concern at continuing reports of violations of human rights and fundamental freedoms in China by local, provincial and national authorities and severe restrictions on the rights of citizens to freedom of assembly, association, expression and religion as well as to due legal process and to a fair trial;

2. Calls upon the Government of the People's Republic of China to take further measures to improve the impartial administration of justice, to ensure the observance of all human rights for all women and men, and to ensure full implementation of its obligations under the human rights conventions to which it is a party, including its obligations under the Convention on the Rights of the Child;

3. Welcomes the Chinese Government's readiness to exchange information on human rights issues, and encourages the People's Republic of China to continue and strengthen its bilateral dialogues as an important instrument of mutual information and cooperation, with a view to reaching further positive developments before the next session of the Commission on Human Rights;

4. Also welcomes the willingness of the Government of the People's Republic of China for its acceptance of a visit by the Special Rapporteur on religious intolerance, and invites the Chinese Government to cooperate fully with all thematic and special rapporteurs and working groups;

5. Requests the Secretary-General to bring the present resolution to the attention of the Government of the People's Republic of

China and to submit a report to the Commission on Human Rights at its fifty-third session on the situation of human rights in China."

41. A statement in connection with the draft resolution was made by the representative of China. Under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of China moved that the Commission take no decision on the draft resolution.

42. Statements in connection with that motion were made by the representatives of Angola, Australia, Bangladesh, Bulgaria, Cuba, Canada, Denmark, El Salvador, Germany, Hungary, India, Italy, Malawi, Mauritania, the Netherlands, Pakistan, Sri Lanka and the United States of America.

43. At the request of the representative of China, a roll-call vote was taken on the motion, which was carried by 27 votes to 20, with 6 abstentions, as follows:

In favour: Algeria, Angola, Bangladesh, Belarus, Benin, Bhutan, Cameroon, China, Côte d'Ivoire, Cuba, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mauritania, Nepal, Pakistan, Peru, Sri Lanka, Uganda, Ukraine, Zimbabwe.

Against: Australia, Austria, Brazil, Bulgaria, Canada, Chile, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Hungary, Italy, Japan, Malawi, Netherlands, Nicaragua, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Colombia, Mexico, Philippines, Republic of Korea, Russian Federation, Venezuela.

Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

44. At its 59th meeting, on 23 April 1996, the representative of the United States of America introduced draft resolution E/CN.4/1996/L.75, sponsored by the Czech Republic, El Salvador, Germany, Latvia and the United States of America. Albania, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, Denmark, Finland, France, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the

Republic of Korea, Slovenia, South Africa, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

45. The resolution was orally revised by the representative of the United States of America, as follows:

(a) Delete the third preambular paragraph, reading

"Gravely concerned at the human tragedy that has occurred in the Republic of Bosnia and Herzegovina and also in the Republic of Croatia and in the Federal Republic of Yugoslavia (Serbia and Montenegro), by the associated massive and systematic violations of human rights and international humanitarian law, including genocidal acts, and in particular at those violations committed in the context of the systematic practice of ethnic cleansing, which has been the direct cause of the vast majority of human rights violations there,";

(b) In the sixteenth preambular paragraph, after the words "displaced persons", insert the words "to their homes of origin";

(c) In operative paragraph 1, after the words "humanitarian law", replace the words "by the parties to" by "during";

(d) In operative paragraph 21, after the words "authorities of", insert the words "its entities -" and insert a dash after "Srpska";

(e) In operative paragraph 24, after "deplores", replace "reports of" by "reported";

(f) At the end of operative paragraph 43, delete the words "of the former Yugoslav Republic of Macedonia".

46. Statements in connection with the draft resolution were made by the observers for the Republic of Bosnia and Herzegovina, Croatia, the Russian Federation and the former Yugoslav Republic of Macedonia.

47. At the request of the representative of the Russian Federation a roll-call vote was taken on the seventh preambular paragraph and operative paragraphs 1, 25, 26 and 27, together. The Commission decided to retain these paragraphs by 38 votes to none, with 12 abstentions. The voting was as follows:

In favour: Algeria, Australia, Austria, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Canada, Chile, Colombia, Côte d'Ivoire, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, France, Gabon, Germany, Hungary, Indonesia, Italy, Japan,

Malawi, Malaysia, Mauritania, Netherlands, Nicaragua, Pakistan, Peru, Philippines, Republic of Korea, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Angola, Belarus, Cameroon, China, Ethiopia, Guinea, India, Mexico, Nepal, Russian Federation, Sri Lanka, Zimbabwe.

48. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications, 2/ of the draft resolution.

49. The draft resolution, as orally revised, was adopted without a vote.

50. At the 62nd meeting, on 24 April 1996, the representative of Mexico made a statement in explanation of vote after the vote.

51. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/71.

Situation of human rights in Iraq

52. At the 60th meeting, on 23 April 1996, the representative of Italy (on behalf of the European Union) introduced draft resolution E/CN.4/1996/L.92, sponsored by Andorra, Austria, Belgium, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Kuwait, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Norway, Portugal, Romania, San Marino, Slovakia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Argentina, Australia, Canada, Iceland and the United States of America subsequently joined the sponsors.

53. Statements in connection with the draft resolution were made by the observers for Iraq and Kuwait.

54. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

55. Statements in explanation of vote before the vote were made by the representatives of Algeria and Malaysia.

56. At the request of the representative of Algeria, a roll-call vote was taken on the draft resolution, which was adopted by 30 votes to none, with 21 abstentions, as follows:

In favour: Australia, Austria, Belarus, Benin, Brazil, Bulgaria, Canada, Chile, Colombia, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Germany, Hungary, Italy, Japan, Malawi, Mexico, Netherlands, Nicaragua, Peru, Republic of Korea, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Algeria, Angola, Bangladesh, Bhutan, Cameroon, China, Côte d'Ivoire, Cuba, Egypt, Ethiopia, India, Indonesia, Malaysia, Mali, Mauritania, Nepal, Pakistan, Philippines, Sri Lanka, Uganda, Zimbabwe.

57. At the 62nd meeting, on 24 April 1996, the representative of Egypt made a statement in explanation of vote after the vote.

58. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/72.

Situation of human rights in the Sudan

59. At the 60th meeting, on 23 April 1996, the representative of the United States of America introduced draft resolution E/CN.4/1996/L.95, sponsored by Australia, Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Finland, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Norway, Slovakia, Spain, Switzerland, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Argentina, Canada, France, Iceland, Japan, Liechtenstein, Portugal and South Africa subsequently joined the sponsors.

60. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

61. A statement in explanation of vote before the vote was made by the representative of Egypt.

62. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/73.

Extrajudicial, summary or arbitrary executions

63. At the 60th meeting, on 23 April 1996, the representative of Sweden introduced draft resolution E/CN.4/1996/L.96, sponsored by Australia, Austria, Belgium, Bulgaria, Chile, Cyprus, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Iceland, Italy, Latvia, the Netherlands, Norway, Portugal, Romania, Senegal, the Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Argentina, Canada, Ireland, Liechtenstein, Luxembourg, Madagascar, New Zealand and Uruguay subsequently joined the sponsors.

64. The representative of Sweden orally revised the draft resolution, as follows:

(a) In operative paragraph 4, after the words "International Criminal Court", the phrase "as one important means to eradicate impunity for the most serious violations of human rights and international humanitarian law" was deleted;

(b) Operative paragraph 5, which reads "Urges the Governments of all States in which the death penalty has not been abolished to ensure the full compliance with relevant provisions of international human rights instruments and the Economic and Social Council Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty adopted in 1984 and annexed to the present resolution;" was replaced with a new text;

(c) In operative paragraph 7 (e), after the words "fundamental freedoms", the words "inter alia" lawyers, journalists, trade union leaders and activists in human rights organizations" were deleted;

(d) In operative paragraph 12, before the words "by issuing invitations", the words "where appropriate" were inserted;

(e) In operative paragraph 19, the words "a report" were replaced by the words "an interim report";

(f) The annex to the draft resolution, containing the Economic and Social Council Safeguards guaranteeing protection of the rights of those facing the death penalty, adopted in 1984, was deleted.

65. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

66. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/74.

Situation of human rights in Afghanistan

67. At the 60th meeting, on 23 April 1996, the Chairman introduced draft resolution E/CN.4/1996/L.98, submitted by himself.

68. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/75.

Situation of human rights in Rwanda

69. At the 60th meeting, on 23 April 1996, the representative of Canada introduced draft resolution E/CN.4/1996/L.99, sponsored by Angola, Australia, Austria, Belgium, Burundi, Canada, Denmark, Equatorial Guinea, Finland, Gambia, Germany, Hungary, Ireland, Italy, Luxembourg, New Zealand, Norway, Rwanda, South Africa, Sudan, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and Zaire. Argentina, Bangladesh, Benin, Bulgaria, Chile, Colombia, Ethiopia, France, Ghana, Greece, Liechtenstein, Madagascar, Netherlands, Portugal, Senegal, Spain, Tunisia, Uganda and the United States of America subsequently joined the sponsors.

70. The representative of Canada orally revised the draft resolution, as follows:

(a) In the eighth preambular paragraph, after the word "Reaffirming", the word "that" was replaced with the words "the link between";

(b) In the same paragraph, after the words "to their homes", the words "is linked with" were replaced with the word "and"; the word "and" was also inserted before the word "concerned";

(c) Operative paragraphs 6 and 7 were merged by inserting, at the end of operative paragraph 6, after the word "detention", the word "and".

71. A statement in connection with the draft resolution was made by the observer for Rwanda.

72. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

73. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/76.

Situation of human rights in Zaire

74. At the 60th meeting, on 23 April 1996, the representative of Italy (on behalf of the European Union) introduced draft resolution E/CN.4/1996/L.93/Rev.1, sponsored by Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Norway, Portugal, San Marino, the Slovak Republic, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Canada subsequently joined the sponsors.

75. A statement in connection with the draft resolution was made by the observer for Zaire.

76. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

77. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/77.

Situation of human rights in Nigeria

78. At its 60th meeting, on 23 April 1996, the representative of Italy (on behalf of the European Union) introduced draft resolution E/CN.4/1996/L.52/Rev.1, sponsored by Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Argentina, Japan, the Slovak Republic and South Africa subsequently joined the sponsors.

79. Statements in connection with the draft resolution were made by the representatives of Gabon (on behalf of the Group of African States) and Nigeria.

80. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

81. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/79.

Situation of human rights in Myanmar

82. At the 60th meeting, on 23 April 1996, the representative of Italy (on behalf of the European Union) introduced draft resolution E/CN.4/1996/L.91, sponsored by Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

83. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

84. A statement in connection with the draft resolution was made by the observer for Myanmar.

85. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/80.

Situation of human rights in East Timor

86. At the 60th meeting, on 23 April 1996, the Chairman made the following statement in connection with the situation of human rights in East Timor:

"The Commission on Human Rights discussed the human rights situation in East Timor.

The Commission continues to follow with deep concern the reports on violations of human rights in East Timor.

The Commission recalls the undertakings by the Government of Indonesia to promote human rights in East Timor and those contained in Chairman's statements at previous sessions on the matter. The Commission stresses the need to take further steps towards their implementation, including the early release of the East Timorese detained or convicted and further clarification of the circumstances surrounding the Dili incident of 1991.

The Commission notes with satisfaction the greater access recently granted by the Indonesian authorities to the international media and humanitarian organizations and trusts that it will be expanded further to human rights organizations.

The Commission welcomes the visit to East Timor by the High Commissioner for Human Rights, Mr. José Ayala Lasso, on

6 December 1995, and stresses the importance of this visit in the context of last year's Chairman's statement. The Commission notes with satisfaction the understanding reached between the Indonesian authorities and the High Commissioner concerning the upgrading of the current Memorandum of Intent on the technical cooperation in the field of human rights, signed in Jakarta on 26 October 1994, into a memorandum of understanding. In this context, it was also provisionally agreed to look into the possibility of the High Commissioner assigning a programme officer within the office of the United Nations Development Programme in Jakarta in order to follow-up the implementation of the technical cooperation agreement. This officer would also have regular access to East Timor.

The Commission welcomes the intention of the Government of Indonesia to continue to cooperate with the Commission on Human Rights and its mechanisms as well as its intention to invite a thematic rapporteur in 1997.

The Commission welcomes the result of the seventh round of the tripartite dialogue between the Ministers for Foreign Affairs of Indonesia and Portugal on the question of East Timor under the auspices of the Secretary-General of the United Nations, held in London on 16 January 1996 and encourages the Secretary-General to continue his good offices for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor.

The Commission welcomes the informal bilateral meeting between President Soeharto and Prime Minister Guterres during the ASEM in Bangkok on 19 February 1996 and expresses the hope that it will contribute positively to the ongoing tripartite dialogue. The Commission also welcomes the holding of the all-inclusive intra-East Timorese dialogue in Burg Schlaining, Austria, from 19 to 22 March 1996.

The Commission requests the Secretary-General to keep it informed on the situation of human rights in East Timor and will consider it at its fifty-third session."

Situation of human rights in the Republic of Chechnya of the Russian Federation

87. At the 61st meeting, on 24 April 1996, the Chairman made the following statement on the situation of human rights in the Republic of Chechnya of the Russian Federation:

"The Commission on Human Rights, having examined the report of the Secretary-General E/CN.4/1996/13 of 26 March 1996, and Add.1 of 22 April 1996, recalls its Chairman's statement of 1995 in connection with the grave situation of human rights in the Republic of Chechnya of the Russian Federation. The Commission is deeply concerned that in spite of its urgent call, the disproportionate use of force by the Russian Federation armed forces, resulting in high numbers of civilian casualties, is continuing to lead to grave violations of human rights, as well as of international humanitarian law.

The Commission remains deeply preoccupied with the continued fighting and, despite the latest peace initiative by President Yeltsin, notes that a lasting cease-fire has not been carried out on the ground. Accordingly, the Commission strongly deplores the high numbers of victims and the suffering inflicted on the civilian population and on displaced persons who are subjected to the effects of the armed confrontation. Severe destruction of Chechen towns and villages with consequent displacement of a large proportion of the civilian population is a conspicuous feature of military actions in the Republic this year as in 1995. In this context, the Commission calls for an immediate and permanent cessation of the bombardment of civilian towns and villages that is still continuing. The Commission strongly deplores this and the serious destruction of installations and infrastructure used by civilians. It condemns all violations or abuses of human rights and international humanitarian law and calls for all those who have committed violations of human rights and other crimes to be brought to justice.

The Commission on Human Rights urges the parties concerned to respect fully the principles of international law and calls urgently for an immediate and lasting cessation of hostilities, violations of human rights and other acts of violence, convinced that political dialogue and effective negotiations are the only means to achieve a genuine and lasting settlement. The Commission calls for immediate contacts between representatives of the parties with the aim of finding a peaceful solution to the conflict, consistent with respect for the territorial integrity and the Constitution of the Russian Federation. It further reiterates that the fundamental human rights of the people of the Republic of Chechnya should be upheld, and calls for the holding of free and democratic elections in due time.

The Commission on Human Rights stresses the important role of the Organization for Security and Cooperation in Europe and its assistance group, in accordance with its mandate, in the peaceful settlement of the conflict and the implementation of a peace plan.

The Commission on Human Rights further calls for unhindered delivery of humanitarian aid to all groups of the civilian population in need of such assistance and free access to all areas of the region by international humanitarian organizations contributing to international humanitarian efforts in the Republic of Chechnya.

The Commission on Human Rights calls for the immediate release of all those who have been detained in connection with the conflict and urges that in the interim they receive treatment in conformity with international humanitarian law. The Commission further calls for the International Committee of the Red Cross to be permitted to have regular access to all detainees, in conformity with its standard criteria, in order to verify the conditions of their detention and treatment. To help provide aid to the victims, the Commission asks the authorities of the Russian Federation to facilitate the activities of humanitarian and human rights organizations.

The Commission on Human Rights acknowledges the cooperation of the Russian Federation with the High Commissioner for Human Rights and the special mechanisms of the Commission and encourages the Government of the Russian Federation to continue its cooperation with them. The Commission on Human Rights requests the High Commissioner for Human Rights to continue, on the basis of his assessment of the situation of the Republic of Chechnya, his consultations with the Government of the Russian Federation in order to secure the implementation of the objectives of the international community as reflected in the present consensus statement and to foster confidence-building measures based on respect for human rights.

The Commission on Human Rights requests the Secretary-General to report on the situation of human rights in the Republic of Chechnya of the Russian Federation during its fifty-third session under the appropriate agenda item."

Situation of human rights in the Islamic Republic of Iran

88. At its 58th meeting, on 23 April 1996, the Commission decided to postpone consideration of draft resolution E/CN.4/1996/L.42/Rev.1.

89. At its 62nd meeting, on 24 April 1996, the Commission resumed consideration of draft resolution E/CN.4/1996/L.42/Rev.1, introduced by the representative of Italy (on behalf of the European Union) and sponsored by Austria, Belgium, Denmark, Finland, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Romania, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Australia, Canada, the Czech Republic, Iceland, Japan, Slovakia and Switzerland subsequently joined the sponsors.

90. Statements in connection with the draft resolution were made by the representatives for Pakistan and the United States of America and by the observer for the Islamic Republic of Iran.

91. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the administrative and programme budget implications 2/ of the draft resolution.

92. A statement in explanation of vote before the vote was made by the representative of India.

93. At the request of the representative of Pakistan, a roll-call vote was taken on the draft resolution. The draft resolution was adopted by 24 votes to 7, with 20 abstentions, as follows:

In favour: Algeria, Australia, Austria, Brazil, Bulgaria, Canada, Chile, Colombia, Denmark, Dominican Republic, Ecuador, France, Germany, Hungary, Italy, Japan, Mexico, Netherlands, Nicaragua, Peru, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Bangladesh, China, Cuba, India, Indonesia, Malaysia, Pakistan.

Abstaining: Angola, Belarus, Benin, Bhutan, Cameroon, Côte d'Ivoire, Egypt, Ethiopia, Gabon, Guinea, Malawi, Mali, Mauritania, Nepal, Philippines, Republic of Korea, Sri Lanka, Uganda, Ukraine, Zimbabwe.

94. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/84.

(a) Question of human rights in Cyprus

95. In the general debate on item 10 (a), statements 3/ were made by the representatives of Angola (46th), India (48th) and the Russian Federation (48th).

96. The Commission also heard statements by the observers for Greece (46th) and Cyprus (48th).

97. At the 60th meeting, on 23 April, the Chairman proposed a draft decision on the question of human rights in Cyprus. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1996/112.

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

98. The Commission considered item 10 (b) in closed meetings at its 37th and 38th meetings, on 12 April 1996. It had before it for consideration under Economic and Social Council resolution 1503 (XLVIII) the human rights situations in Armenia, Azerbaijan, Chad, Mali, Nepal, Saudi Arabia, Sierra Leone, Slovenia, Thailand and Uzbekistan, as publicly announced by the Chairman. The Chairman also announced that the Commission had decided to discontinue consideration of the human rights situations in Armenia, Azerbaijan, Mali, Nepal, Slovenia and Thailand.

99. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under Council resolution 1503 (XLVIII) nor to any confidential material relating thereto.

100. In accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the Chairman will designate five members to serve in their personal capacity on the Working Group on Situations meeting prior to the fifty-third session of the Commission in 1997.

- - - - -