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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 61st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 24 April 1996, at 10 a.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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The meeting was called to order at 10.45 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, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued)

1. The CHAIRMAN said that, after intensive consultations, the following consensus statement by the Commission had been agreed with respect to the situation in Chechnya:

"1. 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 presidential 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 number of civilian casualties, continues leading to the grave violations of human rights as well as of international humanitarian law.

2. 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 number 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 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.

3. 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.

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

5. The Commission on Human Rights further calls for unhindered delivery of humanitarian aid to all groups of 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.

6. 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 ICRC 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 Russian Federation authorities to facilitate the activities of humanitarian and human rights organizations.

7. 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 in the Republic of Chechnya his consultations with the Russian Federation Government 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.

8. 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."

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

2. The CHAIRMAN proposed the following draft decision:

"At its 61st meeting on 24 April 1996, the Commission decided that, unless otherwise indicated in the resolutions adopted by the fifty-second session, all continuing thematic or country-oriented mandates established by the Commission and entrusted to special rapporteurs, special representatives, independent experts and working groups are expected to report to the fifty-third session, irrespective of whether the relevant resolutions make explicit reference to that reporting obligation, or not."

3. If he heard no objection, he would take it that the Commission wished to adopt the draft decision.

4. It was so decided.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,
INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

- (a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;
- (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS
- (c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS
- (d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1996/L.62, L.65 and L.79)

Draft resolution on strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights (E/CN.4/1996/L.65)

5. Mr. TORELLA di ROMAGNANO (Italy), introducing the draft resolution on behalf of its sponsors, said that it was based on the idea that the High Commissioner for Human Rights and the Centre constituted a unity in the United Nations human rights system. It fully supported the High Commissioner's efforts to rationalize, strengthen, adapt and streamline the United Nations machinery in the field of human rights, with particular reference to the restructuring of the Centre. To that end, it was essential that more human, financial, material and personnel resources be provided from the regular budget to the human rights programme.

6. The High Commissioner should also be able to react rapidly to emergency situations in order to prevent human rights violations, as envisaged in his mandate. The draft resolution encouraged the High Commissioner to continue to seek effective means to that end. System-wide cooperation in human rights matters was also crucial and cooperation on human rights issues between the High Commissioner and other departments and offices of the Secretariat should thus be pursued.

7. The sponsors hoped that, in view of the balanced nature of its text, the draft resolution would be adopted without a vote.

8. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Australia, Canada, Peru and the United States of America and the observers for Argentina, Iceland, Lithuania, Uruguay and Venezuela had become sponsors of the draft resolution.

9. Mr. H.K. SINGH (India) said that his delegation had full confidence in the High Commissioner. However, it was aware that, while some delegations were fully informed of the most intricate details of the restructuring process that was under way, those of the developing countries were not. While in no way desirous of micro-managing the process, it felt that the delegations of developing countries, like their Western colleagues, should not only be

briefed about changes affecting priorities and mandates but also have their views taken into account, since they too were concerned to strengthen the hands of the High Commissioner in his efforts to streamline the Centre's work.

10. Mr. IRUMBA (Uganda), having endorsed the remarks of the representative of India, said that, while his delegation supported the call for increased resources for the Centre, such resources should not be taken from those earmarked for development activities.

11. Mr. LIU Xinsheng (China), having endorsed the statements by the representatives of India and Uganda, said that, while his delegation would join the consensus, it hoped that the High Commissioner would pay attention to the implementation of the right to development and support that right in every possible way.

12. The draft resolution was adopted without a vote.

Statements in explanation of position

13. Mr. LILLO BENAVIDES (Chile) said that, although his delegation had joined the consensus on the draft resolution on human rights and terrorism (E/CN.4/1996/L.79), it had done so without prejudice to his Government's firm view that the concept of human rights violations was such that they were imputable only to States and their agents. The actions of terrorist groups were criminal acts that must be punished under the domestic criminal law of the State concerned. The assertion that such actions constituted in themselves violations of human rights thus distorted that age-old concept and could have serious consequences in that such an equivalence diluted State responsibility in the matter.

14. Mr. QAZI (Pakistan) said that, while his Government strongly opposed and condemned terrorism in all its forms and manifestations, it endorsed the statement, made by the representative of Turkey when introducing the draft resolution, that a clear differentiation must be made between terrorism and the legitimate struggle of peoples for self-determination. Terrorism promoted by States against innocent people in order to perpetrate foreign occupation was the most abhorrent form of terrorism.

15. Mr. TORELLA di ROMAGNANO (Italy), speaking on behalf of the European Union and also of Norway, said that the Governments in question continued to have reservations concerning parts of the draft resolution on human rights and terrorism (E/CN.4/1996/L.79). Noting that the Union had reaffirmed its support for the declaration annexed to General Assembly resolution 49/60, he said that terrorism was a threat to democracy and to the free exercise of human rights but that the existence of terrorism and the activities of terrorist groups could not be invoked to justify human rights violations by any State. The fight against terrorism should be carried out with full respect for human rights and fundamental freedoms. He thus welcomed the fifteenth preambular paragraph and paragraphs 4 and 5 of the draft resolution.

16. As for the twelfth preambular paragraph, the assertion that terrorist acts as such constituted human rights violations could not be supported by the

European Union or Norway which took the view that the distinction between acts attributable to States and criminal acts which were not, was an important one. That paragraph did not confer on terrorists any status under international law.

17. The Union, whose territory and citizens had often suffered the unjustifiable criminal acts of terrorist groups, had the greatest sympathy and consideration for the victims of terrorism in any part of the world. However, it still considered that, of the Main Committees of the General Assembly, the Sixth was the best suited for a thorough examination of the question of terrorism. Despite their reservations, however, the European Union and Norway had joined the consensus on the draft resolution.

18. Mrs. FERRARO (United States of America) said that, while her delegation had joined the consensus on the draft resolution on human rights and terrorism (E/CN.4/1996/L.79), its fundamental view was that terrorism could be more appropriately dealt with in other United Nations bodies, particularly the Sixth Committee of the General Assembly. Indeed, because of the Sixth Committee's extensive work on terrorism, her delegation would have preferred to see a reference to General Assembly resolution 50/53 adopted in that Committee.

19. The consideration of that item by the Commission did not advance the important work being done in those bodies to promote international cooperation against terrorism. On the contrary, it ran the risk of complicating it.

20. By asserting that terrorists violated human rights, the resolution granted them a measure of the legitimacy that they sought. With good reason, the relevant international human rights instruments clearly distinguished between State and non-State actors when discussing human rights. The members of the Commission must be careful, in their zeal to condemn and denounce terrorism, not to confuse the work of the Commission, send misleading messages as to its mandate or hamper its ability to do its work.

21. Mr. KONISHI (Japan), said, with reference to the draft resolution on national institutions for the promotion and protection of human rights (E/CN.4/1996/L.62), that financial assistance for the establishment and strengthening of national institutions should be provided through the regular budget of the United Nations for advisory services and technical cooperation, rather than through the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 21) (continued)
(E/CN.4/1996/L.94)

Draft resolution on the evaluation of the human rights programme of the United Nations system, in accordance with the Vienna Declaration and Programme of Action (E/CN.4/1996/L.94)

22. Miss HERNANDEZ QUESADA (Cuba), introducing the draft resolution, said that, in keeping with the spirit of the Vienna Declaration and Programme of Action, it stressed the necessity for the continuing adaptation, strengthening, rationalization and streamlining of the United Nations human

rights machinery to meet current and future needs for the promotion and protection of all human rights in a transparent manner through consultations with Member States and the competent intergovernmental bodies. In that connection, it emphasized the importance of maintaining a continuing dialogue between the High Commissioner for Human Rights and the Member States, especially with regard to the restructuring of the Centre for Human Rights and the need to ensure full implementation of the Vienna Declaration and Programme of Action and of all the mandates established by decisions of the competent bodies in the field of human rights.

23. The fourth preambular paragraph should be replaced by the following text:

"Recognizing the necessity for the continuing adaptation of the United Nations human rights machinery to current and future needs in the promotion and protection of human rights to be conducted in a transparent manner through consultations with Member States and competent intergovernmental organizations,".

24. The eighth preambular paragraph should be replaced by the following text:

"Recalling that, in the ongoing examination of the structures of the Secretariat of the United Nations dealing with human rights, particularly the Centre for Human Rights, full implementation of the Vienna Declaration and Programme of Action and all mandates established by decisions of competent bodies in the field of human rights, have to be ensured,".

25. In the ninth preambular paragraph, the word "permanent" should be replaced by "continuing". The following new preambular paragraph should be inserted after that preambular paragraph:

"Welcoming the consultations carried out by the High Commissioner for Human Rights in this regard,".

26. In paragraph 4, the word "again" should be deleted and the word "convene" should be replaced by "continue meeting,", the word "meetings" after the word "Geneva" being deleted.

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

The meeting rose at 11.35 a.m.