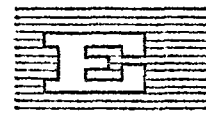


UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL  
E/CN.4/1982/SR.38  
4 March 1982  
Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 38th MEETING

held at the Palais des Nations, Geneva,  
on Thursday, 25 February 1982, at 3 p.m.

Chairman:

Mr. GARVALOV

(Bulgaria)

CONTENTS

The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (continued)

Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(b) Question of missing and disappeared persons

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.6108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.82-15625

The meeting was called to order at 3.15 p.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued)  
(E/CN.4/1982/L.2, L.16, L.18, L.20, L.21 and L.30)

Consideration of draft resolutions (continued)

1. Mr. OSMAN (Observer for Somalia), referring to draft resolution E/CN.4/1982/L.18, said that the current mediation efforts by the OAU should be supported and translated into action. Any divergence from those efforts would create difficulties. The spirit of a draft resolution on Western Sahara should conform to the spirit of the decision on that issue adopted by the Assembly of Heads of State and Government of OAU in June 1981, as elaborated by the Implementation Committee on Western Sahara, which had agreed on procedures for a referendum. As the representative of a country which had close traditional ties with both Algeria and Morocco, he hoped that OAU's efforts would be respected by all international and regional bodies and that the problem could be solved in the traditional spirit of African brotherhood.
2. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that the draft resolution contained in document E/CN.4/1982/L.16 represented a violation of the basic principles of the Charter and an interference in the internal affairs of the sovereign State of Afghanistan. The inappropriateness of the document was immediately apparent; both its preambular and operative parts were based on erroneous premises. The Government of the Democratic Republic of Afghanistan had already protested at the action being taken by the forces of imperialism and hegemonism on the pretext of the so-called "question of Afghanistan". However, the draft resolution said nothing about the use of armed bands to destabilize internal order in Afghanistan or the Pakistan-based activities to disrupt the peaceful socialist progress of the Afghan people. The draft resolution also ignored the statement made in the Commission, at its current session, by the observer for Afghanistan; nor did it reflect the Afghan Government's proposals of 24 August 1981, setting forth a clear and constructive programme for a political solution to the problem, based on practical measures and goodwill.
3. The right of any State to receive friendly assistance from another in resisting aggression was recognized by the Charter and the General Assembly. There was no disguising the fact that attempts to interfere in Afghanistan's internal affairs had been made. The Commission's task should be to bring such activities to an end, but the adoption of draft resolution E/CN.4/1982/L.16 would have the opposite effect.
4. The Commission had again been asked to consider the so-called question of the situation in Kampuchea - the subject of draft resolution E/CN.4/1982/L.2. That document was unacceptable. In the first place, to take up that topic against the wishes of the Kampuchean people and its authentic and legal representative, the State Council of the People's Republic of Kampuchea, was a flagrant violation of the

principle, enshrined in the Charter, of non-interference in a sovereign State's internal affairs. Secondly, the sponsors of the draft resolution should bear in mind that no topic involving the Kampuchean people's interests could be decided upon in any international forum, including the Commission, in the absence of representatives of the People's Republic. The presence in the Commission of a representative of the Pol Pot clique would only diminish the Commission's authority and insult the memory of the 3 million Kampucheans who had perished at the hands of that clique. Thirdly, the draft resolution took no account of the fact that the main decision concerning the problems relating to human rights in Kampuchea, which had aroused the concern of the majority of Member States, had been taken by the Kampuchean people itself three years before.

5. Despite the attempts made by the forces of external and internal reaction during the past three years to interrupt the country's development, the people of Kampuchea, assisted by Viet Nam, the Soviet Union and other socialist States, had made real progress in reconstructing the country, which had been utterly destroyed by the forces of barbarism. The sponsors of draft resolution E/CN.4/1982/L.2 sought to divert the Commission's attention from that fact. For the reasons stated, his delegation would vote against draft resolution E/CN.4/1982/L.2.

6. Mr. SKALLI (Observer for Morocco), said that there were flagrant discrepancies between the text of draft resolution E/CN.4/1982/L.18 and decision DEC/1 (II).Rev.2 taken by the OAU Implementation Committee on Western Sahara at its meeting in February 1982. The latter text contained no reference to the "two parties to the conflict". On the contrary, it stated that a complete cease-fire would enter into force at a date which would be determined by the Committee on the advice of its Chairman after consultation with all the parties concerned. It further stated that the troops of the parties to the conflict could provision their forces under the supervision of the peacekeeping force and/or the group of military observers, and provided that one week before the entry into force of a cease-fire the parties to the conflict should inform the Chairman of the Committee of the size of their forces on the ground. There was no mention of direct or indirect negotiations in the OAU decision. That was not an oversight on the part of the heads of African States entrusted with finding a solution to the problem. They had deliberately omitted any appeal for direct or indirect negotiations because they had considered that such a request was unnecessary and even likely to impede the solution of the problem. It was therefore clear that the text of draft resolution E/CN.4/1982/L.18 was basically in contradiction with what the Heads of African States had decided at Nairobi and with the method which OAU had adopted to solve the problem.

7. The decision taken by the Administrative Secretary-General of OAU to seat a delegation of the self-styled Polisario at a budgetary meeting of OAU being held in Addis Ababa had been generally deplored by the Ministers for Foreign Affairs attending the meeting. In particular, the current President of OAU had stated that he totally disapproved of the irresponsible action of the Administrative Secretary-General and that he regarded the latter's decision to admit Polisario to an OAU meeting as null and void.

8. Mr. TE SUN HOA (Observer for Democratic Kampuchea), referring to draft resolution E/CN.4/1982/L.2, said that the General Assembly resolutions cited in its third preambular paragraph had been adopted by a growing number of Member States; over 100 had voted for the most recent resolution, 36/5. In examining for the third time the problem caused by the violation by Viet Nam of the Kampuchean people's inalienable right of self-determination, the Commission was fully aware of the extreme gravity of the consequences both for the Kampuchean people themselves and for international peace and stability. The successive reinforcement of the Vietnamese units on Kampuchean soil and the intensification of chemical warfare were facts that spoke more eloquently than words. The international community had always condemned the rule of force which the Vietnamese authorities had adopted as their code of conduct in international relations; the Commission must therefore reaffirm that aggression could not in any circumstances be rewarded or encouraged. In acting thus, it would effectively contribute to the search for a just and lasting settlement of the problem.

9. Mr. SENE (Senegal) said that his delegation wished to explain its position before the vote on draft resolution E/CN.4/1982/L.18. Senegal, as a country which respected the principles of the Charter and the Universal Declaration of Human Rights and which had itself experienced colonial domination, was very attached to the principle of the right of self-determination for all peoples. However, Senegal had always maintained with regard to Western Sahara that it was an African problem which must be solved in an African context. OAU had, in fact, been seized with the question for several years and had made considerable progress towards achieving the exercise of the right of self-determination for the population of the area. One of the main parties concerned, namely, Morocco, had accepted the recent decision of the OAU Implementation Committee on Western Sahara regarding a cease-fire and the organization of a referendum, and the prospects had never seemed brighter for a peaceful solution acceptable to all. His delegation was therefore convinced that the international community should encourage, and not impede, OAU's peacemaking process. Unfortunately, draft resolution E/CN.4/1982/L.18 introduced several controversial elements.

10. First, it referred in its sixth preambular paragraph to General Assembly resolution 36/46, which had been adopted with a large number of negative votes and abstentions. Secondly, in referring in operative paragraph 2 to direct negotiations, it departed from the text adopted by the OAU Implementation Committee, which laid stress on action by its Chairman and refrained from naming the parties to the conflict in order to assist him. Undermining the fragile balance achieved in the OAU text would not further the exercise of self-determination by the people of Western Sahara: it was not for the Commission to choose the parties to the conflict or to specify who should negotiate with whom. The Commission should rather concern itself with a humanitarian plan to assist all those in the region who were the victims of the prevailing situation. OAU should be left to organize the cease-fire and referendum without external pressure and interference. Accordingly, his delegation would not vote in favour of draft resolution E/CN.4/1982/L.18. Indeed, given the fact that the draft resolution had been overtaken by events and a stalemate on the subject prevailed at the current OAU meeting of Ministers for Foreign Affairs, one might well wonder whether it was judicious for the Commission to put the draft resolution to the vote at all, since it was open to one-sided interpretation for political ends.

11. Mrs. GU (China) said that her delegation would vote in favour of draft resolution E/CN.4/1982/L.2 since its thrust was to demand the implementation of the relevant General Assembly resolutions, including resolution 36/5 which endorsed the plan for a comprehensive political settlement put forward by the international conference on Kampuchea. By its constant attacks on that conference, Viet Nam had isolated itself from the vast majority of States. In spite of the comments made by the observer for Viet Nam, operative paragraph 3 of the draft resolution was wholly justified. It could not fairly be claimed that a referendum held under Vietnamese bayonets reflected the will of the Kampuchean people.

12. Miss SINEGIORGIS (Ethiopia) said that her delegation had no difficulty with the principles enunciated in draft resolution E/CN.4/1982/L.21 since they appeared in the Universal Declaration. However, a draft resolution relating to self-determination could not disregard the fate of people under colonial domination. In order to bring the text more closely into line with reality, her delegation wished to propose certain minor amendments. The opening phrase of the fourth preambular paragraph should be amended to read "Welcoming the progressive exercise of the right of self-determination of peoples under colonial, foreign or alien occupation ...", and in the fifth preambular paragraph the words "certain parts of the world" should be replaced by "colonial territories". The opening phrase of operative paragraph 3 should be amended to read "Reaffirms that the subjection of peoples under colonial, alien subjugation ...". In operative paragraph 4, the words "forcible action" should be replaced by "threats, coercion and/or intimidation". In the fifth line of operative paragraph 10, a reference to the International Convention on the Suppression and Punishment of the Crime of Apartheid should be added after the reference to the International Convention on the Elimination of All Forms of Racial Discrimination.

13. Mr. JANI (Zimbabwe), referring to draft resolution E/CN.4/1982/L.18, said it was only right that the Commission should be discussing the question of Western Sahara in view of the violations of human rights in that region. The text of the draft resolution was entirely consonant with previous resolutions and decisions on the subject, including those of OAU. His delegation had no difficulty with the wording of operative paragraph 2; the parties to the conflict were clearly identified by the facts of the situation, and the Polisario Front had already been officially recognized by 26 members of OAU. The fact that they had not been specifically mentioned in the OAU Implementation Committee's report was no reason why the Commission should not mention them. His delegation was disappointed by the contention that the approach reflected in the draft resolution was not in African interests; it failed to see how any anti-colonialist measure could be so viewed.

14. With regard to draft resolution E/CN.4/1982/L.21, his delegation proposed the following additional operative paragraph for insertion after operative paragraph 5:

"Emphasizes the need to establish a new international economic order to enable the full realization of the right to self-determination and the full enjoyment of human rights by all peoples."

15. Mr. MUBANGA-CHIPOYA (Zambia) said that his delegation would vote in favour of draft resolution E/CN.4/1982/L.2. Whatever else the Vietnamese presence in Kampuchea might have done, it had ended the genocidal nightmare of the Pol Pot régime. The problem was that the international community had so far found no way to render a restoration of that régime impossible. On the other hand, his delegation had always voted in accordance with principles of international law. For that reason it had abstained in the vote on the relevant resolution at the Commission's previous session, and it could not ignore the fact that, one year later, foreign troops were still occupying Kampuchea.
16. Mr. GONZALES de LEON (Mexico) said his delegation hoped that the delegations of Ethiopia and Pakistan could clarify the amendments they had proposed. Some of the amendments, as worded, might suggest that the aim was to restrict the right of self-determination to peoples under colonial or alien domination. However, self-determination was not merely synonymous with the attainment of independence.
17. Mr. NGONDA BEMPU (Zaire) said that his delegation would vote against draft resolution E/CN.4/1982/L.18. It reiterated its view that the action being taken by OAU regarding the question of Western Sahara, including the proposed referendum, was the best way to achieve a satisfactory solution and that the Commission should avoid doing anything to prejudice OAU's efforts. The texts of the ninth preambular paragraph and operative paragraph 2, in particular, caused difficulty for his delegation, and the tenor of the draft resolution as a whole was inconsistent with the latest events in the region concerned.
18. Mr. CALERO RODRIGUES (Brazil) said that he shared the Mexican representative's concern about the possible confusion arising from the proposed amendments to draft resolution E/CN.4/1982/L.21, which, as he understood it, had been intended to reflect general principles and thus be acceptable to all delegations. He proposed that the vote on that draft resolution should be deferred pending informal consultations aimed at reaching agreement on the text.
19. Mr. JOHNSON (United States of America) agreed with the representative of Brazil, and read out a number of further amendments to draft resolution E/CN.4/1982/L.21 which his delegation wished to submit for consideration. In the fifth preambular paragraph, the term "self-determination" should be followed by "as a result of foreign military intervention and threats or use of force against the territorial integrity or political independence of certain States by other States, in violation of the Charter of the United Nations". In the sixth preambular paragraph, the words "freely determine" should be replaced by "must be able to determine freely", and the words "free from foreign intervention or coercion" should be added to the end of the paragraph; the same textual amendment and addition should be made to operative paragraph 1. At the end of operative paragraph 2, the following words should be added: "in particular by refraining in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations". And in operative paragraph 3 the word "subjugation" should be followed by "foreign military intervention".

20. The CHAIRMAN noted that the Commission agreed to defer the vote on draft resolution E/CN.4/1982/L.21 pending the outcome of informal consultations.

21. He invited the Commission to consider draft resolution E/CN.4/1982/L.2, whose sponsors now included the delegation of Italy.

22. Mr. ZORIN (Union of Soviet Socialist Republics) said that his delegation would vote against draft resolution E/CN.4/1982/L.2, which it rejected as an utterly unfounded and slanderous attempt to use the Commission as a means to encroach upon the sovereignty of the People's Republic of Kampuchea. The true sponsors of that attempt at gross interference in the internal affairs of the Kampuchean people and Government were, of course, the United States and China. The debates on the topic had amply demonstrated the extent to which those Powers had striven, by means of falsehoods, to achieve what they had failed to gain by force of arms. The text referred to other resolutions devoid of legality and already repudiated. And the reference to the so-called international conference on Kampuchea reflected yet another attempt at interference by United States imperialism and Chinese hegemonism in the internal affairs of Kampuchea aimed at creating further difficulties between that country and the ASEAN nations, increasing tension in the region and thus paving the way for a return of the Pol Pot régime. His delegation called upon all members of the Commission who desired progress and stability in south-east Asia to vote against draft resolution E/CN.4/1982/L.2.

23. Mr. MAHONEY (Gambia) said that his delegation would vote in favour of draft resolution E/CN.4/1982/L.2. Gambia's position with regard to the question of human rights violations in Kampuchea had been consistent: the anathema of the Pol Pot régime did not justify its overthrow by foreign troops. The resultant mass outflow of refugees reflected a situation which contravened the principles of the Charter and friendly international relations, and threatened peace and security in the region. Conflicts between foreign occupying forces and local resistance fighters had several times spread across the frontier into Thailand; one such incident had occurred only a week before. The possible consequences of the current situation, therefore, were fearful to contemplate. His Government supported the call for the withdrawal of foreign troops from Kampuchea and the restoration of the Kampuchean people's inalienable right of self-determination. His delegation was alarmed at the existence of at least two armed factions in that country, and drew attention to paragraph 10 of the Declaration on Kampuchea; it was regrettable that that paragraph had not been specifically mentioned in the draft resolution.

24. The CHAIRMAN invited the Commission to vote on the draft resolution contained in document E/CN.4/1982/L.2.

25. At the request of the representative of the Philippines, the vote was taken by roll-call.

26. Algeria, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Brazil, Canada, China, Costa Rica, Denmark, Fiji, France, Gambia, Germany, Federal Republic of, Greece, Italy, Japan, Netherlands, Pakistan, Peru, Philippines, Rwanda, Senegal, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Ethiopia, India, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics.

Abstaining: Algeria, Ghana, Mexico, Panama, Uganda.

27. Draft resolution E/CN.4/1982/L.2 was adopted by 28 votes to 8, with 5 abstentions.

28. The CHAIRMAN invited the Commission to vote on the draft resolution contained in document E/CN.4/1982/L.16.

29. Mr. HEREDIA PEREZ (Cuba), explaining his vote before the vote, said that his delegation would vote against the draft resolution because it was unbalanced and would not facilitate the implementation of the right of self-determination for the people of Afghanistan. Its terms ignored the statements made on the situation in Afghanistan by the representative of the legitimate Government of that country. Nor did it take into account the genuine interests of the Afghan people. His delegation could not but oppose imperialism's efforts at domination and expansion and its counter-revolutionary activity throughout the world.

30. Mr. ZORIN (Union of Soviet Socialist Republics), explaining his vote before the vote, said that his delegation would vote against draft resolution E/CN.4/1982/L.16 for the following reasons.

31. The statements made during the discussion by the representatives of the Democratic Republic of Afghanistan, his own country and other countries had exposed the baselessness and evil intent of all the clamour by the United States of America and China regarding the so-called "Afghan question". That clamour was merely a smoke-screen to cover the underhand attacks against Afghanistan by imperialist interests supported by international reaction. In that connection, the nefarious influence of Pakistan had been clearly demonstrated, since the bases for training terrorists and diversionists were established in the territory of that country.

32. The facts of the case could not be concealed by the terms of the draft resolution, the real authors of which were China and the United States of America, which were sheltering behind the ostensible sponsors. The draft resolution had nothing in common with the real state of affairs in Afghanistan and represented purely and simply an act of interference in the affairs of a member of the non-aligned movement. The intrigues of its sponsors - real and apparent - would not prevent Afghanistan from following the path of democratic progress.



33. That being said, he appealed to those who claimed to desire a settlement of the problem to stop interfering in the internal affairs of Afghanistan and participate in the shaping of a positive solution. An excellent basis for such negotiations was provided by the proposal put forward by the Democratic Republic of Afghanistan, which contained flexible suggestions calculated to provide solutions that did not work to anyone's detriment. Only in that way could peace be assured and mutual co-operation restored between Afghanistan and the neighbouring countries. Since the draft resolution ruled out the possibility of a political solution and was intended to perpetuate the undeclared war against Afghanistan, his delegation would oppose it and called upon all those interested in a real solution to do likewise.

34. At the request of the representative of Costa Rica, the vote was taken by roll-call.

35. Peru, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Australia, Brazil, Canada, China, Costa Rica, Denmark, Fiji, France, Gambia, Germany, Federal Republic of, Ghana, Greece, Italy, Japan, Jordan, Mexico, Netherlands, Pakistan, Peru, Philippines, Rwanda, Senegal, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Ethiopia, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics.

Abstaining: Algeria, Cyprus, India, Panama.

36. Draft resolution E/CN.4/1982/L.16 was adopted by 32 votes to 7, with 4 abstentions.

37. The CHAIRMAN invited the Commission to vote on the draft resolution contained in document E/CN.4/1982/L.18.

38. Mr. MacDONALD (United States of America), explaining his vote before the vote, said that his delegation would vote against draft resolution E/CN.4/1982/L.18 for the following reasons.

39. Since the adoption by the General Assembly in 1981 of its highly contentious resolution on the subject, there had been some encouraging developments which rendered unnecessary the proposed draft resolution E/CN.4/1982/L.18, which was itself highly contentious. OAU was seized of the Western Sahara issue and was making excellent progress in resolving that issue in its own way. The observers for Morocco and Somalia and the representatives of Senegal and Zaire had made that fact abundantly clear. Only three weeks before the OAU Implementation Committee had met in Nairobi and set in motion a precise plan - which had been accepted by the parties - for arriving at a cease-fire and a referendum for self-determination in Western Sahara. The Commission on Human Rights should support those laudable efforts of the African members of the United Nations.

40. Instead of supporting those efforts, however, the Commission was now invited to vote on a draft resolution whose operative paragraph 2 ran counter to OAU's efforts and might well harm them. His delegation deplored that fact and hoped that other delegations would think carefully before casting their votes. His delegation whole-heartedly endorsed the appeal by the Senegalese delegation that the contentious, unnecessary and possibly harmful draft resolution in document E/CN.4/1982/L.18 should be withdrawn. Lastly, he regretted the fact that no member of the OAU Implementation Committee was also a member of the Commission. If that Committee had been represented, he felt sure that other voices would have been heard calling for the rejection of draft resolution E/CN.4/1982/L.18.

41. At the request of the representative of Uganda, the vote was taken by roll-call.

42. Yugoslavia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Australia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Costa Rica, Cuba, Cyprus, Ethiopia, Fiji, Gambia, Ghana, Greece, India, Mexico, Panama, Peru, Poland, Rwanda, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Yugoslavia, Zambia, Zimbabwe.

Against: Senegal, United States of America, Zaire.

Abstaining: Canada, China, Denmark, France, Germany, Federal Republic of, Italy, Japan, Jordan, Netherlands, Pakistan, Philippines, United Kingdom of Great Britain and Northern Ireland, Uruguay.

43. Draft resolution E/CN.4/1982/L.18 was adopted by 27 votes to 3, with 13 abstentions.

44. The CHAIRMAN invited the Commission to vote on the draft resolution contained in document E/CN.4/1982/L.20.

45. The vote was taken by roll-call.

46. Peru, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Costa Rica, Cuba, Cyprus, Ethiopia, Fiji, Gambia, Ghana, India, Jordan, Mexico, Pakistan, Panama, Peru, Philippines, Poland, Rwanda, Senegal, Syrian Arab Republic, Togo, Uganda, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Canada, Denmark, France, Germany, Federal Republic of, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Greece, Japan, Netherlands.

47. Draft resolution E/CN.4/1982/L.20 was adopted by 32 votes to 8, with 3 abstentions.

48. Mr. CALERO RODRIGUES (Brazil), explaining his vote on draft resolution E/CN.4/1982/L.18, said that his delegation had voted in favour of the draft resolution to indicate its satisfaction at the fact that a referendum was to take place in Western Sahara and that its people would thus be given an opportunity to exercise their right of self-determination.

49. His delegation endorsed paragraph 2 of the resolution because it was in favour of negotiations as a preliminary step for establishing the conditions necessary to organize the referendum. However, it might have been preferable to make more flexible reference to the parties that would be called upon to participate in those negotiations, so as to avoid the difficulties that might result from too strict an interpretation of that paragraph.

50. Mr. KOOLJIMANS (Netherlands), explaining his vote on draft resolution E/CN.4/1982/L.20, said that his delegation had been obliged to abstain in the vote because it could not agree with armed struggle being presented as a means of achieving the overthrow of the South African apartheid system. It must therefore dissociate itself from paragraphs 2 and 3.

51. The policy of his Government with regard to South Africa included a positive stand on selective sanctions aimed at helping to achieve a peaceful solution. That policy also explained why the Netherlands was not in favour of the total isolation of South Africa or of a total embargo against it. Accordingly, his delegation was obliged to dissociate itself from paragraph 6 as well.

52. Mrs. GUELMAN (Uruguay) said that her delegation had voted in favour of draft resolution E/CN.4/1982/L.20 in accordance with its well-known support for the legitimate right of all peoples to the full exercise of self-determination. With regard to the people of Namibia, Uruguay had unconditionally supported the exhaustion of all available means to secure the independence of that country. Namibia must become independent without any curtailment of its territorial integrity.

53. That being said, she wished to place on record her delegation's reservation regarding paragraphs 2, 3 and 10 of draft resolution E/CN.4/1982/L.20. As far as paragraphs 2 and 3 were concerned, her delegation considered that, without prejudice to the right of a people to exhaust all available means to secure its independence, an Organization whose main objective was to secure international peace and security was not an appropriate medium for encouraging armed struggle.

54. Mr. MARTINEZ (Argentina) said that his delegation, while voting in favour of draft resolution E/CN.4/1982/L.18, wished to express reservations with regard to paragraph 2, the text of which raised doubts as to whether it should be given the same interpretation as paragraph 5 of General Assembly resolution 36/46, which his delegation had supported. His delegation had always supported the efforts of the United Nations, OAU and the parties to the dispute to promote a final settlement of the Western Sahara issue. It also supported all the efforts being made to arrive at a cease-fire between the two parties to the conflict and hoped that the referendum for the self-determination of the people of Western Sahara would be carried out in accordance with the decisions of OAU.

55. While his delegation had voted in favour of draft resolution E/CN.4/1982/L.20, it wished to enter reservations with regard to paragraphs 2 and 3. It could not agree to the reference to armed struggle as an instrument for achieving the independence of Namibia because armed struggle did not appear in the Charter among the means enunciated for the settlement of international disputes.

56. Mr. MacDONALD (United States of America), explaining his delegation's vote against draft resolution E/CN.4/1982/L.20, said that the Government of his country was actively engaged in negotiations, along with the other members of the Namibia contact group and the parties involved, to reach an acceptable settlement. His delegation objected strongly to resolutions like that in document E/CN.4/1982/L.20, which were counterproductive. All parties to the negotiations, including SWAPO, had agreed that the issue of Walvis Bay and the offshore islands was a matter to be resolved in the future and only by means of negotiations between an independent Namibian Government and the Government of South Africa.

57. His delegation reaffirmed that its opposition to draft resolution E/CN.4/1982/L.20 in no way detracted from its clearly stated policy that the system of apartheid constituted a gross violation of the human rights of the people of South Africa. His delegation also wished to state its clear opposition to the practice of territorial separation as mentioned in paragraph 5. His delegation could not, however, support the appeal to States to cease collaboration with South Africa in all the fields mentioned in paragraph 6. However, the United States fully supported the arms embargo imposed on South Africa. Moreover, in 1975, the United States had suspended shipment of nuclear fuel to South Africa pending that country's accession to the Non-Proliferation Treaty and its implementation of full IAEA safeguards.

58. The United States once again condemned the affirmation in paragraph 3 that national liberation movements might use "all available means, including armed struggle" to eliminate the apartheid system. His delegation considered that passage as an acquiescence in, and legitimization of, acts of terrorism as well as a general encouragement to groups to avail themselves of non-peaceful means to gain their ends. The United States rejected both concepts.

59. Mr. BETTINI (Italy) said that his delegation had been obliged to vote against draft resolution E/CN.4/1982/L.20 because, as it had already clearly stated during the debate, it could not accept the principle that armed struggle was the proper means for ensuring the exercise of the right of self-determination.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT; IN PARTICULAR:

(b) QUESTION OF MISSING AND DISAPPEARED PERSONS (agenda item 10)

60. The CHAIRMAN invited Viscount Colville of Culross, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, to introduce the report of the Working Group.

61. Viscount COLVILLE OF CULROSS, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, introducing the Group's report (E/CN.4/1492 and Add.1), said that the addendum was of some importance since it reflected the considerable activity which had taken place since the issue of the main report (E/CN.4/1492).

62. The first point to which he wished to draw attention was the visit to Mexico by two members of the Working Group. The second was the receipt, since the beginning of the present session, of detailed answers to cases reported in the Philippines, in fulfilment of a long-standing promise. Thirdly, the Government of Uganda had given information which cleared up certain outstanding questions relating to that country. Fourthly, the dialogue begun in autumn 1981 with the Government of El Salvador had led to an increasing flow of answers (10 such answers had been received that very morning) to the cases submitted to it.

63. He had again contacted the observers for SWAPO, PAC and ANC, but information on the situation in South Africa and the adjoining areas still remained particularly difficult to obtain, though it was known that disappearances had certainly occurred. The Group awaited with hope the details which those organizations had now promised.

64. On behalf of the Group, he wished to thank those Governments which had co-operated with it; to a greater or lesser extent that included all but six of the Governments approached. The Group's gratitude was also due to certain heads of delegations; the progress which was being made owed much to the personal interest and effort which they had displayed. They had applied both time and energy to the process of seeking answers to the Group's questions and, equally essential, of informing it of the background against which disappearances in their various countries must be viewed.

65. All members of the Group attached importance to the necessity of not only being impartial but also being seen to be impartial; their philosophy was set out in paragraph 6 of the report (E/CN.4/1492). In that connection, he wished to explain that in some cases there was truth in what a number of government representatives had said in the past: a few of the names of persons reported to the Group as disappeared should not properly be on its lists. Some disappearances turned out not to have been forced or involuntary at all. Other persons mentioned had been killed in confrontations between armed groups and the security forces and their families had been so informed.

66. He now wished to turn to the gruesome case of at least two countries in which the remains of persons found dead after such confrontations had been found to carry false identification or none at all. Physical details of the bodies had been kept in record and sometimes photographs. It would undoubtedly be a most distasteful task for families to search through those documents in the fear of finding irrefutable proof of the death of a missing relative, but that was undoubtedly the only way in which numerous cases could be resolved and the Group was not equipped to do it on the families' behalf.

67. The other side of the picture, however, was very different. Nothing could, of course, be said about cases where the Government concerned had not replied. The discussions held, however, had established clearly that genuine cases of disappearances

within the Group's terms of reference had most certainly occurred. The report set out plainly the fundamental breaches of human rights involved; for 1981, there was a special section relating to the rights of children who had disappeared.

68. It was stated in the main report (para. 174) that the numbers of cases were increasing: that meant that more new cases were being received than were being solved. Some of the new cases dated from a few years before; others related to 1981 or 1982. Those recent cases, however, were reported only from a small number of countries and many of them had already been explained. Also, cases had now been reported from countries not mentioned in the previous report.

69. One reason for the Group obtaining solutions derived from the fact that certain countries, which had given rise to great concern before the Commission, had taken effective official steps to ensure that the disgraceful practice of disappearances should cease and to set up machinery to inform relatives who had complaints. That was exactly what was required. It was primarily the task of domestic procedures to provide such remedies. There was not a single constitutional and legal system which did not contain adequate safeguards. Indeed, the Group's visit to Mexico had demonstrated that legal procedures could be usefully supplemented by executive machinery which could offer prompt and definitive answers. Given that sort of procedure and continuing co-operation by all the relevant organs of government, the Group saw no reason why outstanding questions should not be resolved in relation to any of the countries mentioned in the report: the task entrusted to the Group could thus be brought to a conclusion in relation to that country.

70. There was no escape from article 4 of the International Covenant on Civil and Political Rights, which precluded any derogation from most of the basic rights that were violated by the practices under examination by the Group. The real problem, however, was that those safeguards had simply not been effective and it was for that reason that the families concerned had resorted to the international forum.

71. Both the Chairman of the Commission and the retiring Director of the Division of Human Rights, in their introductory remarks on the present session, had stressed the supreme importance of the right to life. In that connection, it was worth noting that the Group was engaged in an amicable and productive exercise in the pursuit of human rights, including the right to life, which was certainly neither abstract nor distant from reality. It was dealing at first hand with human beings, their fears and their aspirations, and that was exactly the business of the Commission.

72. Given the evidence that disappearances were a threat to life, swift intervention was sometimes sufficiently effective to save lives. The ability of the Group to act expeditiously, in conjunction with other appeals from non-governmental bodies and with publicity of various kinds, appeared to have some deterrent effect and that, too, was a valuable factor.

73. Perhaps it was the Group's efforts which had in some cases now induced Governments to inform families of what had happened to their relatives. Of course, there still was much unfinished business and there remained the problem of Governments which had not responded at all. The co-operation of others was still tentative.

Perhaps they might wish to consult with colleagues from countries which were already co-operating with the Group on the task of dealing, case by case, with what was demonstrably a humanitarian issue. The Group could promise them that its approach was strictly confined to the humanitarian aspect. It was hard to believe that Governments could wish to leave their own citizens for ever ignorant about the fate of their relatives. The families concerned would never give up: that was what one heard on all sides. It was also clear that, in the Commission, nothing but approval and honour followed upon the decision by a Government to set about giving those explanations.

74. Lastly, he wished to associate the Group with the well-deserved tributes paid by many delegations to the outgoing Director of the Division of Human Rights.

75. Mr. MARTINEZ (Argentina) said, with regard to the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1492), that his delegation was pleased to note the substantial improvement in the methods and procedures followed by the Group in carrying out its sensitive and complex task. He had the impression that his delegation's constructive criticism had been accepted by the Group, and that progress was being made towards the establishment of an effective and coherent mechanism. Informal meetings between the members of the Group and his delegation had helped to create favourable conditions for an exchange of information and an analysis of the respective points of view. In particular, he expressed gratitude to the Group for holding confidential meetings, which had made it possible to understand specific aspects of the question under consideration.

76. A first evaluation of the report indicated the greater realism with which the Group had dealt with the painful question under study. Referring to paragraph 31 of the report, he said that the number of cases might well be much greater than indicated. In any event, those concerned had a responsibility to continue collaborating in efforts to solve the problem.

77. With respect to human rights questions, stress was often laid on considerations other than humanitarian and certain matters of substance were distorted, as members had seen recently in the campaign initiated by a non-governmental organization which was in the habit of concealing its political motives by making emotional appeals. Paragraphs 15-32 of the report gave an indication of the multiplicity and variety of the sources involved; references were made to interviews with representatives of Governments, information received or requested from non-governmental bodies, reports from ILO and UNESCO, a report by the Commission on Human Rights, and non-governmental meetings held in Costa Rica and Venezuela. Nearly all the information mentioned concerned situations relating to Latin American countries; that constituted a partial and selective approach which might be misleading in view of the characteristics and magnitude of the problem.

78. With regard to the basic documents, he noted that the report of the Inter-American Commission on Human Rights was mentioned repeatedly, but that no reference was made to the consideration of the problem by the General Assembly of the Organization of American States, the body for which that report had specifically been intended. A report from the International Committee of the Red Cross (ICRC) was also mentioned in an inappropriate manner since it was used as a vehicle for attributing new cases to his country during the period under consideration. If ICRC

had been consulted about the alleged cases, it would have been found that the report referred to new denunciations concerning old cases and that, except for three, that organization had not even transmitted them to his Government. It was not the experts but the Secretariat that bore the responsibility for the accuracy of the information which it made available to the Group. It was to be hoped that in the future the Division would be able to fulfil that obligation faithfully.

79. Referring to the part of the document that concerned his own country, he wished to point out that, in accordance with the method of reproducing in summary form the allegations from various sources and then the replies given by his Government, two thirds of the subchapter reflected the position of the Argentine authorities on the question. However, it should be stressed that some of the information which was used by the Group and appeared in the report had not been known to his Government beforehand, a situation which obliged him to make the following remarks. Both the figure of slightly less of 700 cases communicated to his Government for the period 1975-1979 and the total of approximately 900 communications received indicated a first approach to the real problem which bore no relation to the total number of cases given in the report for the previous year. The difference should be attributed in large measure to the imagination or bad faith with which so-called evidence had been presented.

80. Nearly all the information contained in chapter III related to situations already being dealt with and therefore added nothing to the debate. The statements in paragraph 36 concerning habeas corpus could give the false impression that proper legal defence did not exist in his country. He would not repeat what he had already said on that point but would merely reaffirm the following two principles: the effective existence in his country of an independent Judiciary which was the custodian of individual guarantees, and the strict application of habeas corpus, which operated in cases of unlawful detention or imminent threat to individual liberty through an arbitrary action by the authorities. To link that with cases of persons who were not in the power of any authority was a device which proved nothing, since the purpose of the remedy of habeas corpus was not to cause persons to "appear" but to prevent arbitrary detention.

81. He also wished to draw attention to the "multiplier effect" which emerged from certain paragraphs of the report. That was the situation which often occurred when, as with the report under consideration, there were various sources of information, and by means of repetition a single case was converted into several and a particular situation assumed greater proportions. That was especially the case with missing children.

82. The new methodology followed by the Group, which was based on discretion and the fullest possible collaboration with Governments, had in general proved adequate. The Group was not always able to evaluate the seriousness or motivation of a person who reported a disappearance in the case of an emergency situation and in that respect his delegation agreed that the guiding principle must be the gravity of the allegation and not the agent that made it. However, the Group must evaluate the presentation as a whole in order to avoid unnecessary investigations, as had occurred with cases which had been reported to his Government and which had had nothing to do with enforced or involuntary disappearances. In fact, the cases had been the result of voluntary decisions by the alleged victims. In seeking to clarify the reported situations, the privacy of the persons concerned was affected and they thus became victims of unjustified allegations.



83. An irresponsible or politically-motivated allegation set in motion an entire process which, in the final analysis, could harm the person one was seeking to protect or cause the State to investigate legal acts committed in its territory, without actually contributing to the defence of human rights.

84. His delegation had maintained, and events had confirmed, that the phenomenon of disappearances in Argentina was closely linked with the disorder and chaos which at a time now past had given rise to terrorist activity; such activity came to an end when the monopoly of force was held by the legally organized State.

85. Although the minimum conditions of seriousness and objectivity might not have been respected in cases described as urgent and reported to the Group, that was no reason to suppose that those cases which might be characterized as old cases were justified allegations. That was the situation with regard to cases which were reported on several occasions without a sufficient factual basis or cases which comprised contradictory details when they were communicated to the Group, the domestic courts or other international bodies.

86. His delegation did not deny the phenomenon of disappearances as such, but it could not agree that all the casuistry communicated concerned actual situations, since many of the reports were false and contained inaccurate statements with regard to time, place and so on.

87. He did not share the view expressed in paragraph 45 that clarification of the best-documented cases might lead to clarification of less detailed cases. Each case should be studied on its own merits and the relevant conclusions could not be applied to any other case by extension.

88. The Group pointed out in its report the virtues and efficiency of the emergency procedures used to clarify situations which had arisen after its establishment. The effectiveness of the system was based not only on the Group's promptitude and effort but also on the Government's interest in making an adequate response to the situations that arose and the existence of almost immediate evidence which made investigations possible.

89. The Group had nevertheless decided to devote much of its effort to analysing past situations, which in the case of some countries covered more than 10 years and covered 5 years on the average. It was therefore essential that the Group should make a clear distinction between situations which were current and those which were historical in nature, since the possibility of obtaining effective results was much greater in the former case than in the latter. Moreover, the indiscriminate consideration of historical situations would require the evaluation of many others which had occurred since the establishment of the Organization in order to draw broad and unqualified conclusions. That did not appear to be the object sought by the Commission in establishing the Group, nor the spirit of the relevant resolutions of the General Assembly and the Economic and Social Council. As to the other allegations contained in the part of the report relating to his country, a proper response had been made in his Government's replies to the Group.

90. He reaffirmed his delegation's support for the orientation of the Group's activities which were aimed primarily at co-operating in the rapid search for solutions regarding allegations or information concerning the enforced or involuntary disappearances of persons who shortly beforehand had been deprived of their freedom

by order of the authorities. His delegation would continue to maintain a frank and direct dialogue in order to clarify rapidly existing and future situations, taking account of the limitations arising from the difficulties involved in trying to clarify events that had taken place during the earlier period of confusion created in his country by armed terrorist attacks.

91. His delegation disagreed with the form in which certain allegations were presented throughout the report, but that did not mean that it challenged the report's conclusions or the manner in which the Group had been operating. His delegation was grateful to the Commission for the efforts made by the Group and hoped that use would be made of the experience gained to complete consideration of the situations which had been the subject of concern. The Group should continue its task with greater discipline and analyse the information provided to it, taking account of the fact that much of that information was biased or false. The Secretariat had an important role to perform in that respect and his delegation hoped that it would perform that role with seriousness and objectivity.

92. His delegation reiterated its request that all information regarded as relevant for the purposes of the work of the Group should be communicated to the Governments concerned and that such information should not be used without determining their views in advance. In studying the situations experienced by the various countries, and his own in particular, prejudice, exaggeration and ambiguous interests must be left aside. By virtue of its history and its way of life, his country had a leading role to play in all matters relating to the defence and promotion of human rights. He urged the Commission not to echo campaigns and untruths designed to prevent Argentina from fulfilling its destiny.

93. Mr. KOOLJMANS (Netherlands) said that the despicable phenomenon of abduction and frequent elimination in secrecy of persons by law-enforcement and security authorities was a particularly alarming kind of human rights abuse which had greatly increased during the 1970s. It was a development that ran counter to all rules and procedures designed to safeguard the rights to liberty and security of person, since the remedies offered by such rules and procedures could no longer be applied if the organs which had deprived a person of his liberty simply denied their responsibility.

94. When the Commission had decided to establish the Working Group on Enforced or Involuntary Disappearances, his delegation had hoped that in the very near future the reasons for setting up the Group would cease to exist. It was therefore with dismay that his delegation had learned from the second report of the Group (E/CN.4/1492) that the practice had by no means come to an end and that in fact the number of disappeared persons was increasing. He therefore concurred with the conclusion of the Group that the international community should in no way reduce the intensity with which it pursued the matter.

95. In that connection, his delegation appreciated the fact that the International Conference of the Red Cross, which had met at Manila in November 1981, had adopted a resolution expressing alarm at the phenomenon of disappearances perpetrated with the connivance or consent of Governments. His delegation also welcomed the fact that Amnesty International had begun in December a world-wide campaign against the practice of enforced disappearances.

96. In that regard, journalists who were members of the Netherlands section of Amnesty International had recently launched a special campaign on behalf of colleagues who had disappeared in various parts of the world. The campaign had the support of his Government. His delegation also attached importance to the first and second sessions of the Latin American Congress of Relatives of Missing Persons, which had been held in January 1981 in San José, Costa Rica, and in November 1981 in Caracas, Venezuela.

97. As indicated in paragraph 4 of the Group's report, it had made every endeavour to take into account the comments made the previous year in the Commission and in the Economic and Social Council regarding its methods of work. On the other hand, his delegation had read with regret in paragraph 31 that there was a backlog of work, which was to some extent due to the fact that the Secretariat had not been enabled to maintain fully the continuity of its work as requested by the Commission and the Council.

98. The picture that emerged from the Group's report was a rather mixed one. The Group appeared to have received an increasing measure of co-operation from several Governments, which had enabled it to contribute to the clarification of a considerable number of cases. In certain situations, immediate action by the Group had resulted in establishing the whereabouts of detained persons and sometimes even in their release; and there was some indication that emergency action by the Group might have saved lives. On the other hand, it was extremely disappointing to note that the decrease in disappearances in certain countries seemed to be outweighed by an increase in others.

99. Nevertheless, it was gratifying that in some countries where some years previously enforced disappearances had occurred on a large scale almost no new increases had been reported during 1981. In that context, he referred to the annual report for 1980-1981 of the Inter-American Commission on Human Rights, which had reported an apparent diminution of the phenomenon but had observed that the structures permitting disappearances still persisted, as shown by detentions carried out by elements of the security forces with the acquiescence or consent of the Government, followed by a period in which the authorities, especially the police, denied detention.

100. His delegation would have been happy if circumstances had made it possible to consider terminating the mandate of the Group. Unfortunately, such circumstances did not yet exist, and his delegation therefore fully supported draft resolution E/CN.4/1982/L.17, which provided for an extension of the Group's mandate for another year.

101. Mr. BEAULNE (Canada) congratulated the members of the Working Group on Enforced or Involuntary Disappearances on having successfully carried out a very difficult task. It was gratifying to note that the Group had analysed various

manifestations of the phenomenon and succeeded in shedding light on the whereabouts of many missing persons. Referring to paragraphs 164 to 172 of the Group's report (E/CN.4/1492), he said that the conclusion was horrifying: nearly all civil, political, economic, social and cultural rights were violated by enforced or involuntary disappearances. That fact alone fully justified extending the Group's mandate. That mandate was twofold: it consisted in examining cases of recent disappearances and in collecting information on persons who had disappeared some time previously. Both of those tasks were important. Indeed, the current report listed the names of countries which had not appeared in the report for the previous year and mentioned 22 countries, including Namibia, in which there had been enforced or involuntary disappearances.

102. As indicated in paragraph 7, there was reason to believe that as a result of the Group's action lives had been saved. In view of that happy result, his delegation hoped that the Commission would provide the new Director of the Division of Human Rights with the necessary resources to enable the Group to carry out its mandate. He assured the Chairman/Rapporteur of the Group that his Government would continue to support its action.

103. Some delegations had said the previous year that the Group should be discreet in carrying out its functions, in accordance with the methods traditionally employed in the United Nations. The discussion had, in his delegation's opinion, dispelled any doubts which might have remained in the minds of some members and made it clear that the Group's objective was a strictly humanitarian one. He noted with satisfaction that, according to the report, an increasing number of Governments were supporting that humanitarian role. As also pointed out in the report, the best way to dispel prejudice, concern and suspicion was to visit the authorities concerned. His delegation accordingly urged all Governments to admit the members of the Group, as the Government of Mexico had done recently. It was to be regretted that some Governments did not reply to the questions of the Group or withheld all co-operation, particularly when it involved countries where hundreds of persons had disappeared over a number of years. The silence of those authorities constituted an affront to the most elementary feelings of human solidarity.

104. The establishment of the Group marked a new phase in the approach of the Commission to human rights violations, inasmuch as it was undertaking to examine not the situation in a given country but a phenomenon which involved several countries. The Commission was sometimes reproached for not dealing on an equal footing with all States in which massive and systematic violations occurred. One means of avoiding that imbalance was precisely to study patterns of violations common to a number of countries.

105. The Commission had already made progress along those lines when it had taken up, for example, discrimination based on religion or belief, torture, mass exoduses, and the right and duty of persons and groups to promote human rights. Such an approach, based on the nature of the phenomenon rather than the places where the violations occurred, was less likely to irritate national susceptibilities. That was the advantage of the method adopted by the Working Group on Enforced or Involuntary Disappearances.

106. World public opinion attached great importance to the efforts made by the Group. In that connection, he wished to refer to a petition from more than 1,700 Canadians who requested him to express their congratulations to the Group and to request his delegation to support any proposal aimed at extending the Group's mandate. He fully endorsed that petition.

107. Mr. GONZALEZ DE LEON (Mexico) congratulated the Group on its report, which showed that the efforts of the Group were beginning to bear fruit and that they should be allowed to continue.

108. The Group had visited his country the previous January. From the outset, the Government of Mexico had extended full co-operation to it and would continue to do so until every case had been resolved. His Government noted with satisfaction that the Group had concentrated its attention on only 43 of the much larger number of cases alleged to have taken place in Mexico. Five of those cases had been virtually settled, and his delegation hoped that, as far as the remaining 38 were concerned, it would very soon be possible to satisfy the just demands of the relatives and friends of individuals whose whereabouts had not yet been determined.

109. Mr. POUYOUROS (Cyprus) said that the response of the international community to the Commission's decisions to establish the Group and then extend its mandate left no doubt that it should be allowed to continue its work. After careful study of the Group's report, his delegation had no hesitation in stating that the members of the Group had acted throughout in a responsible manner and in full conformity with their mandate. It was also clear that the Group still had a formidable amount of work to do if it was to respond positively to the demands of relatives of missing persons in many parts of the world. Consequently, his delegation fully supported draft resolution E/CN.4/1982/L.17 calling for the renewal of the Group's mandate and appealed to the Commission to follow its previous practice by adopting the draft resolution by consensus. To know the fate of a missing relative was an inalienable human right, and the Commission had a fundamental duty to continue its consideration of the problem by renewing the Group's mandate.

110. Mr. JAHN (Federal Republic of Germany) expressed sincere thanks to the Director of the Division of Human Rights for his tireless and dedicated efforts, in difficult circumstances, to promote the protection of human rights within the framework of the United Nations.

111. The latest report of the Working Group on Enforced or Involuntary Disappearances showed that the number of so-called disappearances was rising steadily. The international community, and the Commission in particular, should do their utmost to put an end to that horrifying practice and thwart the designs of those who engaged in it or even allowed it to take place. Not all cases of disappearance were, of course, the responsibility of Governments, but that made careful elucidation by Governments all the more necessary. The international community should, where possible, help Governments to discharge their responsibilities; international co-operation in that field could perhaps be improved. What could not be countenanced, however, was the refusal of certain Governments even to reply to the queries addressed to them.

112. Not only did the absolute number of disappearances appear to be on the increase, but the degree of horror had reached an unimaginable level. Some of the cases reported related to children only 12 or 16 months old. In some countries, grandparents had had to form associations in order to investigate their grandchildren's fate. While the situation in some countries gave grounds for special concern, it was clear to everyone that the report was not exhaustive and that the phenomenon existed in many parts of the world which were not mentioned. As a result of government restrictions on the freedom of information and communication, the victims and their relatives were often unaware of their rights. The Commission could not deny its assistance, or at least its attempts to bring assistance, to those unfortunate people.

113. His delegation hoped that the Commission would receive replies from all the States mentioned in the report, at least concerning the steps taken by them to clarify each individual case. His delegation, strongly supported by the population and Parliament of the Federal Republic of Germany, considered the Group's work to be among the Commission's most important activities. The Group deserved thanks for the outstanding work it had done so far. That work should certainly be continued, and his delegation therefore supported draft resolution E/CN.4/1982/L.17, hoping that a positive decision would once again be reached by consensus.

114. Mr. DYRLUND (Denmark) expressed appreciation of the Group's report. He noted with concern that, according to the report, disappearances had continued to occur in 1981 and, in particular, that reports of disappearances had been received from countries not referred to in the Group's previous report.

115. His delegation had noted the special attention accorded in the report to the situation of missing children and agreed that situations affecting and involving children were particularly grave and warranted every attention on the part of the international community. He commended the Group for the importance which it had attached to that question, and for its analysis of the large number of international instruments which were relevant to the question of missing children.

116. The co-operation of Governments was of paramount importance to the Group in carrying out its task. It was regrettable, therefore, that the Group had had serious difficulty in establishing a dialogue with a number of Governments. It was to be hoped that that situation would improve. His delegation was convinced that continued emphasis on the humanitarian character of the Group's mandate would enable it to achieve further positive results.

117. In its conclusions, the Group had rightly pointed out that the habeas corpus procedure prescribed in article 9, paragraph 4, of the International Covenant on Civil and Political Rights was essential in order to protect the individual against "disappearance" and to enable relatives to ascertain the whereabouts of missing persons. According to the report, while most countries had legislation providing for the basic right of habeas corpus, in many cases that legislation had not been enforced. Whatever the reasons for that situation, the Group, together with other United Nations bodies, should continue to emphasize the importance of ensuring the exercise of that fundamental human right.

118. At the previous session of the Commission, the question of publicizing the work of the Group had been raised. That question appeared to have continued relevance since, in the opinion of the Group, a considerable amount of information on missing persons did not reach the United Nations, presumably because the existence of the Group was unknown in certain countries. The effectiveness of United Nations action concerning the question of disappearances could be enhanced if the public was made more aware of what was being done and if individuals and organizations knew how to contact the Group.

119. Since the problem of missing persons persisted, the Commission should in no way reduce the intensity with which it pursued the matter. As the report before the Commission clearly showed that the Group's action had been necessary and had led to some positive results, his delegation strongly supported the extension of the Group's mandate for a further year. It therefore hoped that draft resolution E/CN.4/1982/L.17 would be adopted by consensus and that, in the coming months, the Group would receive the full co-operation of all Governments concerned in carrying out its humanitarian task.

120. Mr. HEREDIA PEREZ (Cuba) said that the practice of enforced disappearances was frequently followed by unpopular régimes in order to suppress opposition to policies detrimental to the interests of the people and to further the interests of colonialists, neo-colonialists, racists and transnational corporations which influenced and/or controlled their countries. However, neither that nor any other method of repression would prevent those fighting for freedom from achieving their final goal. His delegation condemned the murder, torture and ill-treatment of such persons, as well as the practice of "enforced disappearances", a phenomenon which should continue to receive due attention. His delegation, while unable to endorse all the Group's conclusions, nevertheless commended its efforts to find solutions.

121. Mr. ZORIN (Union of Soviet Socialist Republics), noting that cases of mass disappearances continued to occur in some countries, said the desire to put an end to the phenomenon was natural and legitimate, and there was therefore good reason for the item's repeated inclusion in the Commission's agenda. The Soviet Union had always unconditionally condemned the phenomenon and was of the view that States in whose territory it took place should take immediate steps to eradicate it. The practice of involuntary disappearances was a manifestation of gross and mass violations of human rights committed by the authorities of the States concerned or with their connivance. It had become one of the methods of disposing of representatives of progressive movements. That was true, first and foremost, of such countries as South Africa, Chile, El Salvador and Guatemala, whose ruling circles relied on moral and material support from the United States.

122. His delegation had repeatedly pointed out that the effectiveness of measures against the practice of mass disappearances depended first and foremost on the Governments of the States in question. The Commission's task was to mobilize world public opinion in the struggle against that shameful phenomenon and thereby compel the Governments concerned to abandon the practice. That was the general approach underlying his delegation's appraisal of the activities of the Working Group on Enforced and Involuntary Disappearances.

123. It would be remembered that, when the Group had been set up and again when its mandate had been extended for a further year, his delegation had expressed doubts as to the expediency of those steps. Those doubts arose from the fact that the Commission already had at its disposal suitable procedures and means that could be used for the examination of communications and the adoption of appropriate measures. Far from dispelling those doubts, analysis of the Group's second report (E/CN.4/1492) had enhanced them.

124. The practical results of the Group's two years of activity were more than modest. That applied both to specific results and to the concluding observations and recommendations submitted by the Group for the Commission's consideration. Taken as a whole, those conclusions and recommendations were undoubtedly correct, but they in no way justified establishing and maintaining a special group at very great expense. What, indeed, were the conclusions reached? In paragraph 175, the Working Group reported that it had had the chance to ask questions and as a result had received a certain amount of useful information. In the next paragraph it conceded that pressure at the international level was not, of course, brought to bear only through the Working Group. In paragraph 184 it agreed that arrests should be made only by competent and duly identified authorities, and that the arrested persons should be kept in premises designed for that purpose; and in paragraph 185 it put forward the view that the resolution of the phenomenon depended basically upon the proper implementation of existing national laws. All the above was unexceptionable and self-evident, but it hardly seemed to warrant two years' work at a cost of \$1 million.

125. Having thus concluded that the practical results of the Group's activity were somewhat ephemeral, his delegation could not ignore the substantial negative aspects of those activities. It considered unjustified the establishment of yet another procedure for the examination on human rights communications - a procedure divergent from principles recognized within the United Nations, and, more particularly, from the principle according to which United Nations bodies could study communications relating to violations of human rights only in the case of reliably established patterns of gross violations.

126. It was evident from the report that one of the Group's principal sources of information were communications from non-governmental organizations. Furthermore, the Group had on a number of occasions given marked preference to those communications over information received from Governments. The authors of the communications had not been required to prove the truth of their allegations; on the contrary, Governments had been asked to provide explanations even on very slender grounds. A paradoxical situation had resulted, in which it was sufficient for an individual or a non-governmental organization to send a letter alleging that an individual was thought to have disappeared for the Group to demand explanations from the Government concerned, to put it in the position of an accused party, and to ignore or disbelieve the explanations it supplied. The sections of the report dealing with Ethiopia and Nicaragua, in particular, bore witness to striking tendentiousness and lack of objectivity. His delegation considered such an approach inadmissible. The United Nations had rules against casting unjustified doubt upon



the legitimacy of the actions of sovereign States and disseminating those doubts in the form of official documents of the Organization. For all those reasons, his delegation was more doubtful than ever as to the advisability of extending the Group's activities. Two years of a costly experiment were surely enough to conclude that the Group was unnecessary. The draft resolution to extend the Group's mandate (E/CN.4/1982/L.17) should take account of all the views expressed.

127. Mr. HUTTON (Australia) said that the report of the Working Group reflected an admirable balance between a conciliatory humanitarian approach to a widespread and particularly distressing form of human rights violation and the necessity to secure as full an acceptance of its work as possible by all those concerned. His delegation strongly supported the way in which the Group was proceeding and recognized its activities as one of the most significant advances in the Commission's work in recent years. Accordingly, he supported draft resolution E/CN.4/1982/L.17 calling for the extension of the Group's mandate.

128. He expressed the hope that all members of the Commission would recognize fully that the Group was not inquiring into the politics or activities of the missing persons and that it sought co-operation rather than condemnation. Increasing numbers of people throughout the world were protesting against the phenomenon of disappearances. In the past few days, his delegation had received an appeal from 700 Australian citizens calling for an indefinite extension of the Group's mandate and urging all Governments to co-operate with the Group in its efforts. The increasingly widespread attention which the problem had been attracting could be attributed partly to the Group's activities.

129. The report of the Group showed that the problem of disappearances remained one of the most serious in the field of human rights. The number of missing persons was increasing, and the international community should in no way reduce the intensity with which it was currently pursuing the matter, particularly since there was every indication that that community provided an effective forum for the exposure and prevention of disappearances.

130. Mr. HABIYAKARE (Rwanda) said that, as had been pointed out at the opening of the session by Mr. van Boven, the Director of the Division of Human Rights who was to be commended for his dedicated and untiring efforts in the cause of human rights, the right to life must be protected by law and no one must be arbitrarily deprived of it. The murder and disappearance of human beings were among the most serious and widespread violations of human rights. That sad fact had prompted the General Assembly to consider the question and had resulted in the establishment of the Working Group.

131. His delegation, while commending the Group for its report, was nevertheless concerned about the enforced or involuntary disappearances occurring in an increasing number of countries throughout the world. Those disappearances formed part of a pattern of human rights violations by States which had nevertheless ratified or acceded to the various international instruments

relating to the protection of human rights. It was not enough to incorporate those instruments into domestic legislation; they must also be put into everyday practice. In that regard, the independence of the Judiciary was of paramount importance. Moreover, the right to a fair and prompt trial, in public, should be scrupulously respected, and arbitrary and secret detentions should be eliminated once and for all.

132. There were cases, however, where legislation itself violated human rights. Such was the situation in South Africa, where an individual could be caused to disappear quite legally and his relatives could be denied any information as to his fate. That was a logical consequence of the institutionalization of the racist system of apartheid. The international community had an obligation to continue its struggle against that phenomenon. Other States still engaged in a form of barter with individuals who, in many cases, had been arrested for purely political ends. The international community had a duty to continue to make every effort to discourage such violations of human rights.

133. As noted in the report, in order to be effective, the Group needed the co-operation of Governments, which must provide it with all relevant information on missing persons. In return, the Group and the Commission had an obligation to exercise discretion in order to ensure that the information provided was not divulged in a way which infringed the sovereignty of States. The same discretion should be exercised in dealing with information from private individuals whose personal safety might be at risk if the information was divulged.

134. His delegation hoped that the Group's mandate would be extended in order to enable it to continue providing invaluable assistance to the Commission and, in particular, to the relatives of missing persons.

135. Mr. NOVAK (United States of America) noted with satisfaction the progress made towards achieving consensus on a convention on torture. The ability of human beings to inflict pain on one another had always shocked and sickened decent persons. A new international convention would constitute a truly meaningful instrument with which to combat the horror of torture. Some States still argued that acts of governmental tort re committed within their territory should be dealt with on a national basis. Nevertheless, there were some instances in which States failed to act against officials who were alleged to have been involved in torture. His delegation earnestly supported the drafting of a convention and hoped that every delegation would soon join in a universal consensus, so that no one would ever again be tortured with impunity by any official of any Government.

136. His delegation had read with emotion and admiration the report of the Working Group on Enforced or Involuntary Disappearances. That Group was one of the most effective bodies so far established by the United Nations and had been instrumental in saving tens of lives and in bringing long-awaited news to hundreds of families. The Group was admirable in that it was unbiased, had no double standards and was apolitical. It investigated all cases which fell within the terms of its mandate and was concerned solely with individuals. In the daily execution of its tasks, the Group had been the soul of discretion, practicality and wise co-operation with all parties concerned. Even Governments which had once been suspicious had come to admire its tact and wisdom. His delegation urged all Governments, particularly those as yet unwilling to co-operate, to have confidence in the good sense, discretion and fair-mindedness of the Group.

137. His delegation was impelled, on strictly humanitarian grounds, to support the Government of Sweden on a matter which did not fall within the mandate of the Working Group on Enforced or Involuntary Disappearances. On 9 July 1944, a young man named Raoul Wallenberg had been appointed First Secretary to the Swedish legation in Budapest with the task of assisting in saving thousands of Jews from being herded into death camps. Mr. Wallenberg had personally helped to save the lives of 20,000 individuals and had been instrumental in the eventual liberation of some 100,000 more, many of whom had become citizens of the United States and of many other countries represented in the Commission. One of them had since become a member of the United States Congress. For his idealism and bravery, Mr. Wallenberg had been made an honorary citizen of the United States.

138. On 17 January 1945, he had been taken prisoner and deported, and nothing had been heard of him until 6 February 1957, when Mr. Gromyko, the Soviet Deputy Minister for Foreign Affairs had reported that he had been imprisoned in Moscow and had died suddenly in his cell in Lubyanka prison on 17 July 1947. Since that time, many reports had led Mr. Wallenberg's family and friends to believe that he had been seen and talked to a number of times.

139. His delegation urgently hoped for a humanitarian gesture, in the shape of a renewed search and full report which would answer a number of questions or, better still, result in the discovery of Mr. Wallenberg's whereabouts.

140. Mr. OTUNNU (Uganda) commended the Working Group for its comprehensive report. His Government had always attached great importance to the activities of the Group because of the widespread suffering which the phenomenon of disappearances continued to cause throughout the world. The Ugandan authorities had received only one inquiry from the Group and had been able to provide a full reply concerning the whereabouts of the individual concerned, who was living outside the country.

141. His Government would continue to co-operate with the Group on all matters addressed to it and his delegation would support draft resolution E/CN.4/1982/L.17.

142. Mr. TERREFE (Ethiopia) said that much time could be saved if, in future, the Working Group concentrated on new and reliable evidence of consistent patterns of disappearances, rather than devoting much of its report to past decisions of the Commission or reviewing matters already dealt with. The secretariat, in providing the Group with the necessary documentation and supporting services, should avoid presenting redundant and sometimes flimsy information or burdening the Group with allegations that had already been refuted.

143. With regard to the Group's methods of work, it was his delegation's considered view that, like some other subsidiary organs of the Commission, the Group had progressively encroached upon responsibilities attributed to the Commission itself. It was not uncommon for the Group to request from Governments information that had already been submitted and even to insist on visiting the country concerned. Such action was entirely outside the mandate of the Group, which should continue to focus attention on the humanitarian aspects of its work.

144. The type of information made available to the Group should be subjected to critical examination, to determine the reliability and admissibility of the sources and to prevent the Group from being used simply as a political forum. In particular, the tendency of certain non-governmental organizations to use the Commission and its subsidiary organs for purely political ends should be resisted. Unless the performance of the non-governmental organizations in consultative status vis-à-vis the Commission was reviewed at appropriate times, the contributions of an increasing number of those organizations would become counterproductive or even have adverse effects on the work of the Commission and on the co-operation which it maintained with member countries. That point was particularly significant in view of the fact that the non-governmental organizations were directly responsible to their own legislative bodies and that their permanent observer status gave them an advantage over the rotating membership of the Commission. That advantage should not be used to promote ideas that might not always be consistent with the ideals and objectives of the Commission. The various means of dealing with submissions by non-governmental organizations suggested in the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fourth session (E/CN.4/1512) could also be applied by the Group.

145. Nevertheless, the Group's remarkable performance over the past year could not be denied. His delegation fully endorsed the action taken by the Group to establish contact with the special envoy or Special Rapporteur on the human rights situations in various countries.

146. Referring to the information concerning Ethiopia, he said that he did not see any need to keep alive a non-existent problem. Whether the sources of the allegations in question were members of families living outside the country, countries whose hostility to Ethiopia was well known, Church organizations or professional associations, his Government had done its utmost to co-operate with the Group in order to expose the falsity of the allegations and to assure the Group and the sources concerned that the phenomenon of disappearance did not apply to Ethiopia.

147. As to draft resolution E/CN.4/1982/L.17, his delegation hoped that, if the Commission decided to extend the Group's mandate, the Division of Human Rights would provide it with competent and objective services, thus enabling it to perform its functions in a more effective, detached, and conclusive manner and avoiding its unnecessary perpetuation.

148. Mr. BETTINI (Italy) expressed his delegation's deep appreciation of the results achieved by the Working Group and the diligence with which it had carried out an onerous task. The mandate of the Group should be renewed and possibly broadened on the basis of the proposals made by the Group itself.

149. His Government had always considered the phenomenon of enforced disappearances to be unacceptable and unjustifiable, regardless of the socio-political context in which it occurred. Italy's solidarity with the innocent victims of such practices had been recently demonstrated by the President of Italy, who had received a group of mothers of missing children. The existence of the phenomenon of disappearances was attributable to the basic weakness of the Governments concerned.

Even in very difficult times, and regardless of the methods used by the political opposition, the use of unconstitutional or undemocratic methods by Governments was unthinkable. He appealed to all the Governments concerned to provide the Group with clear and satisfactory information on all cases still unresolved and thus help to eliminate the shameful phenomenon of disappearances once and for all.

150. Mr. EWERLÖF (Observer for Sweden) said that his delegation whole-heartedly supported the renewal of the Working Group's mandate. The truly humanitarian spirit in which the Group had helped relatives of missing persons to determine what had happened to their loved ones had been greeted with acknowledgement and respect by Governments in all parts of the world, including States where the reports of disappearances had been most numerous. Governments had answered inquiries from the Group and, in a few instances, had provided precise information as to the fate and whereabouts of missing persons. The fact that Governments were becoming increasingly sensitive to accusations that they were responsible for pursuing a policy of disappearances appeared to indicate that the international community was an effective forum for the exposure of such policies and practices.

151. The report of the Group concluded that the number of missing persons was increasing. During its two years of existence, the Group had been notified of about 15,000 cases. Given the fact that the existence of the Group was just becoming known in many quarters, the number of cases reported to it was bound to increase still further. In 55 cases, the Group had called for urgent investigations concerning persons who had recently disappeared and whose lives might be in danger. It was probable that some of those urgent demands had saved lives.

152. One case which had attracted a great deal of international attention was that of the Swedish diplomat Raoul Wallenberg. Since the case differed in many respects from the systematic disappearances that were reported to the Group, his Government had refrained from bringing it to the Group's attention. Raoul Wallenberg had been engaged in important humanitarian activities in Budapest at the end of the Second World War and may well have been instrumental in saving thousands of Jews from certain death. In January 1945, he had been taken into custody by Soviet troops and had not been heard from since. The Swedish Government had repeatedly raised the matter in bilateral contacts with the Soviet Government and at the Conference on Security and Co-operation in Europe, but no satisfactory explanation had ever been given. Over the years, an enormous amount of documentation on the case had been collected with the assistance of many Governments, organizations and individuals. Until proof to the contrary had been produced, the Swedish Government would continue to consider Mr. Wallenberg to be alive and would do everything in its power to ascertain the truth.

153. Mr. SAAVEDRA WEISE (Observer for Bolivia) noted that the report of the Working Group referred to 32 alleged cases of disappearance in Bolivia, whereas the report of the Special Envoy (E/CN.4/1500) referred to only 21 such cases. That was a substantial discrepancy and obviously called for clarification. His Government's readiness to co-operate had been noted by the Special Envoy during his visit and was also referred to in the Group's report. The Government would continue to co-operate with the international community and with the families of those alleged to have disappeared until the facts had been fully established.

154. In dealing with reports submitted by non-governmental organizations, the Commission should endeavour to ascertain whether the information provided was reliable since, in many cases, reports were either exaggerated or far from the truth. His delegation hoped to be in a position to provide more specific information on the questions dealt with in the report in the near future.

155. Mr. VEGA (Observer for Nicaragua) said that his delegation, while commending the Working Group for its work, was surprised to note that the information relating to Nicaragua contained in the current report was virtually the same as the information which had been submitted at the thirty-seventh session of the Commission, when a full explanation had been provided. As had been stated at that time, a number of the alleged disappearances referred to in the report had occurred prior to 19 July 1979, under the Somoza régime, and the remainder had occurred during the war of liberation. As had also been explained at the previous session, the difficult circumstances prevailing during the change-over period, the lack of police and judicial activities, and the time which had elapsed before the Government had been able to exercise full control throughout the country had led the authorities to conclude that a thorough investigation would be impracticable.

156. Of the five remaining cases of alleged disappearance, three had already been dealt with. The circumstances surrounding the two others were unclear, as the Chairman of the Group had been informed in a communication dated 5 September 1981. In that connection, his delegation was deeply concerned about the treatment of reports which did not even contain the minimum information necessary to enable the investigation to be continued and were therefore inadmissible. The Nicaraguan authorities were continuing inquiries, despite the fact that the only effect of such allegations was to blacken the image of a Government which had fought tenaciously to establish a system which permitted the full exercise of human rights. The limited number of allegations made against Nicaragua, the circumstances in which the events were alleged to have taken place and the insubstantial nature of the arguments put forward all indicated that the phenomenon of disappearances did not exist in Nicaragua. Since the overthrow of the Somoza régime, the effective enjoyment of human rights had been ensured and the problem of disappearances practically eliminated. For that reason, his Government requested, as it had done at the previous session of the Commission, that the situation in Nicaragua should no longer be dealt with by the Group or be mentioned in future reports together with countries where torture, disappearances and the violation of human rights were used against political opponents.

157. His delegation urged other governments to apply the same humanitarian norms as his own and congratulated the Group on its report in so far as it related to other countries. The Nicaraguan Council of State was currently considering the text of a statement announcing its support for the draft convention declaring enforced disappearances to be a crime against humanity. He reiterated his Government's readiness to co-operate with the Group whenever necessary and supported the renewal of its mandate.

158. Mr. BERGTHUN (Observer for Norway) commended the Working Group for the high quality of its report. It was saddening to note that the phenomenon of enforced or involuntary disappearances was becoming more widespread. That phenomenon must be regarded as a particularly severe violation of the most fundamental human right, namely, the right to life, and should therefore continue to be the focus of international attention.

159. The success achieved by the Group could be attributed not only to the fact that its mandate was well-balanced, but also to the flexibility and genuinely humanitarian approach adopted by its members. It was encouraging to note that a large number of Governments had co-operated very readily with the Group in investigating individual cases brought to their attention. He noted that, in the Group's view, the problem of enforced or involuntary disappearances could be solved by the proper implementation of existing national laws. In many cases, the Judiciary was not working properly or was intimidated or directly controlled by other branches of Government, contrary to the Constitution of the country concerned.

160. By exposing individual cases to the international community, the Group was able to exert pressure enabling the Judiciary in the countries concerned to function properly. A most positive aspect of the Group's activity was its intervention in individual cases under its emergency procedure. There were clear indications that that procedure had saved lives. Moreover, the activity of the Group in itself had a deterrent effect. Particularly disturbing to his delegation, however, were the accounts of disappearances of babies and children, an aspect of the problem which warranted special attention on the part of the international community.

161. He expressed the hope that the Group's activities would be continued and expanded in the coming year. If time and resources allowed, it would be useful if the Group could present further material shedding light on the historical context in which disappearances had taken place.

162. Mr. LAURIJSSEN (Observer, International Confederation of Free Trade Unions) agreed with previous speakers that the phenomenon of involuntary disappearances was a growing source of concern. Terrorists and national security or police authorities alike seemed to regard the simple disappearance of their victims to be the most advantageous method of oppression available to them. Trade unionists and workers continued to be among the main victims in countries under authoritarian régimes. The report of the Working Group referred to numerous individual and collective cases of disappearances of trade unionists and indicated that disappearances in general had increased in number and had become more widespread. The disappearance of children was a horrible and unthinkable crime which the outside world had been practically unaware of until the Group had shed light on the situation. The report also showed that the application of the emergency procedure had brought about the release of a number of detainees and had enabled the Group successfully to intercede in favour of persons facing an even more critical situation.

163. The Group was doing excellent work, but its enormous task was far from completed. In fact, after two years the Group was only just beginning to acquire a reputation, so that more organizations and complainants were making use of its services, while at the same time some Governments were showing greater willingness to co-operate with it. His organization wished to express deep appreciation for the work of the Group and urged that its mandate should be extended. At the same time adequate resources must continue to be made available to ensure that it functioned properly and effectively. He therefore welcomed draft resolution E/CN.4/1982/L.17, although he would have preferred the mandate of the Group to be renewed not for just one year, but for as long as the intolerable practice of enforced disappearances continued to exist.

The meeting rose at 8.20 p.m.