

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL  
E/CN.4/1982/SR.52  
15 March 1982  
ENGLISH  
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 52nd MEETING

held at the Palais des Nations, Geneva,  
on Monday, 8 March 1982, at 10 a.m.

Chairman: Mr. GARVALOV (Bulgaria)

CONTENTS

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories (continued)

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GE.82-15913

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

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued) (E/CN.4/1476-E/CN.4/Sub.2/472; E/CN.4/1478-E/CN.4/Sub.2/478; E/CN.4/1495, 1500 and Add.1, 1501 and Add.1-2, 1502, 1503, 1514-1517; E/CN.4/1982/4, 24; E/CN.4/1982/L.27, L.45; E/CN.4/1982/NGO/1 and Add.1, 9, 15, 21-23, 25-27, 32)

1. Viscount COLVILLE OF CULROSS (United Kingdom) said that, in his statement at the opening of the session, the Director of the Division of Human Rights had stressed the importance of the most fundamental human right, the right to life, and had drawn attention to some of the most appalling violations of that right in recent years. Governments and the Commission on Human Rights had an obligation to pay due attention to all the rights set out in the Universal Declaration of Human Rights, the International Covenants and the various other international instruments relating to human rights, but it was nevertheless undeniable that some violations were more flagrant than others. The Commission could not undo the past but it did have a duty to do what it could to prevent a repetition or continuation of such sufferings.
2. The General Assembly and the Commission had repeatedly adopted resolutions on some of the most flagrant violations of the right to life, such as disappearances and summary executions, practices which his delegation condemned wherever they were committed. Such violations were not confined to the few countries on which the Commission concentrated its attention and his delegation would like it to be more even-handed in that regard. As Mr. van Boven had said at the opening of the session, the Commission could not and should not ignore human rights violations in certain countries because for one reason or another violations elsewhere were not accorded similar attention by the international community.
3. His delegation wished to thank the authors of the reports on the situation in El Salvador, Guatemala, Bolivia, and Iran submitted under agenda item 12, and of the report on Chile submitted under item 5. It also thanked the Bolivian and Salvadorian Governments for their co-operation, since it attached great importance to co-operation between the Commission and the authorities of the countries under its scrutiny. The greater the blemishes in a country's record, the greater the embarrassment of its Government in being scrutinized by the Commission. The Commission and all delegations represented on it should therefore extend their appreciation to the Bolivian and Salvadorian Governments for having co-operated with the Commission despite their internal difficulties. His delegation regretted that the other countries on which reports had been prepared had not acted similarly. While the Commission must be ready to pass judgement, it must also be ready to commend improvements achieved in the human rights field, failing which it might simply become a body for useless condemnation which had no effect on the real world outside.
4. In El Salvador and Guatemala the right to life was clearly being violated deliberately and on a widespread scale. The atrocities of which innocent people were the victims were not restricted to any one side. His delegation condemned all of them equally since, in its view, the right to life, and other important rights, would be secure only when both sides ceased acts of violence in each case.

5. While it recognized that in situations of violence Governments might have difficulty in imposing the rule of law, his delegation noted with concern the conclusion of the Special Representative on El Salvador that violations of human rights involving attempts on life, liberty and security of person were in the majority - but not solely - perpetrated by members of the State apparatus and by groups of the extreme right, that murder and torture were practised on a wide scale, and that the executive and judicial organs had adopted a very widespread attitude of passivity and inactivity. His delegation welcomed the Government's recent action in dealing with a substantial number of members of the security forces, as well as comments in that regard, but that did not entirely allay its concern.

6. The report on the human rights situation in Guatemala suggested a similar passiveness on the part of that country's Government. As stated in document E/CN.4/1501, the Inter-American Commission on Human Rights had concluded that the violence "has been either instigated or tolerated by the Government" and had "resulted in a ... deterioration of the human rights set forth in the American Convention on Human Rights". His delegation regretted that the submission of the Government of Guatemala annexed to document E/CN.4/1501 did not seriously address those very serious allegations or encourage the Commission to believe that it was treating them with the seriousness which they merited.

7. It was to be hoped that the Salvadorian and Guatemalan Governments would take all the necessary steps to protect their peoples from violations of basic human rights and, in particular, to exercise greater supervision over all Government institutions and organizations. In addition, the people of both countries should be enabled to determine their future peacefully and democratically.

8. His delegation associated itself with the General Assembly of the Organization of American States, which in December 1981 had adopted a resolution expressing the hope that all Salvadorians might achieve a climate of peace and harmony through genuinely democratic elections, and also with the Special Representative, who likewise expressed support in his report for free and fair elections. Those elections were to be held in March. His Government had doubts about the conditions in which they were to be held, and it intended to send two independent British observers whose report would be presented to Parliament and made public.

9. The report on the human rights situation in Bolivia (E/CN.4/1500/Add.1) did not indicate gross and continuing violations of human rights on a scale similar to those occurring in the two countries he had already referred to, but it still gave cause for concern. The Special Envoy had noted that, following the military coup in 1981, grave, massive and persistent violations of human rights had been committed in Bolivia, including violations by the State authorities or groups acting in collusion with them or without interference from them. The Special Envoy stated that, since September 1981, there had been a relative and partial improvement in the situation, and the United Kingdom delegation trusted that the resolve expressed by the Government would be translated into real and positive action. In the meantime, the United Kingdom was continuing to reflect its concern by restricting its relations with the Bolivian Government.

10. Although there had been a marked improvement in the situation in Chile since 1973, it seemed to have deteriorated in some areas in 1981, particularly in the increasing institutionalization of the mechanisms of oppression and repression. A reduction in the number of complaints of torture had been balanced by an increase in complaints of threats, harassment and intimidation, and of deaths in doubtful circumstances. In addition, prominent political figures had been expelled and new restrictions had been imposed on freedom of expression and trade union rights. Moreover, the authorities had not always satisfactorily investigated the cases of the hundreds of persons who had disappeared between 1973 and 1977. The question of the human rights situation in Chile had already been before the Commission for too long, but the Special Rapporteur's report gave few grounds for optimism; that was all the more strange since there did not now appear to be a serious internal security problem in Chile.

11. Under item 12 of its agenda, the Commission also had before it a note by the Secretary-General on the treatment of the Baha'i community in Iran (E/CN.4/1517). That community continued to be subjected to a particularly vicious campaign of persecution. The Baha'is continued to be the victims of summary executions carried out as part of a general campaign of harassment and intimidation which seemed to be directed at them in particular. The United Kingdom had been concerned about recent reports that as from March the Baha'is would be excluded from the registration of citizens, and would thus be denied the right even to purchase food; that appeared to amount to a decision by the Iranian authorities to exclude, for religious reasons, a group of its citizens from the basic right to sustain themselves. In adopting resolution 8 (XXXIV), the Sub-Commission on Prevention of Discrimination and Protection of Minorities had expressed its concern at the situation, which his delegation shared. The Iranian authorities should be urged to ensure that all their citizens could enjoy their human rights and, in particular, the right to life and to freedom of thought, conscience and religion.

12. The discrimination and persecution of religious minorities was a matter of concern to the United Kingdom. In the Soviet Union, for example, the victims were Christians and other believers who sought only the freedom to profess and practise their faith. The Soviet authorities persecuted those whose beliefs did not fit in neatly with their own ideology, a policy also applied to those who sought to protect human rights in that country.

13. The Commission had a particular duty towards those who were working for the same objective as it was. Tolerance was an essential ingredient in the Universal Declaration of Human Rights and other human rights instruments. Every Government should allow those of its citizens who disagreed with its policies to express their views freely. His delegation was particularly concerned at the situation in Poland, where that right was currently being denied. The Polish representative had stated that it was not for the Commission to deal with the situation in Poland because those who wished to raise the matter had been prompted by other than human rights considerations and merely wished to distract the Commission's attention from human rights violations elsewhere in the world. His delegation vigorously rejected those suggestions. The Commission had adopted resolutions concerning southern Africa, the Middle East, Asia and Latin America. There was no reason why any country should be excluded from its attention just because it happened to be developed, to be in Europe, and to have powerful friends. The reason why his delegation was speaking of Poland was that there, as in other countries, human rights were being seriously violated.

14. The wide-scale repression of the preceding few months following the imposition of martial law had given rise in the United Kingdom to concern which matched the hope that the developments in the situation since August 1980 had appeared to offer. The representative of Poland had said that the decision to impose martial law had finally been taken to protect the right to life and to prevent the dangers of civil war. In the view of the United Kingdom delegation, the violence that reigned in Poland was the consequence and not the cause of martial law being imposed; martial law had been used to repress a broadly based national movement, particularly in the field of trade union rights, guaranteed by article 8 of the International Covenant on Economic, Social and Cultural Rights. The representative of Poland had described the leaders of that national movement as adventurist and extremist. If that were so, and if that movement did not have overwhelming popular support, it was difficult to see why the Polish authorities had needed to impose such widespread restrictions on freedom of movement, freedom of association and freedom of information, and why the Soviet authorities had felt the need to jam foreign-language broadcasts to Poland. The Polish Government had given an assurance that the country would soon return to the path of renewal and reform, but the lack of progress in that direction was to be noted with regret.

15. Lastly, the representative of Poland had affirmed that his country possessed the right to determine its own path of economic and social development. The United Kingdom delegation whole-heartedly endorsed that affirmation, but would add that, under article 1 of both the International Covenants, that right belonged to peoples. Since the imposition of martial law, the Polish people had been deprived of it and of other rights set out in the Universal Declaration and the Covenants. Those were the reasons why the United Kingdom delegation considered that the situation in Poland should be a matter of concern to the international community and specifically to the Commission, and why it whole-heartedly supported draft resolution E/CN.4/1982/L.27.

16. His delegation believed that the Commission should have the courage to deal with particularly flagrant human rights violations without fear or favour: its credibility depended on that.

17. His delegation welcomed the report on human rights and mass exoduses (E/CN.4/1503), which it hoped would lead to the necessary measures being taken to remedy the situation which the report described.

18. Mr. SCHIFTER (United States of America) recalled that under provisions of law enacted by the Congress, the United States Department of State prepared annually a report on the state of human rights throughout the world. There were those who might think it was arrogant on the part of one country to assess systematically the human rights situation in all the other countries. However, upon deeper analysis, it would be recognized that the preparation of reports of that kind reflected the genuine concern of the average American for his fellow-men throughout the world. There was in fact a close affinity between the outlook adopted by the Government in preparing the reports and the outlook underlying the creation of the Commission and the adoption of the Universal Declaration. The common bond was the recognition there were some basic rights which every human being possessed and of which no Government should rightly deprive him. By defining internationally accepted standards of human rights, the Universal Declaration based itself, to paraphrase the poet John Donne once more, on the proposition that no country was an island entire by itself.

19. It might be asked whether by its activities the Commission interfered in the domestic affairs of individual countries. The Commission adopted resolutions on the behaviour of certain countries with regard to their internal affairs. It commented on the lack of observance of certain rights by certain Governments. When it decried apartheid it did indeed decry a domestic law. When it pronounced itself against religious intolerance, torture, mass arrests or detention without trial, it was passing judgement on a country's actions towards its own citizens. Nevertheless, the fact was that the Commission did not intervene in domestic affairs. It expressed the hope that it could persuade countries to take its collective concerns to heart and to effect improvements in the human condition. Approval of a resolution in the Commission or in any other international forum was clearly not a goal in itself, and it was for that reason that the United States used bilateral contacts and diplomacy whenever it could to effect improvements in human rights conditions. Only when that method could not be used or appeared unlikely to produce useful results did the United States regard a public effort as constituting the right approach.

20. The most recent assessment of human rights conditions in all countries, from Afghanistan to Zimbabwe, had been communicated to the United States Congress on 29 January 1982. The reports included the opinion of the United States on the human rights situation in each of the countries expressly named under agenda item 12: El Salvador, Guatemala and the others. The human rights situations in those countries deserved to be singled out either because they constituted long-standing egregious violations of human rights to which the Commission had failed to pay adequate attention in the past or because they reflected a recent deterioration in human rights conditions. By tradition the Commission focused its attention on human rights problems in Latin America. Such problems did exist; however, a different yardstick had been applied to them from that applied in other regions of the world. It was worthy of note that the four countries named for public debate under agenda items 5 and 12 were all Latin American countries. At the same time the only totalitarian tyranny in the region, namely Cuba, was omitted from all debate on the human rights situation in Latin America. Yet the thought-control system instituted in that country in violation of articles 12 and 19 of the Universal Declaration and other internationally recognized human rights standards was one of the most pervasive in the world. Furthermore, in violation of article 13 of the Universal Declaration, Cuba generally refused its people the right to leave the country. When the door had opened a little in 1980 125,000 people had left, and it was estimated that half a million had applied to emigrate.

21. Before Fidel Castro's régime had been installed, the country had had many writers and artists. But after that cultural life had been "cleansed", in the 1970s trials for "ideological deviation" had become frequent and the campaign to terrorize intellectuals had culminated in the arrest and forced recantation of the poet Heriberto Padilla. Since unauthorized publication or even the possession of unauthorized publications was severely punished, works not published by the State were neither reproduced nor circulated except in intimate circles of friends. The great Cuban dramatist Virgilio Pinera had been dismissed from his post in 1971 for failure to conform to the "parameters" of political culture. He had ended his

days in miserable conditions and his manuscripts had been confiscated by the State on his death in 1979. The case might also be cited of the internationally celebrated poet Angel Cuadra, who had been imprisoned for seeking permission to leave Cuba. For that he had been charged with conduct against the security of the State. Released on parole in 1976, he had been imprisoned again after the publication in the United States of an anthology of his apolitical poems. Released once more in 1979, he had been rearrested for "rehabilitation" and was still in prison. Cuban prisons did not only hold poets but also, 23 years after the revolution, as many as 1,000 political prisoners. As the Inter-American Commission on Human Rights had noted in its 1979 report on Cuba, the exact number of political prisoners was not known, since international human rights organizations had not been allowed to conduct investigations in Cuba. There were those who said that a resolution must concentrate first on economic rights and only later on political rights. Political rights in Cuba were among the lowest in the world, but at the same time the national economy had declined to the point where 25 per cent of the gross national product consisted of foreign aid, paid for by the workers and farmers of the Soviet Union. That was the record of Cuba, the country which imprisoned its poets.

22. Another human rights problem in the northern hemisphere was that of the Department of Zelaya, the eastern province of Nicaragua. That former British possession had been ceded to Nicaragua in 1894. Although it constituted over half of Nicaragua's territory, it contained only about 10 per cent of the population, consisting of about 100,000 Indians, Miskitos for the most part, the rest being Creoles. Left alone for many years, the residents of Zelaya had maintained their traditions and their institutions. The Moravian and Catholic Churches had largely provided social services, including schools and hospitals. The situation had changed completely with the arrival of the Sandinistas, who had set about bringing their own brand of civilization to the Department of Zelaya. The natives set store by their traditions and institutions and had rejected the way of life that was to be forced on them. In 1979, differences between the Sandinistas and the natives of the region, particularly the Miskitos, had only occasionally resulted in violent confrontations. However, as the representatives of Managua had increased their efforts to dismantle local institutions and replace recognized community leaders, resistance had become stronger. As resistance had increased, so had repression. In recent months violence had culminated in the bombing of Miskito villages and the arrest or death of many Miskitos. According to one report, the badly wounded had been buried alive with the dead. In December 1981, 200 Miskitos had fled to Honduras, and according to a report from the United Nations High Commissioner for Refugees, 12,000 people had been displaced. The Miskitos would undoubtedly be accused of being counter-revolutionaries. Members of the Commission, who were familiar with the problems of colonialism, would understand the importance of protecting indigenous peoples against efforts by outsiders to remake them forcibly in their own image. The Miskitos needed the help of the Commission and they needed it immediately.

23. He also wished to draw attention to recent events on another continent, Asia. Over 100,000 Hmong and other Laos highlanders had been forced to flee to Thailand. Since 1976 the attackers had been reported to have used various means of destroying those peoples' villages. Many of the inhabitants were dead and the survivors were suffering from vomiting, bloody diarrhoea, fever, nose-bleeding and dizziness. Since 1981 new evidence in the form of organic samples containing large concentrations of highly lethal poisons had arrived from Laos. They added further weight to the view that chemical and biological weapons were being used in Laos against the Hmong population. However, the Lao Government had so far refused to co-operate with international organizations wishing to investigate the situation which had given rise to such reports.

24. In Europe, the Czechoslovak authorities had regrettably taken repressive measures in May 1981 against 26 human rights activists, who had been arrested; 16 of them had been charged with acts of subversion against the Republic. They were writers, poets, journalists and scholars, including Jirina Siklova, a sociologist, and their major offence appeared to be that they had published their works, most of them non-political, abroad. In many countries subversion meant acts of violence designed to overthrow the Government, but in Czechoslovakia it sufficed, in order to be accused of that crime, to have sought to exercise the right to freedom of opinion and expression, which were guaranteed by article 19 of the Universal Declaration.

25. The Charter 77 movement, however, was a movement of intellectuals and students, joined by some workers. In a neighbouring country, on the other hand, the call to defend human rights came from a movement consisting almost entirely of workers. It would be one of the great ironies of history that the first truly massive spontaneous movement of workers, of the kind envisaged by Karl Marx, had arisen in a State which called itself Marxist and had been repressed by the bureaucratic apparatus which presided over the destinies of countries adhering to Leninist doctrine.

26. There were those who thought that the events in Poland on 13 December 1981 differed in no way from the military coups which had taken place in many other countries; his delegation was ready to prove to them that the situation in Poland was however unique. The events in Poland had been brought about by the birth of a truly popular movement of workers, not headed by intellectuals, who had asked by peaceful means to help shape their own destiny. Their organization, Solidarnosc, with a membership of 10 million, had carried no arms and had planted no bombs. They had merely asked to exercise their rights under articles 19 and 20 of the Universal Declaration. The organization had represented no threat to the State, but its efforts to negotiate a better life for the people had sufficed to unleash the grave violations of human rights which had occurred from 13 December onwards: mass arrests, the imposition of martial law and 10-year prison sentences for those distributing leaflets. An unprecedented move was that the head of government had declared a state of war to face down a totally unarmed movement composed solely of workers.

27. The second unique aspect of events in Poland was that General Jaruzelski had done what he had because it had been made clear to him that otherwise the Soviet Union would do it for him. That, in the parlance of the Commission, was known as deprivation of the right of self-determination. That was an additional reason for putting Poland on the Commission's agenda.

28. He again drew the attention of all members of the Commission to the loss to humanity in the fact that another year had passed in which the scientific activities of a mind as brilliant as that of Andrei Sakharov had been restricted, to the point that he had had to engage in a hunger strike to help a member of his family. His delegation urged the Commission to examine the case of Mr. Sakharov and to call upon the Soviet Union to put an end to his banishment to Gorki, which was a violation of paragraph 1 of article 13 of the Universal Declaration.

29. Owing to lack of time his delegation had concentrated on violations committed by a group of particular States, but it was undeniable that some of those situations were not in fact mentioned frequently and that they deserved study by the Commission. At all events the United States was concerned about all human rights violations wherever they occurred.



30. Ms. DERMENDJIEVA (Bulgaria) said that although item 12 had been on the Commission's agenda for a number of years, it did not give delegations the opportunity of discussing cases which did not fall within the framework of criteria established by the United Nations for the consideration of human rights situations. Her delegation could not agree that the Charter should be applied selectively and inconsistently and that Article 2, paragraph 7, of the Charter should be held to govern all cases other than human rights situations. The rule of non-interference in the internal affairs of States must be respected and the Commission must keep to the criteria established by the United Nations itself.

31. El Salvador undeniably constituted one of the most characteristic examples of the kind of situation that properly fell within the competence of the Commission, namely a situation that revealed flagrant and systematic violations of human rights. It was impossible to keep count of the political assassinations, arbitrary arrests, unlawful detentions and persecutions in that country. Human rights and fundamental freedoms were held in supreme contempt there. The situation was aggravated by the fact that United States imperialist and militarist circles were totally involved in it. Other examples could reveal to what extent imperialism and the forces of world reaction were involved in the violation of human rights and fundamental freedoms.

32. There was often talk about the advantages and virtues of democratic capitalism and its commitment to the realization of human rights. But democracy was not an invention of capitalism or the Western States. In fact what was observable in certain Western States was a flagrant and systematic violation of human rights in respect of the whole population. There were blatant differences in such countries between those who had money and those who did not. In some countries there were millions of unemployed and in others blacks, Indian and migrant workers were discriminated against. Considerable sums were devoted to military budgets, whereas the fundamental human right to work was not always guaranteed. It was particularly regrettable that certain countries did not apply the same standards to all human rights situations but whitewashed murderous régimes while defaming those Governments which did not wish to follow their policies.

33. The imperialist States opposed the legitimacy of the national liberation struggle of colonial countries and peoples and called the struggle of their national liberation movements "international terrorism". Yet there were imperialist military bases all over the world which had no object other than the defence of imperialist interests in the areas in which they were established. In order to have the moral right to teach others what they should do, a State must be an example and the Western States were far from being one. They might be highly developed and economically, technically and scientifically advanced countries, but that was no guarantee against violations of human rights and fundamental freedoms.

34. Fine words were meaningless if they were not followed by concrete actions. The United States of America, which had proposed the creation of the League of Nations, had not become a Member because that would have been an infringement of its sovereignty. After the adoption of the Universal Declaration, the United States had said in 1953 that it would become a party to the International Covenants on Human Rights. The Covenants were now in force and it was said that the United States would not ratify them although they had been signed by former President Carter.

35. Certain members, headed by the United States, had stressed the need for a humanitarian rather than political approach to issues such as apartheid in South Africa, the granting of independence to Namibia and the exercise of the right of self-determination by the Palestinian people. However, the United States had always vetoed the imposition by the Security Council of sanctions against South Africa, and more recently against Israel, following the annexation of the Syrian Golan Heights; it had so acted for reasons that were not humanitarian but quite plainly political.

36. At the present time again, the attitude adopted by the United States of America and certain other Western States with regard to Poland was not humanitarian but deliberately political. Basically the attempts made by the delegations of Western countries to distort the actual situation in Poland were politically motivated.

37. With regard to South Africa and Israel, certain speakers had provided laboured explanations about free enterprise and respect for private property, which posed obstacles to the imposition of sanctions against those countries, although they had been consistently condemned by the international community. However, when it came to socialist States, the Governments of the United States and certain States members of the North Atlantic Treaty Organization (NATO) insisted on their right to impose economic sanctions. That behaviour was contrary to the elementary norms of behaviour in international relations, not to mention the explicitly codified norms of international law, which were based on the sovereignty and sovereign equality of States.

38. In the case of Poland, the economic sanctions against the country, and the pressure on its Government to lift the state of siege, to release those arrested and to resume the dialogue with Solidarity and the Church constituted brutal interference in Poland's domestic affairs. Those Western demands were incompatible with the principles of the United Nations Charter and the Helsinki Final Act. In fact, they were part of a plan to heighten international tension and impose confrontation in international relations.

39. The events in Poland concerned the Polish people, the Polish Government and the Polish State alone. All peoples had the inalienable right to determine their political régime and to pursue their economic, social and cultural development as they saw fit. In the case of Poland, there was too much Western political propaganda against the activities of the Government and too much encouragement to those, including Solidarity, who had brought the country to the brink of civil war and bankruptcy. Nevertheless, the efforts to undermine the socialist system were a lost cause, because Poland was a socialist country and a fully fledged member of the Warsaw Treaty Organization and the Council for Mutual Economic Assistance.

40. If Poland was going through a difficult period, it was up to its Government and people to find the right solution. If they had need of assistance, they knew best when and where to ask for it. The decision taken by the Polish State Council to introduce martial law in December 1981 was in full conformity with the Polish Constitution. The decision had subsequently been approved by the Polish Parliament, which continued to function together with all the State machinery. The measures taken by the legally elected Government had been carried out in conformity with the laws of Poland. Furthermore, pursuant to article 4 of the International Covenant on Civil and Political Rights, the Polish Government had informed the Secretary-General of the United Nations of the proclamation of martial law.

41. There were no flagrant and systematic violations of human rights in Poland. There were only temporary limitations of certain rights in order to protect the life of the Polish people and to avert civil war, economic anarchy and the destabilization of State and social structures. In any case some restrictions had already been lifted. There were no missing persons, no political murders, no mass killings, no arbitrary or summary executions, no disappearances, no torture. The same could not be said in other cases.

42. The preceding considerations led to the logical conclusion that Poland would be Poland, but not in the Western way, or rather not in the American way. In her Government's opinion, the introduction of martial law in Poland had been urgently necessary in order to put an end to chaos, and legitimate because it had been introduced by the legitimate State and the political organs in accordance with the Polish Constitution. The Military Council of National Salvation had not been set up as a substitute for the constitutional Government and the other political structures. Her Government would continue to support the Polish Government fully and help it overcome its present difficulties.

43. Her delegation emphatically rejected the draft resolution in document E/CN.4/1982/L.27. It was based on false assertions, was politically motivated and was a blatant attempt to interfere in Poland's internal affairs.

44. Mr. SOLA VILA (Cuba) said that El Salvador was one of the cases which moved world public opinion the most. The military junta in power in that country committed daily violations of human rights and fundamental freedoms which aroused the concern and indignation of international institutions and organizations such as the United Nations General Assembly, the Movement of Non-Aligned Countries and the Inter-Parliamentary Union.

45. In 1981 the Commission on Human Rights had decided to appoint a special representative to investigate the murders, abductions, disappearances, terrorist acts and all grave violations of human rights and fundamental freedoms in El Salvador and make recommendations on the subject; the report of the Special Representative (E/CN.4/L.1502) confirmed the gravity of the situation in that country.

46. The people of El Salvador had been suffering and struggling obstinately for their right of self-determination for more than 50 years - for half a century during which oppression against a hungry and poverty-stricken nation had never abated. The people had never had the opportunity of freely expressing their wishes and in 1979 the military junta which had taken power had prevented them from doing so yet again, by measures constituting what amounted to genocide. However, the people of El Salvador continued their heroic struggle under the guidance of the Revolutionary Democratic Front and the Farabundo Martí National Liberation Front. The military junta could not continue to act as it did without the political, military, economic and technical assistance of the Government of the United States. There was nothing surprising in the support furnished by American imperialism to the military junta since the United States Government had always been the ally of the most reactionary and tyrannical regimes, particularly in the Latin American continent, and had always helped them oppose any economic or social change.

47. President Reagan's Government, which wished to keep the military junta of El Salvador in power and to obtain further funds and substantial quantities of weapons and war material for that purpose, had not hesitated to say that the human rights situation in El Salvador had improved, which was a huge lie. President Reagan's Government spared no effort to dissimulate what was really happening in El Salvador and attempted by every possible means to mislead world public opinion, even to the point of accusing the Cuban Government and the Government of Nicaragua of interference in the internal affairs of El Salvador, although that manoeuvre had not deceived anyone. Even before the Cuban revolution the United States Marines had been involved in a large number of interventions, interferences and disembarkations in Latin America, where since 1848 they had consistently endeavoured to prevent the Latin American nations from asserting their most legitimate rights. History had proved the aggressiveness of United States policy, which had taken various forms depending on the government in power, but had always manifested itself in exploitation, interventionism, threats and aggression. That was being repeated in the case of El Salvador, where the only foreign intervention was that of the United States. The military aid granted to the military junta by the United States reached alarming sums and grew daily. The \$55 million increase announced by President Reagan had brought economic and military assistance to \$225 million, allowing the military junta to intensify oppression and perpetrate more and more murders. Since the junta had taken power, 31,188 civilians from all walks of life (peasants, workers, students, teachers, members of the professions, office workers and tradesmen) had been murdered; the increase in the number of murders paralleled the growth of military assistance from the United States.

48. It was the duty of the international community to end the drama being played out in El Salvador. The solution lay not in increasing political, economic and military assistance, but in a negotiated settlement with the Revolutionary Democratic Front and the Farabundo Martí National Liberation Front, whose politically representative position could not be denied. The only positive moves were those which, like the proposal by the President of Mexico, looked towards negotiation. They were praiseworthy but were opposed by threats from the President of the United States, who had reacted violently against the important Franco-Mexican declaration on El Salvador; quite clearly his real objective sooner or later was to annihilate the revolutions of Nicaragua and Grenada, drown the struggle of the peoples of El Salvador and Guatemala in blood, and pursue aggression against Cuba.

49. President Fidel Castro had asserted to the President of Mexico that he could count on the support of the Government and people of Cuba in seeking ways and means of doing away with tensions in the region and finding a democratic and peaceful solution to the acute problems still prevalent in the majority of the countries of the region.

50. No mention could be made of the situation in Central America without referring to the Guatemalan tragedy as well. For the fourth consecutive year the Commission was examining the situation in that country; it found once again that the situation was worsening daily and the repression becoming increasingly brutal, causing more deaths every day and involving an increasing number of disappearances and cases of torture. The only response by the Guatemalan Government to the appeals of the international community had been to intensify the repression against vast sectors of the population - peasants, monks and nuns, political figures, members of the professions, university teachers, workers, trade union leaders and Indian communities. The right to life did not exist in Guatemala, where paramilitary groups carried out abductions, torture and murder, even massacring entire village populations, with impunity. Respect for justice and for other fundamental freedoms did not exist either; economic and social rights had been violated en masse and political opponents were either murdered or disappeared.

51. His delegation wished to mention another question in which some people had taken an interest for reasons by no means humanitarian and manifestly of a political nature. The tragic events which had taken place in Poland had not been examined by the Commission because they were an internal matter which must be settled by the Polish people. The events in Poland had been demagogically manipulated for publicity reasons by States which were hypocritical enough to hold themselves out to the world as defenders of the interests of the Polish workers and people. How could the Government of the United States believe it was entitled to build up such a propaganda campaign and to pose as a defender of Poland and protector of its people? His Government firmly hoped that despite the United States President's demagogy, blockade measures and economic aggression, Poland would be able to surmount its difficulties without civil war and bloodshed and successfully follow the just road of socialism.

52. Mr. ZORIN (Union of Soviet Socialist Republics) observed that the representatives of the seven Western countries who had preceded him had spoken, as in previous years, of human rights violations committed in countries such as El Salvador and Guatemala, or for the first time in countries like Turkey and Iraq, even if they had given different explanations of the main causes of those violations; with regard to Poland, however, they had all endeavoured to attribute the so-called violations of human rights in that country to the application of martial law.

53. Despite the desire of some of those delegations to moderate their accusations, nothing had changed in the allegations made by the United States in December 1981 and forced on the members of NATO and those countries with which the United States had close bilateral relations. That process, undertaken in defiance of the law, the United Nations Charter and the basic instruments of the United Nations, was intended to provoke systematic interference in the internal affairs of a sovereign State and to spread the campaign of calumny directed against it.

54. The representative of Poland had shown that the criticisms of his country were completely unfounded, and had drawn attention to Article 2, paragraph 7, of the Charter and the various other instruments signed by the Western countries. The basic principle of non-interference in the internal affairs of States had again been confirmed in December 1981 in General Assembly resolution 36/103, which had been adopted by 120 countries and rejected by 30, including 10 Western countries that were members of the Commission. In his statement, the representative of Poland had pointed out that, for that very reason, the Commission should not consider the question of human rights in Poland. He had reminded the Commission that the exceptional measures adopted in his country were in accordance with the law and had been ratified by the supreme authorities. It was obvious that martial law was necessary if a tragedy and anarchy were to be avoided and the social system and the legitimacy of the Government defended. That situation had been provided for in the Polish Constitution, and Parliament, thanks to those measures, had been able to resume functioning under normal conditions. The restrictions on human rights occasioned by martial law had been made necessary by the situation and were temporary. He deplored the tendentious and hypocritical accusations directed against the Polish Government by certain delegations, particularly that of the Federal Republic of Germany. How could that delegation talk about declarations of allegiance being required from Polish workers when in the Federal Republic of Germany people were refused employment for ideological reasons? Poland was capable of solving its domestic problems and was not a country that had to worry about 2 million unemployed.

55. The manoeuvres by the Western countries to get the Commission to consider the Polish question were absolutely in keeping with the propaganda put out by the NATO countries, which sought, despite the provisions of the Charter, to interfere in the internal affairs of any State whose activity did not suit the United States.

56. The sole aim of the draft resolution submitted by four NATO members (E/CN.4/1982/L.27) was to dictate how a sovereign Government should behave. It was based not on any reliable information (para. 1) but only on the hearsay constituting Western propaganda. The facts invoked in order to request the Secretary-General to order a study of the human rights situation in Poland (para. 6) could hardly be less convincing. The protestations of good faith by the delegations of Denmark and the Federal Republic of Germany were not sufficient to justify the attempt to get the Commission to intervene in the internal affairs of Poland and his delegation did not doubt that the Commission would reject the draft resolution.

57. It was obvious that the United States wished to divert the Commission from the real problems which existed with regard to human rights in countries such as Chile where, following the overthrow of the Government with the participation of the United States in September 1973 - a coup d'état which had cost the life of President Allende, massive violations of human rights including torture and arbitrary arrests had continued incessantly for nine years despite the resolutions adopted every year by the General Assembly and by the Commission.

58. In Guatemala, a coup d'état aided and abetted by the CIA in 1954, had overthrown the Government and replaced it by a dictatorship upheld by an oligarchy of landowners, thanks to which one of the most repressive régimes in the world had been established.

59. In El Salvador nearly 30,000 people had been murdered in two years, and measures of repression and torture of all kinds had become a daily reality. According to the U.S. News and World Report of 15 February, the situation of human rights in that country continued to deteriorate in a disturbing manner.

60. The United States Government procured military advisers, weapons and even armed forces for those dictatorships, which explained the situation prevailing in Central America. The United States exported counter-revolutionaries to all those countries so as to establish, to use the words of Mr. Haig, structures in the third world which would be consonant with American ideals. The Reagan Administration had refused to support the General Assembly resolution condemning the activities of the South African régime and yet tolerated the fact that Tel Aviv paid no attention to United Nations resolutions. United States aid to the Government of El Salvador threatened to lead to the situation which had been experienced in Viet Nam and formed part of a policy that was doomed to failure. It was the Commission's duty to condemn such assistance and provide its own assistance to the people of El Salvador.

61. Mr. BEAULNE (Canada) said that, on commenting on agenda item 12, his delegation was fully aware of the mission entrusted to the Commission by the Economic and Social Council, namely, to promote respect for the rights and freedoms defined in the Charter, the Universal Declaration and other instruments set forth in various General Assembly declarations and resolutions. The Economic and Social Council, in resolutions 1235 (XLII) and 1503 (XLVIII), had indicated how it intended the Commission to proceed in the implementation of its mandate. In that respect his delegation rejected the view of some States - and even of some members of the Commission - that the study of certain situations, even though they genuinely seemed to reveal a consistent pattern of gross violations of human rights, constituted interference in the internal affairs of States. In that connection extracts had been quoted from the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States; his answer was to recall that the Declaration proclaimed in part III (c) "The right and duty of States to observe, promote and defend all human rights and fundamental freedoms within their own national territories and to work for the elimination of massive and flagrant violations of the rights of nations and peoples". A State could not claim that respect for its international obligations was within its exclusive competence precisely in order to evade them. That would result in a world where treaties, conventions and agreements between countries would be regarded as so many scraps of paper. The Commission must, of course, respect the dignity of States and take account of their particular circumstances, but international standards were the same for everyone, regardless of political, economic and social system.

62. The first objective of the Commission should be to achieve practical results, and in order to achieve them while at the same time preserving its credibility it would be better if it adopted resolutions which were consistent with its means. Moreover, the Commission should base its decisions on sufficiently dependable information and avoid, in the choice of the situations it considered, any form of selectivity based on historical, ideological, geographical or cultural solidarity.

63. Taking the situation of Chile to start with, within the perspective thus defined, he expressed regret that more than eight years after the events of 1973, the Chilean authorities still had not taken steps to re-establish fundamental freedoms, as was apparent from documents A/36/594 and E/CN.4/1484. With regard to the renewal of the Special Rapporteur's mandate, he stressed that the Chilean authorities must make an effort to re-establish with the United Nations a dialogue which had been interrupted for too long. To that end a United Nations emissary should be sent to Chile on a mission, the terms of which could be arranged between the Secretary-General and the Chilean authorities.

64. With regard to Bolivia, Mr. Gros Espiell, the Special Envoy, had listed in his report (E/CN.4/1500) serious violations of freedoms. The Canadian delegation took note, however, of the desire expressed by the Bolivian Government to restore those freedoms and to co-operate with the Commission. The Special Envoy must maintain the dialogue initiated and work out with the Bolivian Government how the United Nations could assist in the restoration of human rights and fundamental freedoms in Bolivia.

65. Guatemala was going through a period of terror described in the Secretary-General's report E/CN.4/1501. In view of that situation, the Commission should institute a systematic inquiry procedure, and it was essential that the Government should consent to discuss allegations of human rights violations with the United Nations; his delegation urgently appealed to that Government to do so.

66. In El Salvador a fratricidal struggle was taking place, and Mr. Pastor Ridruejo, the Special Representative, had presented a sombre picture in his report (E/CN.4/1502); if there was to be any hope of an abatement of hostilities, the forces involved must create the conditions for a global and democratic political solution. In the immediate future, the Commission must insist on the need for a return to respect for human rights, and renew the mandate of the Special Representative.

67. In Iran, intolerance had manifested itself through hundreds of executions for the offence of holding an opinion in the course of the past two years. The Secretary-General's report E/CN.4/1517 gave a particularly alarming picture of the persecution of the Baha'is. The denials by the representatives of Iran had not convinced his delegation which intended to endorse the draft resolution designed to ensure that the Commission should formally take up the situation of human rights in that country (E/CN.4/1982/L.45). It also appealed to the Government of that country to comply with the International Covenant on Civil and Political Rights, of which Iran was a signatory.

68. In Poland, infringements of human rights and the suppression of many freedoms violated the Charter, the Universal Declaration and the International Covenants, to which that country was a party. The Commission should continue to keep that situation before it until the emergency measures had been lifted. The assurances which the Polish Government had given to the Secretary-General and which had just been referred to by the representative of the USSR did not constitute an adequate response to the questions asked by the Commission. The Polish Government had on several occasions already expressed its intention of ending the emergency measures; his delegation welcomed those statements and therefore hoped that the Polish authorities would keep to their commitments with regard to the Polish people and the international community. It was in that spirit that it would support draft resolution E/CN.4/1982/L.27.

69. Mr. KOBAYASHI (Japan) deeply regretted the incidents reported in document E/CN.4/1502 on El Salvador. He nevertheless took some comfort in the fact that the Government of El Salvador had granted authorization for a Special Representative of the Secretary-General to visit the country and that the International Committee of the Red Cross (ICRC) had been assured of freedom of activity there. In discharging the mandate entrusted to him by the Commission, Mr. Pastor Ridruejo, the Special Representative, had managed to cultivate a climate of trust and co-operation with the authorities of El Salvador. In view of the difficult situation in El Salvador, he had



certainly had great difficulties in displaying objectivity vis-à-vis all the parties involved and in that connection note should certainly be taken of the comments of the Salvadorian Government set forth in document E/CN.4/1982/4. With regard to the conclusion on the subject of agrarian reform expressed by the Special Representative, it seemed that that was a difficult question to assess in a report of that nature, and that problems similar to those observed in El Salvador existed in many parts of the world. The Special Representative also appeared to conclude that circumstances were not ripe for a national election; the Japanese delegation agreed that such an election would unfortunately not end the armed conflict, but in its opinion it would serve as a test of the social and political reality if conducted as equitably as possible in the circumstances and would create a wider basis on which to seek national conciliation in the future. The Commission should help the innocent victims of the conflicts by drawing the attention of the international community to their sufferings and by appealing to the Salvadorian Government and the other parties concerned to ensure respect for the most basic human rights, including the right to life.

70. It was regrettable that in Guatemala the efforts of the Secretary-General to establish direct contacts with the Government of that country had failed to produce the desired results. Although the Guatemalan Government had categorically rejected the sending of a special rapporteur, it had nevertheless shown willingness to co-operate through its Permanent Representative to the United Nations and asked that the contacts referred to in Commission resolution 33 (XXXVII) should be established by the Secretary-General, through a suitable member of his Office. The Japanese delegation considered that that approach should be pursued at least as an initial step. Furthermore, the Organization of American States had an active interest in the human rights situation in Guatemala, and it should be ascertained whether the work of the Commission could be pursued in conjunction with the efforts of that organization.

71. In his report on Bolivia (E/CN.4/1500), Mr. Gros Espiell, the Special Envoy, emphasized in paragraphs 138 and 139 the value of co-operation and aid to countries where human rights violations occurred; he noted that the isolation of those countries indirectly provoked further violations, as a consequence of the deterioration of the economic basis of society. Those comments reflected the concern for "discretion" and "equity" expressed in paragraph 2 of Commission resolution 34 (XXXVII) on Bolivia, and the recent evolution of the basic approach of the Commission. It appeared that report E/CN.4/1500 accurately represented that interpretation. The co-operation extended by the Bolivian Government to the Special Envoy was encouraging and the human rights situation in that country appeared to reveal tangible signs of improvement. While remaining cautious, as the Special Envoy himself had been, it seemed possible to assume that the danger of the vicious circle of international actions and national reactions had been avoided.

72. The developments in Poland during the past 20 months had been the subject of particular concern to the Government and people of Japan since the independent trade union movements initiated in August 1980 had met with sympathy among Japanese trade unionists. When Mr. Walesa, the leader of Solidarity, had visited Japan in spring 1981, he and his party had been greeted with enthusiasm. The proclamation of martial law had therefore been received in Japan with dismay, particularly with regard to the fate of the Solidarity leaders. The public had also been very moved by the decision of the Polish Ambassador to Japan to seek political asylum in the United States immediately after the proclamation of martial law, and by the requests for asylum of a number of crew members of Polish cargo ships which had called at Japanese ports after 13 December 1981.

73. The concern felt in Japan had been further intensified by the pressure exerted by the Soviet Union on the Polish authorities to take action against the popular movements. That pressure must have had psychological effects, which had been aggravated by the memory of two tragic incidents which had taken place in Europe in the past three decades, not to mention the Afghan situation on which the Commission had just adopted a resolution by a majority greater than that of the previous year. His Government had made contact with the Government of the Soviet Union at the highest level and urged it to exercise self-restraint.

74. The Commission should help to encourage the re-establishment of rights and freedoms and the return to normal conditions in Poland. Referring to the mandate given initially to the Commission by Economic and Social Council resolutions 5 (I) and 9 (II), and expanded by Council resolutions 1235 (XLII) and 1503 (XLVIII), he rejected the contention that the Polish question was a purely internal affair with which the Commission should not concern itself. The activities of the Commission in the past had demonstrated the acceptance by the international community of its function, as provided for in its terms of reference; without such acceptance it would not have been possible for the Commission to take decisions on violations of human rights arising from apartheid and other policies pursued by individual countries within their territories.

75. His Government had recently announced a contribution of \$US 500,000 to the emergency humanitarian assistance programme for Poland organized by ICRC to relieve the difficulties confronting the most vulnerable sectors of society in Poland (infants, the aged, the disabled and the sick) as a result of the disrupted distribution of daily necessities. In conclusion, he announced that his delegation had joined the sponsors of draft resolution E/CN.4/1982/L.27 and expressed the hope that it would meet with the active approval of the Commission, since it had been drafted with considerable restraint and its sponsors had refrained from any hasty judgements.

The meeting rose at 1.10 p.m.