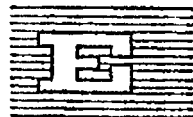




UN LIBRARY



Distr.  
GENERAL

E/CN.4/Sub.2/1982/SR.15  
31 August 1982

Original: ENGLISH

OCT 5 1982

COMMISSION ON HUMAN RIGHTS  
~~UN/SA COLLECTION~~

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND  
PROTECTION OF MINORITIES

Thirty-fifth session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 25 August 1982, at 4 p.m.

Chairman:

Mr. CHOWDHURY

CONTENTS

Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII) (continued)

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 public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.82-11973

The meeting was called to order at 4.15 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES; REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 7) (continued) (E/CN.4/Sub.2/1982/11, 12, 27 and 28; E/CN.4/1502 and 1517)

1. Mr. YIANGOU (Observer for Cyprus) said that, since 1967, the Sub-Commission had rightly been actively involved in the immense task devolving on it under Commission on Human Rights resolution 8 (XXIII). Experience had amply borne out the wisdom of that resolution. Indeed, recent years had seen increasing recourse to the use of force as a means of settling international problems or disputes, as the discussion which had already taken place in the Sub-Commission had demonstrated. There could be no doubt that the use of force was, by definition, the very negation of the totality of human rights and fundamental freedoms recognized in all the relevant international instruments.

2. Current armed conflicts throughout the world had resulted in loss of human life, the disappearance and displacement of thousands of persons and appalling human suffering. His own country, a small and defenceless peaceful island, had not escaped, and he appreciated the reference made to it by Mr. Khalifa. The events which had taken place in 1974 and the continuing military occupation, contrary to any recognized legal and moral rule, of 36 per cent of the national territory, were still causing gross and flagrant violations of the human rights and fundamental freedoms of the people of Cyprus as a whole. In addition to the large number of killed and wounded, 200,000 Cypriots of Greek origin remained refugees, both on the island and elsewhere. Their fundamental human right to return to their homes was still being denied, in utter disregard of all relevant United Nations resolutions. Moreover, resolutions of a purely humanitarian nature, including those adopted by the Commission on Human Rights and the Sub-Commission, continued to be ignored, and there were still 1,619 missing persons. The recently established Committee on Missing Persons in Cyprus had not yet been able to embark on its task of tracing missing Greek and Turkish Cypriots alike. In spite of the goodwill and full co-operation of the Greek Cypriot authorities, obstacles raised by the Turkish Cypriot side had unfortunately prevented the Committee from proceeding to its investigations. In that connection, the recent visit to Cyprus of two members of the Working Group on Enforced or Involuntary Disappearances was a step in the right direction. He wished to re-emphasize the urgent need to solve that grave humanitarian problem and thus alleviate the agony of thousands of innocent people.

3. The continued presence of occupation troops on a vast part of the island's territory impinged on the basic human rights and fundamental freedoms of its inhabitants. The Government of Cyprus looked forward to a peaceful and negotiated settlement of the Cyprus problem, and it had consistently shown goodwill, understanding and flexibility with a view to achieving a fair compromise on the basis of a true federal republic of Cyprus, in which there would be full recognition and protection of the human rights and fundamental freedoms of all citizens, regardless of their ethnic origin, race, colour, religion, sex, language or any other discriminatory factor. The Republic of Cyprus was a contracting party to almost all the international instruments on human rights and applied them, to the best of its ability, with zeal and devotion to all its citizens. The Constitution of Cyprus in fact accorded priority to all such instruments. The country's record in the field of human rights was extremely good and beyond dispute, taking into account its size, resources and potentialities.

4. The solution of humanitarian problems must not be made dependent on the solution of pending political problems, and the conscience of mankind could not forever remain silent in the face of gross violations of human rights. He fervently hoped that a dramatic improvement in the situation in Cyprus would remove the need for any further discussion of the human rights situation in Cyprus, which the Commission on Human Rights had decided, at its last session, to postpone to its following session.
5. Mr. FERNÁNDEZ-BALLESEROS (Observer for Uruguay) recalled that, at the last session of the Commission on Human Rights, his country, which was a member of the Commission, had expressed its views in a constructive spirit on the functions of the Sub-Commission and its relationship with the Commission itself. Its aim had been to ensure that the Sub-Commission performed those functions in a co-ordinated and objective manner. It was understandable that the experts on the Sub-Commission, who were endeavouring to achieve an improvement in conditions, should display zeal, but it was none the less essential that they should maintain a truly objective attitude towards Governments, including those which might be disturbed by some of the remarks made concerning the situation in their countries. In that connection, he wished to point out that his delegation had refrained from making any comments under item 3 of the Sub-Commission's agenda relating to the review of the status and activities of the Sub-Commission and its relationship with the Commission on Human Rights and other United Nations bodies.
6. With regard to the references to Uruguay in statements made under the agenda item at present under consideration, he had been gratified by the objective statement of Mr. Ferrero and by his understanding of the situation in Latin America. Constructive statements of that type would be taken into account by his delegation and transmitted to the Uruguayan Government. Mr. Ferrero had indeed recognized that no disappearances had taken place in Uruguay.
7. He was convinced that the other speakers who had referred to Uruguay had also acted in complete good faith and with the aim of achieving progress. It was unfortunate, however, that some of their remarks were founded on inaccurate sources.
8. In commenting on conditions throughout the world, Mr. Bossuyt had made particular reference to two groups of countries in Latin America. Uruguay fell into the second group, in which Mr. Bossuyt considered that some progress had been made. That speaker had, however, asserted that, according to reports he had received, torture and degrading treatment were taking place in Uruguay, though the position had shown some improvement and he had urged that United Nations officials should be allowed to enter the country in order to assess the progress achieved. It was not clear what sources had provided the basis for Mr. Bossuyt's observations or whether the situation had been verified in situ. He himself wished to stress the undoubted progress which had taken place in Uruguay towards a return to democracy, progress to which outside observers had borne testimony. Moreover, the present Secretary-General of the United Nations had made two visits to Uruguay before taking office, and early in 1982 the country had been visited by a special representative, who had reported on conditions. In view of the procedure established under Economic and Social Council resolution 1503 (XLVIII), he was not in a position to divulge such information at the present meeting, but it was available to all members of the Sub-Commission. It was regrettable that Mr. Ferrero had not seen fit to check the accuracy of his information before making his statement.

9. Reference to the political situation in Uruguay had been made by Mr. Joinet, who, he was sure, had endeavoured to be as objective as possible. Paragraphs 139 to 145 of the report prepared by Mrs. Questiaux on the question of the human rights of persons subjected to any form of detention or imprisonment (E/CN.4/Sub.2/1982/15), referred to political rights in Uruguay. He welcomed the fact that the Sub-Commission would be giving attention to the question of political rights. Uruguay was in the process of reverting to its past regime with its traditions of integrity and democracy. Mr. Joinet had said that the manner in which the 1980 referendum had been carried out had been a credit to the Government of Uruguay, but it was difficult to understand why he should have thought it necessary to comment on the draft constitution put to the Uruguayan people in that referendum in view of the fact that it had been rejected. In fact, work on a new political programme, providing for elections and for a new constitution to be in force by March 1985, was already under way. Once again, full information on the situation in Uruguay appeared in the report prepared under Council resolution 1503 (XLVIII).
10. With regard to the statement by Mrs. de Sousa, a national of Panama, a country with which Uruguay had close links, he was surprised that she had directed her comments specifically to the political situation in Uruguay. He had not the slightest doubt of Mrs. de Sousa's good faith, but believed she had been misled by concerted efforts, both inside and outside the meeting room, to slander his country. Government representatives, including his own, were extremely scrupulous in refraining from approaching individual experts so as to avoid giving the impression of seeking to influence their views. A minority of representatives of non-governmental organizations were apparently slightly less scrupulous, and he had glimpsed Mrs. de Sousa in conversation outside the meeting room with two such representatives, whom he knew to be members of national liberation movements, which permitted terrorism and the murder of women and children. As a lawyer of repute, for whom eminent persons in Panama could vouch, he himself surely deserved the same hearing by Mrs. de Sousa as such people. He deplored the fact that she had not first seen fit to check the accuracy of the allegations with the Uruguayan delegation.
11. The CHAIRMAN, interrupting the Observer for Uruguay, said that the Sub-Commission was a body of experts required to discuss the matters on its agenda between themselves and to reach conclusions with the maximum objectivity. It was thus essential that they should feel entirely free to express themselves frankly and that there should be no attempt, directly or indirectly, to cast any aspersions on individual members. All statements made in the Sub-Commission should be expressed in a fitting manner and references to the views expressed by individual members should be free of any personal recrimination, members being treated with the respect their position warranted. He invited the Observer for Uruguay to proceed with his statement.
12. Mr. FERNÁNDEZ-BALLESTEROS (Observer for Uruguay) said that, when members of the Sub-Commission received reports on violations of human rights, it would be appropriate for them to consult representatives of the Governments concerned with a view to elucidating possible inaccuracies. Where the Chairman's remarks were concerned, he assured the Sub-Commission he had had no intention of offending Mrs. de Sousa, but had merely wished to reply to her remarks concerning the use

of political rights and her assertions regarding the unreality and incompleteness of any process of political relaxation in Uruguay. The current civil and military regime had never attempted to disguise the exceptional nature of its mandate. In 1977, it had started a process of gradual return to institutional normality; it had prepared a draft constitution and arranged to hold a plebiscite in 1980 with a view to the organization of national elections in 1981. The plebiscite, which was itself evidence of the civic spirit and democratic intentions of the Government, had shown that 58 per cent of the Uruguayan people were opposed to the procedure proposed. His Government had not, however, returned to the status quo on the strength of the result of the plebiscite but had embarked on a new process of dialogue and consultation with political parties with a view to establishing their status, preparing a new draft constitution in consultation with them and holding both national elections and a referendum. Each stage in that process was gradually being accomplished and so it could be expected that Uruguay would eventually return to full democracy. Where the status of political parties was concerned, a point raised by both Mrs. de Sousa and Mr. Joinet, articles 6 and 7 of the Political Parties Organization Act provided for the possibility of new political parties being formed.

13. He hoped that any expert wishing for more information on the situation in his country would approach the Uruguayan delegation. He also hoped that experts would take all elements of the situation into account and refer to all the documents before the Sub-Commission, both those emanating from the Government of Uruguay and those emanating from the secretariat, before making any allegations against the Uruguayan Government. He urged them to avoid alluding to reports whose sources were not of confirmed reliability. In conclusion, it was fitting that on that very day, the national day of his country, it could be said without reservations that Uruguay was progressing towards full democracy and would be in a position to recover its previous reputation as the Switzerland of Latin America.

14. Mr. EIDE said that he fully supported the Chairman's interruption of the previous speaker. It was the second time during the session that an observer had referred to the policies of a country from which an expert came. It was essential to bear in mind that members of the Sub-Commission were independent experts and that their views must not be confused with those of government representatives. It would be recalled that a similar case had arisen in 1977 and was referred to in paragraph 14 of document E/CN.4/Sub.2/1982/3.

15. Mrs. de SOUSA said that there had been no justification whatsoever for the reference by the Observer for Uruguay to the countries from which members came. She had indeed been offended by his comments on her remarks on Uruguay, since he had attempted to suggest that she had allowed herself to be manipulated. She assured him that it was not the first occasion on which the situation in Uruguay had come to her attention; she had had time to study that situation, which she had mentioned as one among several examples. Her observations had not been subjective but had been based on facts and legislation, details of which were in her possession. Moreover, it was not correct to assert that she had spoken only to a person or persons of a specific tendency. It was her custom to listen to the differing views of many persons.

16. Mr. JOINET said that, contrary to the view apparently held by the Observer for Uruguay, it was his understanding that members of the Sub-Commission were free to meet at any time and at any place any person with whom they thought contact was necessary or useful. Members were free to concern themselves with the situation in any country and there was no rule in any way limiting that freedom.
17. Where the case of Uruguay was concerned, it seemed to him that the only satisfactory solution would be for the Government of that country to agree that the situation should be discussed at the next session, not in private but in an open, public debate.
18. He supported the remarks of Mr. Eide and particularly his reference to document E/CN.4/Sub.2/1982/3, and drew attention to the last part of his own statement at the previous meeting.
19. Mr. WHITAKER said that he fully supported the Chairman's ruling concerning statements by observers. He completely endorsed the assertion of the independence and freedom of members of the Sub-Commission and suggested that a speaker making a personal attack on a member should be requested to withdraw from the meeting. While informative exchanges were to be welcomed, it must be borne in mind that members of the Sub-Commission themselves had been exercising restraint in the length of their statements and there was therefore all the more reason for observers to do likewise. In his view, any statement which introduced matters that were irrelevant to the item under discussion should be interrupted.
20. Mr. SOFINSKY said that the Observer for Uruguay had been at fault in departing from the substance of the item under discussion and touching upon personalities. He therefore supported the Chairman's ruling.
21. When the Observer for Uruguay had spoken on matters of substance, he had in effect confirmed exactly what Mrs. de Sousa had said, namely, that the situation in Uruguay was abnormal. He had stated that an exceptional situation had existed until 1977, at which time a process of so-called normalization had been initiated. It seemed that the people had rejected that process and that, consequently, the exceptional situation might be expected to continue for a further seven years. Although he himself was not very familiar with the situation in Uruguay, the statements he had heard had convinced him that Mrs. de Sousa's presentation had been correct.
22. The CHAIRMAN said that, as a firm supporter of the principle of freedom of speech, it had been with the greatest reluctance and regret that he had felt compelled to interrupt the statement by the Observer for Uruguay. He appealed to observers to make short and precise statements in the future.
23. Mr. PEH BUIFONG (Observer for Democratic Kampuchea) said he wished to draw the Sub-Commission's attention to Commission on Human Rights resolution 13/1982 concerning the violation of the right of the people of Kampuchea to self-determination and to the related report prepared by Mr. Eide. In spite of that resolution and indeed many other expressions of opinion by the international community, the Vietnamese aggressors had multiplied their military and political manoeuvres both in Kampuchea and at the diplomatic level in order not only to deprive the people of Kampuchea of its right to self-determination but also to try to break the people's resistance and force the international community to accept a fait accompli.

24. The Permanent Mission of Democratic Kampuchea had already requested the Director of the Centre for Human Rights to circulate the first part of a document concerning criminal practices perpetrated by the Vietnamese forces of aggression against the people of Kampuchea in 1981. The second part would substantiate the information provided in the first part.
25. The multiple criminal practices perpetrated by the Vietnamese forces of aggression included: the obligation for schools to study the Vietnamese language before Khmer; the forced departure for Viet Nam of several tens of thousands of young Kampuchean for indoctrination and Vietnamization; the pillage and destruction of the monuments of Angkor and other national treasures of Kampuchea; the Vietnamization of future generations by such means as forced marriages between Kampuchean women and Vietnamese men; the forced twinning of Kampuchean provinces with Vietnamese provinces; the settling of a million Vietnamese in Kampuchean territory after the Kampuchean had fled or been massacred; the arrest, imprisonment, killing, abduction and deportation of Kampuchean, particular intellectuals opposed to the Vietnamese policy of the "Indochinese federation", especially in Phnom Penh, where over 30,000 persons were imprisoned in inhuman conditions; the use of famine to depopulate the territory; the intensified use of chemical and bacteriological weapons; and a policy of deceit and threat in international relations, involving a show election, the announcement of a unilateral and partial retreat of troops to camouflage the arrival of reinforcements, and threats against ASEAN nations.
26. Instead of the partial and unilateral retreat of Vietnamese troops from Kampuchea in the summer of 1982, as announced, extensive reinforcements had been sent to the country, including 20,000 Vietnamese soldiers in May 1982 and 130 lorries transporting new troops to the province of Siemreap between 20 June and 10 July.
27. It was well known that the morale of the occupying army was very low, since troops were isolated from the Kampuchean population, condemned by the international community and confronted with problems relating to their families in Viet Nam. The Vietnamese leaders and the international Soviet expansionists who were their masters had attempted to raise morale and, in the absence of economic means, had been sending in new types of even more deadly weapons, recently developed in the Soviet Union. Thus, in July, new T-45 tanks had been sent to Kampuchea, and troops were being equipped with AKM-57 weapons in place of the old AK.47s. Chemical and bacteriological weapons were still being employed. His delegation was willing to make available to members of the Sub-Commission photographs of the types of weapons he had mentioned and of equipment, such as gas masks, in use by the army of occupation.
28. On 9 July 1982 the Coalition Government of Democratic Kampuchea had been formed, uniting all national forces combating the Vietnamese aggressor. The inner cabinet of the Coalition Government was composed of Prince Sihanouk as President, Mr. Khieu Samphan as Vice-President and Minister of Foreign Affairs and Mr. Son Sann as Prime Minister. There were also four governmental co-ordinating committees comprising a total of 12 members having the rank of ministers. Government objectives were to mobilize all efforts in the struggle to liberate Kampuchea from the Vietnamese aggressors in order to restore independence and sovereignty, and to ensure that the

Declaration of the International Conference on Kampuchea and other relevant resolutions of the United Nations General Assembly were applied. The problem of Kampuchea could only be resolved when Viet Nam came to respect the fundamental and inalienable right of the people of Kampuchea to determine its own destiny without external intervention.

29. Mr. VEGA (Observer for Nicaragua), speaking on the position of disabled persons, said that, according to United Nations statistics, they represented between 10 and 15 per cent of the world's population and included persons of all races, religions, political affiliations and cultures. Greater attention should be paid to their problems and, more particularly, to the violation of their human rights and fundamental freedoms. Discrimination against disabled persons constituted a violation of their most elementary rights.
30. Where the experience of his own country was concerned, the recent civil strife he left behind 100,000 wounded, approximately one-half of whom were disabled for life. The authorities were implementing plans to integrate them economically and socially. A council had been set up entitled "Consejo Nacional de Rehabilitación Integral (CONARI)", in which disabled persons participated. The Government was determined to ensure that disabled persons should participate fully in the reconstruction of the country and they were in fact lending valuable assistance in that respect.
31. Comments had been made on Nicaragua by a member of the Sub-Commission on the basis of information obtained from sources in Washington. In that respect, he pointed out that Washington sources were at present engaged in attempts to destabilize Nicaragua by supporting Somozista bands and providing them with logistic support and financial help to the value of at least \$US 19 million. One might ask what a contribution such a large sum of money could make to the protection of human rights.
32. An English language newspaper had been quoted in support of allegations of torture in his country. He did not wish to engage in polemics but, while denying that false accusation, thought it necessary to stress that the people of Nicaragua were being subjected to psychological torture because of the threat of imminent invasion.
33. Allegations had also been made of attacks against indigenous populations but nothing had been said about the resettlement of the Misquito Indians to protect them from the murderous assaults of the Somozista bands, which violated the most elementary of human rights: the right to life. Those same bands were murdering schoolteachers, including both Nicaraguan teachers and foreign teachers who had come to help in his Government's literacy campaign. Surely the right to education was a sacred human right.
34. With regard to the Symms amendment authorizing the despatch of United States troops to the Central American and Caribbean area for the purpose of maintaining United States hegemony there, the adoption of that amendment by the United States Congress constituted a violation of the rule of non-intervention in the affairs of a sovereign State and hence a violation of the Charter and of the United Nations instruments on human rights. It was in fact an invitation to aggression.



35. Lastly, he pointed out that his country had been inspected by representatives of the Inter-American Commission on Human Rights. The commission had formed a good impression of the human rights situation in Nicaragua and would shortly submit its report on that situation. A favourable impression had also been gained by parliamentarians and journalists from several different countries who had recently visited Nicaragua. The Government of his country welcomed all such visitors because it was interested in the real facts becoming universally known.

36. Mr. SOFFER (Observer for Israel) said that certain speakers had given distorted accounts of the situation in the territories administered by Israel; they had isolated that situation from its historical context, ignoring essential facts which explained the reasons for Israel's presence in those territories. It was the Arab States which, in 1948, had rejected the United Nations partition plan and had misled the Palestinian Arabs, urging them to leave in order to clear the way for the Arab armies to "throw the Jews into the sea", to quote the slogan used at the time by the aggressors.

37. Subsequently, despite the enormous wealth of many Arab countries, certain of those countries had for the past 34 years kept the Palestinian Arabs in camps in order to use them as a political weapon. With the exception of Egypt, which had recently signed a peace treaty with Israel, they had refused to accept the existence of the State of Israel and had used all the means at their disposal, including the financing and arming of the PLO terrorists, to attempt to destroy Israel.

38. Reference had been made in certain statements to the highly political problems concerning Lebanon. Since the occupation of Lebanon by the PLO terrorists and the Syrian army, that formerly peaceful country had been subjected to devastation and disintegration by those forces, causing untold suffering and tens of thousands of deaths among both Christians and Moslems. In recent weeks, many Lebanese had voluntarily given first-hand accounts of large-scale murders, tortures and other human rights violations committed by the terrorists and their Syrian allies. It was therefore not surprising that the inhabitants of Lebanon had expressed their gratitude to the armed forces of Israel, which had liberated them from a reign of terror. At the same time, the PLO and Syrian forces had transformed Lebanon into the centre of international terrorism. It was a matter of common knowledge that there was practically no terrorist organization in the world without its "Lebanese connection". In whatever country terrorist acts occurred, wherever embassies, community centres, public institutions or local politicians had been bombed or fired upon, the trail had always led back to the PLO and Syrians in Lebanon.

39. The "Peace for Galilee" operation had dealt a severe blow to international terrorism; the Israeli forces had discovered a very large quantity of weapons in the PLO military bases, sufficient to arm six infantry brigades. The central aim of the PLO remained the violent destruction of the State of Israel. On 23 July 1982, the guerilla leader, Abu Iyad, had stated that the PLO would never recognize Israel's existence. "Peace for Galilee" had been a legitimate operation of self-defence fully in conformity with article 51 of the United Nations Charter. No sovereign State could tolerate the massive build-up on its borders of military forces dedicated to its destruction and carrying out bombardments and terrorist raids. During the recent operations, documents had been discovered proving that the guerilla leaders were planning a number of large-scale attacks on northern Israel.

40. Propaganda from biased sources had grossly exaggerated the civilian casualties which had unfortunately occurred during the military operations. In applying double standards to Israel, facts had been ignored, reliable witnesses disregarded and false accounts disseminated. For example, PLO propaganda had asserted that thousands of civilians had been killed in Tyre, whereas the true figures were 56 killed and 95 wounded. It had also been claimed that over 600,000 people had been made homeless in southern Lebanon, when the entire population of that area had never exceeded 450,000. The responsibility of the PLO for those unfortunate civilian casualties should also be noted; those casualties would have been avoided had the terrorists not deliberately located their headquarters, military installations and arsenals in densely populated areas, using Lebanese men, women and children as human shields. In an effort to avoid civilian casualties and damage the Israeli armed forces had suffered far heavier casualties than they would otherwise have done.

41. The Government of Israel, in co-operation with the Government of Lebanon, the International Committee of the Red Cross and the appropriate United Nations agencies, had successfully implemented an extensive humanitarian aid programme for the Lebanese population. The situation was rapidly returning to normal and, according to a UNICEF report of July 1982, more than 200,000 Lebanese had moved from Beirut and other endangered areas to the relative safety of ancestral homes in areas south of the Litani river. It should be pointed out that the areas south of the Litani river were at present under Israeli control and that ancestral homes were the homes which the people concerned had been forced to abandon in the mid-1970s when the PLO had taken over those areas. The Syrian and PLO forces had victimized the Lebanese people, liquidating all those who did not acquiesce in their goals. By means of an Arab deterrent force, Syria had hoped to achieve its dream of a "greater Syria" that would include all of Lebanon. It would indeed be appropriate for the Sub-Commission to investigate the racist policies of the Syrian Government and its persecution of such minorities as Jews, Kurds and Druzes. Moreover, the world had recently been shocked by the massacre in Hama of thousands of men, women and children by the Syrian armed forces.

42. It was his country's fervent hope and belief that the removal of the terrorist infrastructure from Lebanon, together with the termination of Syrian occupation, would perhaps be a turning point in the history of the region. The withdrawal of all PLO and other non-Lebanese military forces would permit the full restoration of the sovereignty and independence of Lebanon. He was confident that that would be followed by the development of peaceful relations between that country and Israel.

43. Israel had always sought peaceful coexistence with the Palestinian Arabs, to whom it wished to ensure a future of democracy and freedom. Released from terrorist intimidation, the Palestinian Arabs could at last contribute to constructive negotiations. The great historic achievement of the Camp David agreements provided the basis for a bright future in the region. Israel was anxious to push forward the Camp David peace process; it would continue to make every effort towards the attainment of a comprehensive and lasting settlement that would pave the way for mutual respect, co-operation and peaceful co-existence between Israel and all its neighbours.

44. Mr. MAHALLATI (Observer for Iran) said that, in the short period of time at his disposal, it would be very difficult for him to reply to the long list of baseless accusations made against his country. He had been struck by the selective approach adopted by speakers from so-called developed countries. It was in fact only by refraining from adopting such a selective approach - and from bowing to the political pressure which it implied - that the Sub-Commission could fulfil its task of protecting human rights.

45. He fully shared Mr. Whitaker's sense of outrage at any act of torture or inhuman treatment of prisoners and at any execution of pregnant women or of children. He doubted, however, whether Mr. Whitaker would endorse his view that it was still more shameful and inhuman to accuse a regime of those acts without any proof and without submitting any reliable supporting documents.
46. He did not have time to give even a brief account of all the crimes perpetrated by the terrorists active in Iran. He would therefore have to confine himself to a few instances of the more glaring misdeeds committed by terrorists, whose arrest had drawn some crocodile tears in the Sub-Commission. According to an article published in the English language newspaper "Tehran Times" of 17 August 1982, a terrorist belonging to the Munafiqeen organization had confessed, during a television programme, that he had been involved in kidnapping and torturing three Islamic Revolutionary Guards and in burying them alive. He had said that the three victims had been tortured for about a week in order to make them reveal information, which they had refused to do. He had stated in his confession that two of the Revolutionary Guards thus tortured had still been alive when they had been buried. The terrorist had also admitted to being well treated after his capture. That was a crime committed by only one of the many terrorist organizations operating in Iran during the period 15 June to 27 September 1981. It was just one of a long list of crimes committed with outside help by that particular terrorist organization during the period in question. Those crimes were the subject of a report which he would submit to the Sub-Commission, together with other relevant documents.
47. With regard to the baseless accusation that under-age children were being executed in Iran, the Attorney-General of Iran had explicitly stated that not even a single child under 16 had been executed and that a minor under 16 convicted of killing four persons was now being held in a reform penitentiary.
48. With regard to torture, the counter-revolutionaries had been unable to prove a single instance of inhuman treatment of prisoners in Iran. In fact, terrorists who had been arrested had been treated so humanely that most of them had repented. The prisons had in fact become training and rehabilitation centres for the inmates. Members of terrorist groups now often volunteered to appear on television and unveil the crimes committed by their organizations. They also assisted security officials in the search for, and prosecution of, other members of the terrorist organizations.
49. Lastly, with regard to the Baha'is, a set of documents had been discovered in a former Savak centre providing irrefutable evidence of the connection between the Baha'is and the Zionist regime. It would be recalled that Mr. Hoveida, who had long been Prime Minister under the Shah, had been a Baha'i. There was evidence that in 1967 the Baha'is had provided the Israelis with help amounting to millions of dollars; on that occasion, Iran had publicly shown its gratitude to Mr. Hoveida for the great services he had rendered to the Zionist cause.

50. Mr. ANT (Observer for Turkey) said he did not propose to contradict the allegations by Mr. Bossuyt and Mr. Eide of torture in his country. He would give the Sub-Commission some information, particularly on the way in which his country's authorities treated such allegations, in order to provide it with a complete and balanced picture of the situation. The mere mention of the existence of allegations was not a valid basis for a sound judgement by a body of experts such as the Sub-Commission.

51. Turkish legislation prohibited and punished the practice of torture and other inhumane treatment and the public prosecutor was responsible for investigating every allegation of torture which came to his knowledge, without the need for a complaint to be lodged. The present Government ensured that those provisions were strictly applied. Where an allegation was found to be substantiated, those presumed responsible were prosecuted. Up to March 1982, the authorities had received 410 allegations of torture, of which 152 had so far been investigated. In 118 cases there had been no grounds for prosecution; proceedings had been instituted in 44 cases and eight cases which had been concluded had resulted in the sentencing of nine policemen to varying terms of imprisonment and permanent exclusion from the public service. In the cases still pending, 25 policemen were being held in custody and proceedings were being taken against 51 others who were not being held in custody.

52. Several institutions, mostly European, such as the Council of Europe and the European Parliament, as well as some non-governmental organizations, had investigated the situation and had, in the main, concluded that, while cases of torture occurred, they were not systematic in character, but resulted from mistakes or abuses. No State could claim to be fully protected against such acts, as the European Parliament had recognized in adopting the conclusions of its special rapporteur in July 1982. Allegations of torture in Turkey should therefore be considered in the light of the following facts: Turkey had a body of law, and the political will, to combat the practice of torture; the Government would be the first to deplore and condemn any accidental cases of torture; and the propagation of allegations of torture was being increasingly used for strictly political purposes.

53. Referring to a comment regarding Cyprus, made earlier in the meeting by a member of the Sub-Commission, he reminded members that that country contained two communities: the Greek Cypriot community and the Turkish Cypriot community, which were currently trying to reach agreement on a federal structure. He very much doubted that the views of the speaker in question would be shared by the Turkish Cypriot community. He himself found it impossible to accept the validity of all that speaker's assertions regarding the situation in his country, in particular, the assertion that Cyprus had a good human rights record. It was only necessary to recall the situation between 1963 and 1974, when all the rights of the Turkish Cypriots had been systematically violated.

54. Mr. VANLY (International Federation of Human Rights), referring to Sub-Commission resolution 4 B (XXXIII), which was concerned with the causes rather than symptoms of racism and racial discrimination, drew attention to the serious situation of the Kurdish people, who for more than half a century had been the victims of continued and flagrant violations of human rights in most of the States in which they lived.

55. The Kurds, who numbered 22 million, ranked as the third largest group in the Middle East, together with the Persians. Their nationality had evolved in Kurdistan itself, a country as large as France, which had been theirs for thousands of years and in which they constituted a majority of 90 per cent. They were an Islamic people with their own language, which was Aryan and totally different from Arabic and Turkish, and their own literature, which went back to the tenth century; they were determined to preserve their own culture and identity. The Kurdish country was mainly divided between Turkey, Iran and Iraq, three States in which the Kurds suffered oppression and repression. There were also some 800,000 Kurds in northern Syria and a smaller number in various republics of the Soviet Union. The Kurds of the Armenian Soviet Socialist Republic were the only ones to enjoy their national and cultural rights. Kurdish was one of the many national languages of the USSR;
56. About half of the Kurds lived in Turkey, where they constituted 24 per cent of the population, 9 million of them being in Turkish Kurdistan, known as the eastern provinces. Despite their right to autonomy and independence under the Treaty of Sèvres, which had been superseded by the Treaty of Lausanne in 1923, the Turkish republic had ignored their existence, proclaimed itself a country of Turks, and decreed that any citizen claiming a culture other than Turkish would be guilty of a punishable offence. The names Kurd and Kurdistan had been banned and the use of the Kurdish language forbidden in the schools and courts and even orally in the administration. By a stroke of the pen, the Kurds had become second-class Turkish citizens, subjected to a draconian policy of colonial-type oppression based on racism and chauvinism, whose ultimate aim was the imposition of Turkish culture on the Kurds, ethnocide by forced assimilation, dispersion and repression.
57. However, the Kurds of Turkey had remained Kurds, maintained their language and cultivated their literature clandestinely or in exile. But whenever there had been signs of tolerance by the civil powers, the army had taken over. In the coups d'état in Turkey in 1960, 1971 and 1980, one theme always reappeared in the declarations of the generals involved: the fight against separatist machinations, in other words, further subjection of the Kurdish people. Since the coup d'état of 12 September 1980, there had been a serious increase in human rights violations against trade unionists, politicians, democratic intellectuals and especially against Kurds as a community. Amnesty International, the International Association for the Defence of Menaced Languages and Cultures, the Council of Europe and other organizations were deeply concerned. His Federation had sent six information missions to Turkey and two reports dated February and July 1982 were at the Sub-Commission's disposal.
58. He regretted that he had no time to describe the serious situation of the Kurds in Iran and Iraq, but he would be glad to distribute material informally to any members of the Commission who were interested.
59. Mr. KNIGHT (Baha'i International Community), referring to document E/CN.4/1517, expressed the Community's profound gratitude to the Sub-Commission for taking the steps which had led to the adoption of resolution 27 (XXXVIII) by the Commission on Human Rights. The Community was convinced that the actions taken by the human rights organizations of the United Nations had been instrumental in restraining the fanatical elements in the Iranian Government from carrying out a massive pogrom against the Baha'i minority.

60. Unfortunately, however, persecution of the Baha'is was continuing in all parts of Iran and large numbers were being arbitrarily deprived of jobs, property, access to education, and even of their lives, simply because of their religion. Since the Sub-Commission's previous session, 37 prominent members of the Community had been summarily executed after resisting intense pressure to recant, among them eight of the nine members of the National Administrative Council of the Baha'i faith in Iran. As the Commission on Human Rights had been informed earlier in the year, that was the second occasion on which the authorities had eliminated the membership of the National Spiritual Assembly of the Baha'is of Iran.

61. Although the Iranian Government insisted that those sentenced to death had been guilty of political crimes, no shred of evidence had ever been produced to support any of the charges brought against Baha'is, and in the few cases in which a Baha'i had been willing to renounce his faith, he had immediately been released from prison, and all charges had been dropped, while his fellow believers had been condemned to death on precisely the same charges. In a recent case, all pretence had been dropped and a Baha'i had been sentenced to death by the Revolutionary Court of Mashhad solely on the grounds of his Baha'i activities.

62. The Iranian authorities were continuing to imprison Baha'is without charges and it was estimated that more than 200 were currently in detention. Reports had also been received of prisoners being subjected to ill-treatment and torture in an effort to compel them to recant. The fact that the overwhelming majority of those executed or imprisoned in Iran were members of Baha'i administrative institutions made it clear that the authorities were pursuing their policy of eliminating the leadership in the hope of intimidating the rank and file. Baha'is in all parts of Iran, especially the rural areas, were continually harassed, assaulted and driven from their homes by mullah-led mobs of fanatics. Hundreds of others had had their homes confiscated, their bank accounts frozen and their possessions auctioned by order of the local revolutionary court. The Community had still received no information on the fate of two Baha'i schoolgirls, aged 13 and 14, who had been abducted by their Islamic religious instructors. Details of those two cases and of the case of 14 prominent Baha'is who had disappeared following arrest had been submitted to the Working Group on Enforced or Involuntary Disappearances, but as far as he was aware the Iranian Government had not answered the Working Group's enquiries.

63. The Iranian Government's official decrees had made it impossible for any Baha'i to live a normal life. Directives from the Ministry of Education denied them access to any form of education, unless they recanted; and under the programme now completed by the Ministry of Labour, all Baha'i civil servants, including doctors, nurses, schoolteachers and employees of nationalized industries, had been deprived of their jobs and denied compensation or pension. In virtually every case, the written dismissal notice had stated that the job or pension would be restored if the individual publicly recanted. As for the self-employed, local revolutionary courts in various regions had issued orders forbidding business transactions with Baha'is, or had withdrawn their business and trading licences, and stores and workshops owned by Baha'is had been confiscated or forcibly closed. The thousands of Baha'is deprived of their jobs, homes, possessions or right to education had never been charged with any offence, their only crime being that of being Baha'i, but the Iranian Government persisted in its denial that it was engaging in religious discrimination against the Baha'i minority.

64. Mr. RODLEY (Amnesty International), speaking on extrajudicial executions, said that the Dutch national section of Amnesty International had held an international conference on the subject in Amsterdam in the spring of 1982. The purpose of the conference, which had been attended by representatives of international and regional intergovernmental organizations, members of domestic and international human rights organizations, human rights workers from countries where extrajudicial executions had occurred, military and police officers, journalists and international legal experts, had been to exchange and examine information on the commission of extrajudicial executions in various parts of the world and to seek means of preventing them.
65. Extrajudicial execution - otherwise termed extralegal execution or political killing by Governments - was the unlawful and deliberate killing by order or with the complicity of a Government. The victims were often selected by reason of their real or imputed political beliefs or activities, religion or other beliefs, ethnic origin, sex, colour or language.
66. The conference in Amsterdam had reviewed the record of extrajudicial executions during the past two decades and had revealed a scale of human rights violation that was difficult to comprehend. During that period, many hundreds of thousands of individuals had been murdered by order or with the complicity of their own Governments. In Kampuchea, at least 300,000 people had been killed between 1975 and 1979 in purges by the military and security forces of the Khmer Rouge Government; in Indonesia, an estimated 500,000 people had been killed as a result of an army purge between 1965 and 1966; estimates of the numbers killed by security forces in Uganda under President Idi Amin between 1971 and 1979 ranged from 100,000 to 500,000; and many of the 6,000 or more "disappeared" persons of Argentina were believed to have been executed by their military captors.
67. The conference had also been aware of situations such as those in El Salvador and Guatemala where thousands of persons had been killed over the years by government agents or persons immune from official law enforcement processes. A recent Amnesty International briefing on Guatemala, giving details of some 2,000 extrajudicial executions in rural areas under the new Guatemalan Government, had referred to consistent reports of massive extrajudicial executions since the new Government's assumption of power in 1982, following a pattern not significantly different from that under previous Governments. Guatemalan security forces were still endeavouring to control opposition, both violent and non-violent, through widespread killings and extrajudicial executions of large numbers of rural non-combatants, including entire families, and persons suspected of sympathising with violent or non-violent opposition groups.
68. The conference, which had declared that the international community should regard extrajudicial executions as a matter of grave and urgent concern and make every effort to bring to an end such denial of the right to life, included the following: hundreds of thousands of people in the past 10 years had been victims of extrajudicial execution, outside any judicial process and in denial of the protection of law; the killings had been carried out by regular military and police forces, special units functioning without normal supervision, death squads

operating with government complicity and assassins acting against victims in other countries; extrajudicial executions were often accompanied by suspension of constitutional rights, weakening of the judiciary's independence, intimidation of witnesses, suppression of evidence and failure to act on the results of independent investigation; Governments often sought to cover up such killings, denying their occurrence, attributing them to opposition forces or to the results of armed encounters with government forces or attempts by victims to escape; many victims disappeared or were subjected to illegal detention or torture before being killed; the scale of killings ranged from assassination to wholesale liquidation of political opposition and was sometimes not known to the international community until it had reached proportions that damaged a whole society for generations to come; the principle of protection against arbitrary deprivation of life was of paramount importance; extrajudicial executions were a crime for which Governments and their agents were responsible under national and international law, their accountability not being diminished by the commission of similar abhorrent acts by opposition groups or others, or by considerations of national security; and it was the duty of Governments to refrain from committing or condoning extrajudicial execution, and to take all legislative, executive and judicial measures necessary to ensure that those directly or indirectly responsible for such acts were brought to justice and the families of the victims compensated.

69. Those conclusions had led to a number of recommendations and a final statement by the conference to the effect that individuals should speak out with a view to compelling Governments to stop the killings and as a demonstration of support for those left behind; human rights organizations should disseminate relevant information as promptly and as objectively as possible; joint programmes of action should be initiated exposing the involvement of Governments in the killings and their responsibility for bringing the practice to an immediate end; particular attention should be given to preventive measures designed to protect individuals in immediate danger; and educational institutions should be encouraged to place greater stress on the principle that extrajudicial executions were not justifiable under any circumstances. Furthermore, minimum standards should be developed to establish that a Government had investigated reports of extrajudicial execution in good faith; military and police forces should ensure that their members were trained to uphold standards forbidding such executions; Governments should take steps to ensure that extrajudicial executions were not fostered through military, security or police transfers and international training; Governments should permit independent investigation on their territories, press for such investigations elsewhere and use their diplomatic channels for fact-finding and pressure; and intergovernmental bodies should use existing mechanisms for investigation, reporting, good offices and other forms of speedy intervention.

70. Amnesty International welcomed steps already taken by the United Nations, such as the adoption by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1980 of a resolution condemning and deploring extralegal executions; the condemnation of the practice of summary executions, in similar terms, by the Committee on Crime Prevention and Control at its seventh session in March 1982; and the Economic and Social Council's action in April, authorizing the Chairman of the Commission on Human Rights to appoint a Special Rapporteur on the problem of summary or arbitrary execution in terms making it clear that extralegal executions were to be within his mandate.



71. He trusted that the Sub-Commission would express itself in favour of those developments and that it would urge upon the Special Rapporteur and the Commission the need for speedy and effective action by the United Nations.

Cable of condolence from the Sub-Commission to the family of Dr. Ruth First

72. The CHAIRMAN read out the following cable, drafted by Mr. Eide and Mr. Whitaker, and suggested that it should be despatched to the family of Dr. Ruth First:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities of the United Nations, meeting at its thirty-fifth session in Geneva in August 1982, has learned with shock, dismay and profound sorrow that Dr. Ruth First has been assassinated by the use of a letter bomb. The lifelong devotion and competent work of Dr. Ruth First in exposing the factors underlying the apartheid policy and its external links is well known.

"The Sub-Commission expresses its sincerest condolences to the bereaved family of Dr. Ruth First and will also express its conviction that her work will go on, and that contemptible means of assassination and intimidation will not prevent the ultimate elimination of apartheid in South Africa."

73. It was so agreed.

The meeting rose at 7.05 p.m.