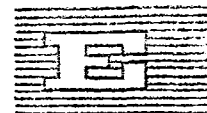


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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 2ND MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 1 February 1983, at 10 a.m.

Chairman:

Mr. OTUNNU

(Uganda)

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The meeting was called to order at 10.30 a.m.

ELECTION OF OFFICERS (continued)

1. Mr. CHOWDHURY (Bangladesh) nominated Mr. Barakat (Jordan) for the office of Vice-Chairman.
2. Mr. Barakat (Jordan) was elected Vice-Chairman by acclamation.
3. Mr. BOZOVIC (Yugoslavia) nominated Mr. Kuchinsky (Ukrainian Soviet Socialist Republic) for the office of Rapporteur.
4. Mr. Kuchinsky (Ukrainian Soviet Socialist Republic) was elected Rapporteur by acclamation.
5. Mr. BARAKAT (Jordan) congratulated the other members of the Bureau on their election and thanked the members of the Asian Group for the confidence they had shown in him by proposing him for the office of Vice-Chairman.
6. Mr. KHMEL (Ukrainian Soviet Socialist Republic) congratulated the Chairman and the three Vice-Chairmen on their election and said that it was a great honour for a member of his delegation to have been elected Rapporteur of the Commission. His delegation was gratified by the trust which had been placed in it and regarded that trust as recognition of the distinction which the Ukrainian SSR had earned in the field of human rights.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (E/CN.4/1983/L.6)

7. Mr. LE BLANC (France) expressed his delegation's disappointment that document E/CN.4/1983/L.6 was available in English only. His delegation was, nevertheless, prepared to work on the basis of the English text, on the understanding that that action would not be taken as a precedent. Given the brevity of the document, it was surprising that it could not have been translated into all the working languages in time for the current meeting.
8. The CHAIRMAN said that the point made by the representative of France was well taken. He regretted that the document was not available in all working languages and assured the representative of France that the situation would in no way serve as a precedent. He would ascertain why the document had not been translated into the other working languages and report back to the Commission at a later stage.
9. Mr. AREBI (Libyan Arab Jamahiriya) said that the Chairman's reply had allayed his delegation's concern but stressed the importance of ensuring that documents were made available in Arabic.
10. The CHAIRMAN drew attention to the timetable set out in document E/CN.4/1983/L.6, which had been agreed on by the members of the Bureau at their meeting on the previous day. As in previous years, the proposed timetable should be considered as a guideline, to be applied with flexibility, intended to facilitate the conduct of the session and to enable delegations to prepare for the discussion of each item. If necessary, the timetable would be revised by the Bureau to take into account the views of delegations.

11. The Bureau had also agreed to recommend that items 10 (a), 11, 13 and 21 should be allocated to informal, open-ended working groups. With regard to the informal working group of 10 members to consider the possibility of rationalizing the agenda for the fortieth session of the Commission in accordance with Commission resolution 1982/40, he had requested the members of the Bureau to communicate to him two nominees from each regional group.
12. Mr. BEAULNE (Canada) said that the Commission might lay itself open to charges of sexism if it left the consideration of item 24 until the end of its session. That item was the only one which dealt specifically with the status of women. In resolution 1980/39, the Economic and Social Council had requested the Commission to submit its views on how communications relating to the status of women should be dealt with. Despite that specific request, the Commission had not dealt with the matter at either its thirty-seventh or thirty-eighth session. In view of the entry into force of the Convention on the Elimination of All Forms of Discrimination against Women, the question of communications on that subject had acquired added importance. Despite the difficulties of allocating time for consideration of the various items on the agenda, he hoped that the Commission would find it possible to take up the matter at the current session.
13. Mr. MARTINEZ (Argentina) said that the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-fifth session (E/CN.4/1983/4) contained a series of recommendations relating to various items on the Commission's agenda. It would be useful if secretariat officials, when introducing each item, would draw the attention of members to the relevant recommendations of the Sub-Commission. He proposed that the Commission should take up items 5 and 12 in the third week of the session, following completion of items 10 and 10 (b), and then proceed to items 20 and 21. The recommendations of the Sub-Commission relating to specific agenda items should be dealt with before the Commission considered the Sub-Commission's report as a whole. He urged the secretariat to make every effort to ensure that the relevant documentation was available when required for discussion.
14. The CHAIRMAN said that, in accordance with the usual practice, the comments made by the representatives of Argentina and Canada would be taken into account by the Bureau.
15. The CHAIRMAN assured those speakers who had made comments on the organization of work that their views would be given due consideration by the Bureau.
16. Mr. BYKOV (Union of Soviet Socialist Republics) expressed appreciation for the Bureau's efforts to draw up an acceptable timetable for the session. He was pleased that the Bureau had given priority to the items on mass violations of human rights in the Middle East and southern Africa and the struggle against racism and colonialism. However, events in the Middle East since the Commission's thirty-eighth session required that more time should be allocated to item 4.
17. The Second World Conference to Combat Racism and Racial Discrimination was due to commence on 1 August 1983 and the Commission should make a substantial contribution to preparations for that Conference. In his opinion, therefore, although items 6, 7, 16 and 18 had been grouped together as at the thirty-eighth session, more attention should be devoted to those items, especially items 6 and 18. Priority should also be given to the right to life and to economic and social rights. Since

his delegation was aware that other delegations had different views on the subject, however, it did not wish to make a formal proposal to that effect. The proposed timetable was approximate and was to be applied flexibly; he therefore trusted that his delegation's views would be taken into account when the timetable was put into effect.

18. With regard to the activities of the various working groups, he noted from the footnote to document E/CN.4/1983/L.6 that the schedule of meetings of those working groups would be determined according to the time available. Such a statement could be misunderstood. Since the working group on item 11 faced a massive and complex task, his delegation believed that provision should be made in advance for that group to have sufficient time to discuss all the questions referred to it in depth so that it might find mutually acceptable solutions. Time might for instance be saved on plenary meetings in the fifth week in order to give the working group more meeting time. Lastly, in the working groups and the plenary Commission, the greatest attention should be devoted to consultations aimed at finding universally acceptable, effective solutions.

19. Mr. CHARRY-SAMPER (Colombia) observed that the purpose of considering document E/CN.4/1983/L.6 was to gain a preliminary idea of the framework established by the Bureau's proposed timetable. Obviously, each delegation had different priorities. The Bureau had in fact established certain priorities by allocating more time to some items than to others. His delegation endorsed those priorities but believed that implementation of the timetable was related directly to the length of statements and the decision whether or not to limit statements. Before it embarked on any substantive discussion, therefore, the Commission should take a decision on the length of statements so that no delegation would feel that its priorities had been overlooked. Lastly, he requested the Chairman to clarify what he meant by the "flexibility" of the proposed timetable. He was curious to know, for instance, how time would be allocated among items when more than one item was to be discussed at the same meeting.

20. Mr. HEREDIA PEREZ (Cuba) recalled that, at the Commission's thirty-eighth session, although certain limits had been imposed on the length of statements a number of delegations had asked to speak several times on the same item, to the detriment of those which had asked to speak only once. He therefore urged the Chairman to make it clear whether delegations would be able to speak only once on each item or as many times as they wished.

21. Mr. BOZOVIC (Yugoslavia) asked whether the Commission had gone back on its earlier decision that all rights were of equal importance and must receive equal treatment. According to the proposed timetable, only three meetings were to be allocated to item 8 relating to economic and social rights, which deserved the same treatment as other human rights. If there was one area in which mass and flagrant violations of human rights were being perpetrated, it was that of economic and social rights. The current unjust international economic order and some States' resistance to any change in that order constituted a mass and flagrant violation of human rights. The allocation of only three meetings to such rights was thus clearly insufficient. Since all human rights were indivisible, he hoped that delegations would also be able to refer to economic and social rights in the context of item 12.

22. The CHAIRMAN assured the representative of Yugoslavia that the Bureau would ensure that equal treatment was given to all human rights.

23. Turning to the question of invitations to participate in the Commission's meetings, the Bureau had agreed to recommend to the Commission that it should invite the following persons to participate in meetings at which the relevant reports were to be considered: in connection with item 6, Mr. A. Cato, Chairman/Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa; in connection with item 10, Viscount Colville of Culross, Chairman/Rapporteur of the Working Group on Enforced or Involuntary Disappearances; in connection with item 20, Mr. Benjamin Whitaker, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to update the report on slavery; in connection with item 5, Mr. A. Dieye, Special Rapporteur on the situation of human rights in Chile; in connection with item 12(b), representatives of States in which the human rights situation was being considered and any nominees of the Commission in connection with that item; and in connection with item 12 in general, Mr. Hector Gros Espiell, Special Envoy on the situation in Bolivia, Mr. J.A. Pastor Ridruejo, Special Representative on the situation in El Salvador, Prince Sadruddin Aga Khan, Special Rapporteur on human rights and massive exoduses, Mr. S. Amos Wako, Special Rapporteur to examine the questions relating to summary or arbitrary executions, and Mr. Hugo Cobbi, Representative designated by the Secretary-General to follow the situation in Poland.

24. Mr. LOPATKA (Poland) said that his delegation was determined to make a constructive contribution to the work of the Commission. Poland had always greatly respected the Secretary-General of the United Nations; unfortunately, some entities in the Organization did everything possible to discourage such respect by attempting to embroil the Secretary-General in activities which did no credit to the United Nations. Poland had always co-operated fully in actions consonant with the United Nations Charter and would continue to do so, but it refused to become involved in actions which violated the Charter's provisions. That was its position regarding the so-called report to be prepared by Mr. Cobbi, who had become involved in an anti-Polish venture which it would be embarrassing for him to continue. The Commission should not invite Mr. Gobbi to report to it.

25. Mr. BEAULNE (Canada) recalled that, in resolution 1982/31, the Commission had requested the appointment of a Special Rapporteur on the human rights situation in Guatemala. However, the Chairman had made no mention of a report on Guatemala.

26. The CHAIRMAN explained that the Bureau had considered the question of the report on Guatemala but, in the absence of complete information, it had decided to wait a few more days in the hope of receiving further clarification before it took a final decision on the subject. It would report its decision to the Commission as soon as possible.

27. Turning to the question of a time-limit on statements, the Bureau had discussed the possibility of imposing such a limit, as **recommended in Commission resolution 1982/40**. In that connection, the suggestion to request the Economic and Social Council to grant the Commission additional meeting time was still under consideration. Even if additional time was granted, however, the Commission might still experience difficulties in coping with its heavy workload. The Bureau had therefore agreed to recommend the following limitations on statements. With regard to statements by members of the Commission, as Chairman he appealed to members to agree on a self-imposed time-limit of not more than 20 minutes per statement on each item and a limit of 10 minutes for further statements on the same item. Statements by observers should be restricted to 15 minutes. Observers would

also have the right to make a second statement on the same item, on the understanding that such statements would be limited to 10 minutes for any interested observers and 15 minutes for observers to whom a report under consideration made direct reference. Statements by non-governmental organizations would be limited to 10 minutes and to one statement per item. With regard to the right of reply, the General Assembly practice of a limitation to two replies - 10 minutes for the first reply and 5 minutes for the second - would be followed, as had been done at the thirty-eighth session.

28. Viscount COLVILLE OF CULROSS (United Kingdom) expressed satisfaction at the Chairman's statement, which went a long way towards dealing with the problems which would arise from the Commission's heavy agenda. He wished to request the Bureau to keep the matter under review, however, since it was not yet known whether any additional meeting time would be allocated to the Commission or whether members would be able to confine themselves to the proposed 20 minutes per statement. As time went on, the Bureau could make new proposals should that prove necessary.

29. Mr. CALERO RODRIGUES (Brazil) asked whether the proposed limitations applied only to statements on items dealt with on their own or also to grouped items. In other words, would it be possible to make one or more statements on each of the items dealt with under a grouped item? He also wished to know whether delegations would be able to exercise their right to a first and second statement by combining those statements in a single 30-minute statement.

30. The CHAIRMAN explained that items were grouped together on the assumption that it was preferable to consider them jointly. The proposed time-limits would therefore apply to grouped items as though they constituted a single item. The purpose of a limitation on statements was to promote discipline in the Commission's work and to ensure that all items received thorough consideration. The Bureau trusted that it would be unnecessary for delegations to make a second statement on most items. It was not the Bureau's intention, therefore, that delegations should exercise their right to a first and second statement by making a single 30-minute statement.

31. Mr. GIAMBRUNO (Uruguay) said that he was in favour of a time-limit on statements since, with the co-operation of delegations, that would help the Commission to save time. Such a limitation should be exercised with some flexibility, however, especially with regard to certain items. For instance, the consideration of human rights situations in specific countries, which would take place in closed meetings, would not lend itself to such restrictions.

32. Mr. MARTINEZ (Argentina) said it seemed that the Chairman's interpretation of the proposed time-limits on speeches might not be shared by all members of the Commission. The suggested time-limits of 20 minutes for main statements and 10 minutes for later statements seemed sound, but care must be taken to ensure that genuine dialogue on the issues to be dealt with was not hampered by undue rigidity. The intention behind the proposal announced by the Chairman was clear, and the Argentine delegation supported it; the important point was that participants should heed the spirit of the Chairman's appeal.

33. The CHAIRMAN said that the Bureau's proposals with regard to members of the Commission involved no strict limit on the number or length of statements but merely represented an appeal to delegations to exercise some discipline when asking for the floor on any single item or group of items. With regard to observers and non-governmental organizations, however, it was intended that the Bureau's proposals should be strictly adhered to.

34. Mr. TREKI (Libyan Arab Jamahiriya) said that his delegation agreed on the need for some self-imposed limitation on the length of statements. It hoped, however, that flexibility would be observed, particularly with regard to certain groups of items, which, as some previous speakers had noted, concerned matters of the utmost importance and warranted thorough attention. In that connection, it was hard to see why agenda items 6 and 7 had been separated in the first place or indeed why certain other items should not be grouped together.

35. Mr. HAYES (Ireland) said that the Bureau had taken into account all the points made by previous speakers, as well as the size of the agenda for the Commission's current session and the likely availability of documentation. Those considerations had been duly reflected in the proposed timetable; to seek further changes would only disturb the balance and, in effect, deprive the Commission of any effective programme of work. Adherence to the timetable would ensure that all agenda items, regardless of when they were scheduled, would be duly dealt with. The agenda could be disposed of if all delegations co-operated with the Chairman and responded positively to the appeal concerning limitation of statements. The experience of the Commission's previous session, during which limits had had to be imposed, pointed to the need to exercise some discipline during the current session, which had even less time available to it. His delegation urged all members to co-operate in observing the proposed timetable and complying with the suggested time-limits.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (E/CN.4/1983/6-8)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9)  
(E/CN.4/1983/2, 12 and 13)

36. Mr. HERNDL (Assistant Secretary-General, Centre for Human Rights), introducing agenda item 4, said that for several years the question had been before United Nations organs, including the General Assembly and the Commission. The Assembly had established a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. After considering the Committee's latest report (A/37/485), the Assembly had adopted resolution 37/88, renewing the mandate of the Special Committee and requesting the Committee to report to it again at its thirty-eighth session.

37. At its previous session, the Assembly had also adopted resolution 37/135 on permanent sovereignty over natural resources in the occupied Palestinian and other Arab territories; resolution 37/222 on living conditions of the Palestinian people in the occupied Palestinian territories; resolution 37/86 on the question of Palestine; and resolution 37/123 on the situation in the Middle East.

38. The importance attached to the item by the Commission was indicated by the fact that it was one of the earliest to be discussed at each session. The Commission, at its previous session, had adopted resolutions 1982/1, 2 and 3. In paragraph 15 of resolution 1982/1 A, the Commission had requested the Secretary-General to organize a seminar on "Violations of human rights in the Palestinian and other Arab territories occupied by Israel"; the report of the seminar (ST/HR/SER.A/14) was available to the Commission. The Commission also had before it a note by the

Secretary-General listing all the United Nations reports, issued between sessions of the Commission, on the situation of civilians in the occupied Arab territories, including Palestine (E/CN.4/1983/6).

39. Introducing agenda item 9, he said that the right of self-determination was one of the fundamental principles of international law, recognized in the Charter and other fundamental instruments such as the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States. It was included as the first right recognized in article 1 of the two International Covenants on Human Rights.

40. The question of the right of peoples to self-determination had regularly been considered in various United Nations organs, including the General Assembly, its Special Committee on Decolonization and the Economic and Social Council, as well as the Commission and its Sub-Commission, whose role had been quite significant. Under the auspices of the Council and the Commission, two pioneering studies on the right of self-determination had been prepared by Special Rapporteurs of the Sub-Commission: one on the historical perspectives and current dimensions of the right of self-determination, and the other on the implementation of United Nations resolutions relating to self-determination.

41. By resolution 3 (XXXI) of 11 February 1975, the Commission had decided to place the item on its agenda every year with high priority. Resolutions adopted by the General Assembly had requested the Commission to examine specifically the question of violations of the right of self-determination. In 1982, the Commission had considered the item and adopted resolutions on various situations - in particular, resolutions 1982/3, 13, 14, 15 and 16.

42. The General Assembly, at its thirty-seventh session, had considered the item and adopted resolutions 37/42 and 37/43 on the question of the universal realization of the right of peoples to self-determination.

43. The Commission had before it a list of recent publications prepared by the Division on Palestinian Rights (E/CN.4/1983/2 and Add.1); a note by the Secretary-General transmitting the review of material and the summary records of the Sub-Commission relating to the situation in Kampuchea (E/CN.4/1983/12), pursuant to Sub-Commission resolution 1982/22; and the report of the Secretary-General on legislation against mercenaries, submitted pursuant to Commission resolution 1982/16 (E/CN.4/1983/13).

44. Mr. KHOURI (Observer, Palestine Liberation Organization) said that the situation of the Palestinian people had further deteriorated since the Commission's previous session because of Israel's continued aggression both within and outside the occupied territory of Palestine. The constant introduction of settlers and the annexation of Jerusalem and the Golan Heights formed part of Israel's plans to achieve complete domination of Palestine's human and natural resources.

45. Israel made no secret of its intentions in that regard. For example, Israel's Prime Minister had stated that his country, in signing the Camp David accords, had no intention of giving up the West Bank and the Gaza Strip. Moreover, Israel's aims had been clearly outlined, in the report of the Special Committee (A/37/485). Israel was determined to continue flouting the will of the United Nations, expressed



inter alia in relevant General Assembly resolutions aimed at the withdrawal of Israeli forces from the occupied Arab territories. Israel's actions violated the Palestinian people's inalienable rights, including the right of self-determination, a cornerstone of international law and a basic principle of the United Nations. The Special Committee's report showed that even such basic rights as those of education and freedom of movement were being denied to the Palestinian people.

46. Underlying Israel's actions was the Zionist conviction that the occupied Arab territories were Israel's by right and that the Palestinians were the foreigners. The illegal occupation could be sustained only by force; that was why Israel repressed all Palestinian resistance to the occupation and all institutions which might serve as a nucleus for such resistance. At the same time, Israel planned to assimilate even more Arab lands and to continue the introduction of settlers.

47. Over 150 settlements had been established in the Arab territories occupied since 1967, the purpose of the settlements was to change the demographic profile of those territories. The report of the Special Committee cited several cases in which Israeli settlers had resorted to violence in staking their claims in the territories. Such practices only increased tension in the area. In recent months, Israel had intervened in the occupied territories by various means, including the destruction of homes, the imposition of collective punitive measures, the intrusion of armed men into holy places and the deportation of citizens. Israel had launched repressive campaigns against Palestinian institutions which furnished services to Palestinians, including their municipal courts and universities. It had attempted to dismiss prominent figures from Palestinian municipal courts, thereby depriving Palestinians of representatives who had been battling to enable them to exercise their rights. Over 50 professors had already been dismissed from universities in 1983. The entire situation in the occupied territories presented a threat to human rights, aggravated tension in the area and menaced world peace.

48. Israel had waged its vicious war in Lebanon to prevent any organized action by the Palestinians and to destroy the militant spirit of the Palestinian people. That aim had been pursued through atrocities such as murders, the siege of Beirut and the bombing of refugee camps, actions which had culminated in the massacres at Sabra and Chatila, where hundreds of innocent women, children and elderly people had been killed. Observers had ascertained that the purpose of the massacres had been to remove the Palestinian presence from Lebanon and to contribute to the genocide of the Palestinian people. Regardless of who had ordered the massacres, the Israeli leaders bore primary responsibility since it was inconceivable that such a crime could be committed over three days without their knowledge. It had been proven that the occupying army had been in constant communication with the Israeli authorities; one indication of that fact was that the Israeli army had intervened only when the lives of Westerners in the camps had been threatened.

49. The massacres had not been the first crimes of that kind committed by Prime Minister Begin and Foreign Minister Shamir, and Defence Minister Sharon had led a group which had been responsible for a massacre in 1953. The international community must bring those Israeli war criminals to trial and force Israel to respect international law and the International Covenants, for otherwise the law of the jungle would prevail.

50. The Palestine Liberation Organization (PLO) knew that Israel could not take such aggressive action without the unlimited support of the United States at various levels. But it was also certain that peace-loving forces throughout the world would end Israel's defiance and help the Palestinian people to exercise its national rights which had been proclaimed within the United Nations, especially the right to return to its homeland, to have its property restored, to enjoy self-determination without foreign interference and to establish an independent Palestinian State led by the PLO. Those were the prerequisites for a lasting peace in the Middle East.

51. The CHAIRMAN, replying to a question by the representative of Argentina, said that the Commission would follow the procedure it had adopted in the past with regard to the discussion of agenda items 4 and 9. They would be considered together and any aspect of either of them could be raised during that discussion, but item 9 would also be considered separately at a later stage.

The meeting rose at 12.40 p.m.