

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.4/1983/SR.41  
3 March 1983

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 41st MEETING

held at the Palais des Nations, Geneva,  
on Tuesday, 1 March 1983, at 10 a.m.

Chairman:

Mr. OTUNNU

(Uganda)

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)

Adoption of the agenda (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 meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.83-15720

The meeting was called to order at 10.05 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.4/1983/16-20, 22 and Add.1, 33, 43, 47, 51, 52, 55; E/CN.4/1983/L.18, L.37, L.38, L.48; E/CN.4/1983/NGO/2, 4, 8-15, 21, 25, 27-31, 38)

1. Mr. BEAULNE (Canada), speaking in exercise of the right of reply, said that the assertion made by the representative of the Soviet Union in his attack against the parliamentary democracies that Canadian women were excluded from trade unions was totally false; that was not the first time that he had got his information wrong. The Vice-President of the Canadian Labour Council, who was a woman, was currently serving on the Governing Body of the International Labour Organisation in Geneva and presiding over its working group against apartheid. The comments about the Amerindians had also been without foundation. A constitutional conference on the rights of the indigenous population was currently being attended by Indian spokesmen, the Prime Minister of Canada and the prime ministers of the provinces. The Soviet representative should request further information about that event from the USSR embassy in Ottawa.
2. Mr. HEIDWEILLER (Observer for Suriname), speaking in exercise of the right of reply, said that the civilian and military authorities of his country had given him no instructions whatsoever to try to cover up, whitewash or disparage the sad events of December 1982, during which 15 of his countrymen had lost their lives. His Government was open to objective criticism, and for that reason it had invited the Inter-American Committee for Human Rights and the International Commission of Jurists to visit Suriname in order to examine the human rights situation thoroughly. It would extend a similar invitation to the Commission in due course; in the meantime, it had no objection to the situation being monitored by an independent observer.
3. With regard to the events of December 1982, his Government had pledged to ensure that such occurrences would be averted in the future. The military and civilian authorities hoped to forestall premature decisions on the matter by the Commission and urged the Netherlands authorities not to jeopardize further the relationship between the two Governments. The people of Suriname had closely watched the vigorous world-wide diplomatic and press campaign waged by the Netherlands against the Government of Suriname and it considered the suspension of development aid as a unilateral breach of the agreements reached in 1975. That measure would cause great harm, particularly during the current recession.
4. Many citizens of Suriname listened to the often malicious broadcasts beamed into that country by the government-supported Dutch World Broadcasting System and read the Dutch newspapers partly because of a lingering colonial attitude which prepared them to accept almost automatically the words of a former master. They were thus kept hostage to the Dutch press and radio which, after its pioneering experiments in Brazil, Chile, Argentina, El Salvador and Guatemala, had finally discovered a most adequate subject in a small, vulnerable, Dutch-speaking country which had many relics of the colonial past. The country's unwavering attention to Dutch press reports kept it in a state of constant agitation and prevented it from concentrating on its vital interests and its future in the Americas. Some Dutch authorities, moreover, rendered moral support to persons and movements in the Netherlands which were now threatening Suriname with armed intervention, if necessary by mercenaries, which would cause great loss of life.

5. The version of events related by the Dutch representative was not acceptable to his Government. As a former colonial master, the Netherlands was of necessity suspect when promulgating moral judgements about events in Suriname, as for historical reasons it was almost bound to take a one-sided view of such events. It should also be keenly aware of the great difficulties encountered by Suriname in its efforts to mould into a real nation the manifold ethnic components of its people, a mixture of Africans, Indians, Indonesians, Europeans and other nationalities.

6. When the Dutch had granted Suriname its independence in 1975, it had inherited a political system based on ethnically structured political parties which had been rapidly adopting racist attitudes. Only the military take-over in 1980 had prevented those political time-bombs from exploding in racial strife and civil war. Not all the time-bombs had yet been detonated, however, and events such as those of December 1982, tragic as they were, were almost insignificant compared with what could have happened if the former racially-structured political parties had entered the fray.

7. In the light of the co-operation of the Netherlands with South Africa and Israel, its attitude in criticizing the human rights situation in Latin American countries was far too lofty. He was pleased to note, however, that the Netherlands delegation did not intend to press for a premature decision on the question. He hoped that the Netherlands and Suriname would be able to discuss their relationship in a spirit of frankness in the near future. In so doing, they would be serving their mutual interests in the best possible manner.

8. Mr. CHARRY SAMPER (Colombia), referring to the report by the Special Rapporteur on summary or arbitrary executions (E/CN.4/1985/16), said an article published on 17 February 1983 in the Colombian press had quoted the report's findings that at least 2 million people had been arbitrarily executed in 39 countries over the past 15 years, and that that figure was a conservative estimate. Colombia, with a number of other countries, had been singled out for special attention in that connection. The allegations concerning his country were entirely false and his delegation vehemently rejected them. The article had gone on to state, that, although such executions violated international law, the Governments of the countries mentioned had been extremely reluctant to allow the cases to be investigated. That, too, was entirely false in the case of Colombia. The sources used by the Special Rapporteur seemed extremely selective, and the criteria on which he judged States were unclear. It was not productive to put 39 countries on a black list; such an approach could damage the Commission's credibility and was not consistent with the Special Rapporteur's mandate.

9. His delegation considered that human rights violations were not solely within the domestic competence of States, and that when States signed international covenants, they expressed their willingness to subject themselves to investigation. In all cases, his Government had accepted, respected and supported such investigations in Colombia. The Commission could not, however, use a selective system for accusations of human rights violations. Some countries had no protectors and could fall victim to the attempts of others to salve their conscience about their own human rights violations. His country had never adopted such an attitude, and was truly surprised by the allegations made against it. He wondered what the Richter scale was for judging the gravity of events? For example, in paragraph 141, the report referred to a "rash of killings". To his knowledge, there had been no killings of the kind mentioned. The

statement that since 20 June 1982, when the state of siege had been lifted, former political prisoners released after completion of sentences had been systematically killed by plain-clothes personnel was also entirely unfounded.

10. Colombia was proud of the fact that it was a democracy based on political plurality, free elections and the independence of trade unions. It had long been almost the only country in Latin America to have free elections. Its foreign policy was based on defence of the right of each State to follow its own course without restriction or pressure. There had been difficulties in the past, and Colombia had never hidden them. It had often had to resort to emergency legislation, of which it was neither ashamed nor proud. The State was still weak and had to use states of emergency in order to protect itself from various forms of violence. The state of siege as applied in Colombia was not arbitrary and differed from the martial law imposed by other countries in that the Constitution was always in force during a state of siege and the legislative provisions still applicable were clearly designated. The legislative system for the defence of the Constitution went even further than that of the United States. The Supreme Court had recently declared some of the legislation enacted by the Executive to be invalid: the Judiciary thus had powers nearly equivalent to those of the Executive, for the ability to annul laws was a counterpart of the ability to promulgate them. In cases of human rights violations, the Supreme Court acted ex officio and could rule against the Government, as indeed it had on occasion. He wondered what more could be required of a State.

11. The representative of the United Kingdom had remarked that human rights violations were discussed in Parliament. The same was true in Colombia and the debates on such subjects in Congress were open to the public.

12. There was a danger that the mass media, in disseminating inaccurate interpretations of events, could create serious trouble in the countries concerned. Colombian citizens were extremely disturbed about their country's having been placed on the list mentioned in the article he had quoted.

13. The state of siege had been lifted on 9 June 1982 but, throughout its duration, political parties had acted with full freedom and had for instance been able to present candidates for election. A new Government had come to power on 7 August 1982 after the party in power had been defeated in free elections. Under the new Government, excesses perpetrated by junior officials during the state of siege had been punished and, following a denunciation by the Attorney-General that some junior members of the armed forces were collaborating with a paramilitary group which had been responsible for much of the violence in various parts of the country, the President had recently responded by saying that the Government was ready to have those individuals investigated and, if necessary, brought to trial. What more could be expected of a Government in any democracy?

14. A number of amnesty bills had been submitted to Congress, and finally, on 19 November 1982, Act No. 35 had been promulgated: it provided for an amnesty for all those who had resorted to rebellion or sedition, for the rehabilitation of areas affected by armed conflict, and for economic and social assistance for those benefiting from the Act. Representatives of all political parties had contributed to the drafting of the Act and representatives of the various guerrilla groups had even taken part in the negotiations on it. Under the Act, a Peace Commission had also been set up in which the leaders of the various guerrilla groups were to participate.

15. On signing the bill into law, the President had stated that the Congress and Government of Colombia, in a spirit of realism and patriotism, were opening the doors to the democracy long awaited by the people of Colombia and that, knowing that it had been legitimately elected and thus enjoyed broad public support, the Government could afford to be generous. The President had expressed the hope that the Government's action would be seen in the proper light and not interpreted as weakness.

16. Act No. 35 applied to all persons who had participated in acts of rebellion or sedition and all who had aided and abetted them. The Higher Courts had been ordered to cancel the trials of persons accused of such acts and to release those who were being held prisoner. All persons found guilty of political offences had been released and had their penalties commuted so that a return to normality and peace might begin in Colombia.

17. Measures had also been taken to promote the country's economic recovery, for the Government realized that there was a direct link between poverty, injustice, exploitation and the violence that had erupted. The new democratic Government had set in motion all possible procedures for resolving the country's internal problems, where necessary with the participation of international organizations.

18. His delegation therefore hoped that the mandate of the Special Rapporteur on summary or arbitrary executions would be defined more precisely with regard to the type of denunciations he should take into account and the ways in which he might use his mandate to investigate primarily countries which had a State policy of summary or arbitrary executions or at least tolerated such executions. If the Special Rapporteur was to continue to report on the subject, he must include other countries apart from the 39 on his present list and exclude those where there were no longer such executions or where measures had been taken to combat them. The Commission too must perform its mandate in accordance with the strict canons of the resolutions governing its work, without double standards and scapegoats, so that the press did not distort the situation in certain countries and mislead public opinion. Colombia was proud to have a legitimate, democratic Government with an independent foreign policy, and was prepared to allow anyone to investigate it. It was also proud of the democratic process that had enabled it to declare a general amnesty in order to end the earlier violence (in a civilized manner) and with due respect for the Constitution and international law.

19. The CHAIRMAN recalled that item 12 was a comprehensive item and that, while delegations might focus their attention on particular issues under that item, they should not create subitems out of what was a single item.

20. Mr. CHARRY SAMPER (Colombia), speaking on a point of order, suggested that the most practical course would be for the Commission to devote one meeting to each subtopic under item 12. That might also help to curb the zeal of certain members of the press.

21. Viscount COLVILLE OF CULROSS (United Kingdom) observed that, since assuming office, the Secretary-General had demonstrated his deep commitment to the Charter and his intention of devoting the highest priority to the promotion of human rights throughout the world. He had stressed that the effectiveness of the United Nations in the field of human rights lay in the power of persuasion and the exercise of moral authority. Unfortunately, it was all too easy to become frustrated with the workings of the various United Nations human rights bodies when, after years of debate, gross violations of human rights continued unabated. His delegation remained convinced, however, that the power of persuasion lay at the heart of deliberations on

human rights and that one of the Commission's main aims was to create a climate of opinion in which all those in authority would come to perceive that they had much more to lose than to gain by violating basic human rights.

22. Violations of human rights occurred throughout the world and were not confined to the few countries on which the Commission tended to concentrate. With regard to those countries, however, he wished to express appreciation for the various reports now before the Commission and also to the Governments of Bolivia and El Salvador for their co-operation with the Commission. Such co-operation had resulted in comprehensive reports on the two countries which took account of their Governments' views and indicated genuine governmental concern to improve the human rights situation there. He only regretted that such an attitude was not universal.

23. Governments faced a difficult task in imposing the rule of law in situations of widespread violence. In El Salvador, a number of important human rights continued to be violated on a wide scale because of such violence. There were adequate laws to permit the investigation and punishment of such violations but the judicial system in El Salvador appeared to be in a state of atrophy or, at least, there was a notable lack of information on legal proceedings regarding alleged human rights violations. His Government was greatly disturbed at the many reports of human rights violations of all kinds in El Salvador and wholeheartedly condemned all of them, regardless of their perpetrators. The balanced view of the situation presented in the report confirmed that much of the responsibility for various violations rested with groups of the extreme right and left, as well as with members of the State apparatus. Respect for human rights, including economic, social and cultural rights, could not flourish in the midst of violence and all factions in El Salvador must cease their violence in order to allow peace and stability to return.

24. His Government was conscious of the difficulties facing the Government of El Salvador in restoring peace and stability and had therefore welcomed the March 1982 elections. It urged the Government to take all possible steps to restore civil peace and hoped that the Commission would adopt a balanced resolution requesting the Special Rapporteur to continue to follow the situation in that country in the coming year in order to contribute to a solution of its problems. His delegation would therefore be ready to support the draft resolution contained in document E/CN.4/1983/L.18.

25. With regard to the study by the Special Envoy on Bolivia, his delegation was gratified that the human rights situation in that country had improved significantly since the establishment of the constitutional Government of President Siles Zuazo had put an end to an era of serious, massive and persistent human rights violations. It hoped that the whole process of a return to democratic government would continue and supported the recommendation that United Nations advisory services should be continued in order to help the Bolivian Government to achieve that end. It would now be appropriate for the Commission to discontinue its consideration of Bolivia under item 12 but to leave open the possibility of providing advisory assistance should the Government so desire. The report on Bolivia offered guidance and inspiration to other countries and there was also a lesson to be learned from the Bolivian Government's plea for understanding and support from the international community for its efforts.

26. It was precisely such an attitude that was long overdue in relation to Chile. The human rights situation in that country continued to attract international

attention and concern and, while there had been a marked improvement since the immediate aftermath of the coup in 1973, the failure to investigate satisfactorily the cases of persons who had disappeared between 1973 and 1977 and the persistent repression of trade-union and political activities continued to disturb his delegation. There were hopeful signs, however, such as the appointment of a commission to review the position of exiles and the suspension of the sentence of exile on members of Izquierda Cristiana. His country had consistently demonstrated its concern about the human rights situation in Chile and had also considered carefully the selectivity of United Nations treatment of that country when similar or even graver human rights violations in other countries had not received the same scrutiny. Chile had a long-standing democratic tradition, however, which enhanced his own country's desire to see Chile re-emerge from the events of the past 10 years. Human rights in Chile had been on the Commission's agenda for too long, and his delegation wondered whether the institutionalized preoccupation of the United Nations with Chile might not be easier to terminate if there was also evidence of a will to terminate some of the institutionalized repression in Chile. There must be flexibility and goodwill on both sides.

27. The human rights situation in Guatemala continued to give cause for concern, in particular the recent huge increases in the number of refugees and grave reports of human rights violations. The Secretary-General's report of December 1981 was clearly out of date and the Inter-American Commission on Human Rights had yet to publish the findings of its September 1982 visit. There was a definite need for further independent investigation of the situation in Guatemala and the recently expressed willingness of the Guatemalan Government to allow such investigation and to co-operate fully with a Special Rapporteur, once appointed, was most welcome.

28. With regard to the situation in Iran, in addition to the Secretary-General's note in document E/CN.4/1983/19, his delegation had accumulated a large amount of deeply disturbing material over the past year. The annexes to the Secretary-General's note contained the response of the Iranian Government regarding human rights violations on the grounds of religious intolerance. That response revealed certain inconsistencies: on page 17 of annex II, the Government said that nobody, including the Baha'is, had been prosecuted or punished simply because of his beliefs. A recent report in the Iranian newspaper Ettela'at, on the other hand, stated that a citizen in Shiraz had been executed on charges of disseminating the Baha'i faith and opposing Islam. That and the reported death sentences on 20 other Baha'is must be contrasted with the mild sanctions described on page 19 of annex II. His Government also had some difficulty in reconciling the story about Abdul Bahá given in annex II with the facts as known to it.

29. The reports on human rights violations that had reached his delegation had concentrated on conditions in Iranian prisons and the workings of the Iranian judicial system. There were horrific accounts of prison conditions and his delegation hoped that the United Nations envoy whom the Iranian Government had invited to visit Iran to discuss human rights matters would be allowed to visit prisons and other places of detention and report thereon to the Commission. With regard to the judicial system and the availability of due process and rights of appeal, Ayatollah Khomeini had enacted on 16 December 1982 further measures to curb police powers and to ensure an independent judiciary and proper legal proceedings. In a more recent statement, however, he had seemed to indicate that an exception would be made in the case of proceedings against counter-revolutionaries.

30. With regard to the Under-Secretary-General's report on Poland (E/CN.4/1983/18), his delegation wished to dissociate itself from the criticisms of that report made at the previous meeting and regretted that the argument would be repeated that discussion in the Commission of the situation in that country was improper. The letter from the Permanent Representative of Poland referred to in paragraph 6 of the report provided what was far from a complete analysis. Under the terms of article 22 of the International Covenant on Civil and Political Rights, article 8 of the International Covenant on Economic, Social and Cultural Rights, and ILO Conventions Nos. 84 and 98, the Commission clearly had the right to consider the latest trade-union legislation in Poland; and the Polish Government should abide by Commission resolution 1982/26 and General Assembly resolution 37/200 and co-operate fully with the Commission. Since serious limitations had been placed on the report, his delegation would wish to draw a conclusion only after a balanced reading of material available from all sources, including the Polish Government.

31. The suspension of martial law did not appear to have led to a corresponding improvement in the human rights situation of the Polish people. Indeed, many of the restrictions on the exercise of human rights imposed under martial law had now been incorporated into recent legislation. With regard to the treatment of detainees and prisoners, while his delegation welcomed the fact that all but seven of those detained without charge or trial had been released, reports of conditions of their earlier detention aroused concern, as did the fact that several thousands of people remained in prison for martial law offences. In view of the position adopted by the Polish Government, his delegation would support any proposal that the Under-Secretary-General should continue to study the situation in that country and report thereon to the Commission at its fortieth session.

32. His country's concern about the situation in Poland did not mean that it was any less concerned about other important questions covered by item 12. His country was deeply committed to the humanitarian obligations assumed under the various human rights instruments and was most concerned that human rights violations by States parties to the Covenants only served to weaken those instruments and to cast grave doubts on those countries' commitment to them.

33. Turning to the allegations made by the Soviet representative at the 40th meeting concerning hunger strikes, child exploitation and immigration laws in the United Kingdom, he wished to point out that hunger strikes were also a problem in the Soviet Union. He was curious about the reference to child exploitation: the Soviet representative had perhaps been watching too much television and had mistaken a dramatization of Dickens for the current situation in the United Kingdom! With regard to immigration, there were some countries that people were always eager to enter and others that they were eager to leave. In that connection, his delegation deplored the unjust persecution of all those who sought respect for fundamental human rights wherever it occurred, including the Soviet Union. In particular, the obstacles placed in the way of Soviet citizens wishing to emigrate from that country were contrary to the provisions of both International Covenants. The citizens involved were not only Jewish but also Christians and others who sought only the freedom to profess and practise their faith. Their persecution made a mockery of the Soviet Union's acceptance of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The lack of respect for human rights and fundamental freedoms in the Soviet Union was a legitimate matter of international concern and that country might perhaps make a start by ceasing to oppress those who merely sought to uphold the rights specified in the Covenants.



34. The report by the Special Rapporteur on summary or arbitrary executions (E/CN.4/1983/16) represented the initial stage of a timely investigation, and disclosed the hitherto unsuspected scale of a most horrific practice, for which any justification was hard to imagine. His delegation welcomed the information submitted by Governments, but noted that much more was awaited. The report's conclusion that the practice was most prevalent in areas of grave internal disturbances and of violent change or during attempts to overthrow Governments was significant; and the reported relationship between summary executions and the violations of other human rights, particularly torture and other cruel, inhuman or degrading treatment or punishment, came as no surprise.

35. However, his delegation was equally interested in the report's comments on municipal law. It was no surprise that most States declared the practice contrary to domestic law, and such law should plainly be enforced. Of wider significance, perhaps, was the doubt cast on the tenets of domestic laws even where they were adhered to. The suggestion was that some rules and procedures should be reassessed in the light of the basic right to life and the tentative definitions in paragraphs 66 and 67. The item should continue to receive high priority, and his delegation hoped that the work would be taken to its next stage.

36. The report of the Special Rapporteur on human rights and massive exoduses (E/CN.4/1983/33) was likewise a timely contribution to the analysis of a serious and growing problem. His delegation commended the work done in producing the report, which contained many interesting proposals and recommendations. One cause of the problem might be political violence; but the words of President Houphouët-Boigny of the Ivory Coast concerning the meaning of fundamental freedoms for those without food and work were clearly relevant.

37. Annex I to the report included the views of the United Kingdom. His country was interested in the proposal for a Special Representative for Humanitarian Affairs; the proposal, if properly integrated into the existing system, would help in the global response to pressing humanitarian concerns, and thus deserved further consideration by the secretariat and the Commission. His delegation urged countries which had not yet done so to communicate their views on the study to the Secretary-General.

38. The ideas for information work in the field of human rights, mentioned by the Director for the Centre on Human Rights at the outset of the current session, were of interest; information work was vital to the promotion of human rights.

39. His delegation hoped that, through its statements on the various items on the agenda, it had demonstrated the United Kingdom's approach toward questions of flagrant violations of human rights. His country was committed to ensuring the full enjoyment of human rights and fundamental freedoms by all, based on the full study, free from selectivity, of all available material. It tried to support certain initiatives, new or more mature, wherever it discerned an indication of the truly legitimate stance and humanitarian approach which should be adopted.

40. Mr. ALBADRAN (Observer for Iraq) said that his delegation greatly appreciated the report on summary or arbitrary executions (E/CN.4/1983/16) prepared by the Special Rapporteur. It reiterated its readiness to continue its co-operation, in the spirit of its commitment to human rights and the relevant international instruments, including the International Covenants, which Iraq had ratified. It hoped that the Commission would extend the mandate conferred on the Special Rapporteur pursuant to Council resolution 1982/35.

41. Iraq also appreciated the role being played by some non-governmental organizations in various parts of the world in helping to improve the protection of human rights; their work included assistance to Governments in measures pursuant to the provisions of the International Covenants. For example, a delegation from Amnesty International had visited Iraq, at the Government's invitation, in January 1983; all facilities had been placed at the delegation's disposal, including full freedom of access and interview, as well as all requisite written and oral information. The visiting delegation had expressed the view that those arrangements had represented an important measure which other countries should be encouraged to copy.

42. It was to be hoped that certain false accounts of the situation in Iraq had thereby been corrected.

43. Mr. LOVO CASTELAR (Observer for El Salvador) said that, despite the lack of objectivity affecting consideration of the human rights situation in El Salvador, his Government had maintained a positive attitude of co-operation with the United Nations. In that spirit, it had provided facilities for the visit of the Commission's Special Representative, with a view to ensuring that his report would be based on a balanced approach, taking full account of the causes of the conflict in that country and thus helping to restore peace. The Government had been determined to co-operate, although it had recognized neither the legal basis of the resolutions leading to the Special Representative's appointment nor subsequent developments, including the report itself, which, far from being a positive factor, seemed to enhance the cause of seditious groups.

44. The Government of El Salvador rejected the final report (E/CN.4/1983/20) which not only had no legal validity but failed to reflect the Government's efforts, in the face of difficulties, to promote social justice, democracy and peace, efforts which had included agrarian reform and the measures culminating in the free elections held on 28 March 1982. The Government was not simply anxious - as the Special Representative had put it - to improve human rights, but was carrying out a programme, pursuant to the Apaneca Pact, aimed at peace, democratization, full observance of human rights, economic recovery, consolidation of reforms, trust, security and the strengthening of the country's external position. The President of the Republic had recently presented to the nation a peace programme, based on an essentially political and democratic approach and rejecting a solution by armed force as contrary to the people's wishes. It was essential for peace that those who opposed the current democratic process, whatever their ideology, should relinquish their strategy of violence and destruction; to that end, the Peace Commission would, inter alia, draw up an amnesty law and promote the return of armed opposition groups to the democratization process.

45. His delegation had already referred, in the Third Committee during the General Assembly's previous session, to the Special Representative's interim report; the final version was unacceptable on account of its biased approach and the excessive amount of material from politically motivated sources. However, it was better, in

some respects, than that submitted to the Commission at its thirty-eighth session, for one thing, the Special Rapporteur had acknowledged the Government's full and free collaboration, the establishment of a Human Rights Commission and an invitation to the Inter-American Commission on Human Rights to visit El Salvador, as well as the efforts to promote the work of the judiciary. The report had emphasized the setbacks to structural reforms, but could not ignore the progress made and its important impact; and it had noted the importance of the 1982 elections as an event of major political importance. In dealing with biased and politically motivated sources, which overlooked terrorist activities, it was important to view the details with care; the report had concluded that acts of violence had diminished by roughly one half. Events in El Salvador were subject to constant distortion, particularly by the international media. Occurrences and responsibility for them, were always ascribed to government forces; no mention was made either of terrorist actions or of the Government's measures, in the political, social and economic fields, aimed at peace and justice.

46. The latest report contained considerable details of sabotage committed by guerrilla opposition forces and had concluded pertinently that such attacks, although allegedly for military purposes, gravely hampered the exercise of human rights.

47. Although the report continued to criticize the administration of justice in El Salvador, it made a brief reference to some improvement, albeit in terms barely commensurate with the efforts made. The report underlined the authorities' concern to promote improvements in criminal proceedings as part of the campaign to enhance human rights.

48. In his conclusions, the Special Representative had emphasized that events in El Salvador affecting human rights stemmed from the continuing civil conflict; but he had not been even-handed in attributing specific responsibility. For example, it was puzzling to speak of humanitarian treatment of prisoners by guerrillas while failing to note that for guerrillas to make off with soldiers or civilians was not only a violation of human rights but also a crime. His Government rejected any conclusions of an incriminatory nature, either explicit or implicit, since the State's policy was aimed at promoting respect for its citizens' rights and upholding the law. Moreover, the violence being inflicted on the country was creating situations utterly alien to the authorities' wishes, which were to secure peace and security for its citizens. In that sense, paragraph 122, in welcoming governmental efforts to protect human rights, reflected the Government's aims.

49. Some of the report's recommendations were valid and conformed to the Government's aims; others related to measures already carried out. His delegation could accept some of those recommendations, but not recommendations which related to political matters within the sole competence of the people of El Salvador and which moreover were impractical in the current situation. The Commission and its Special Representative must not forget that a State's sovereignty was a matter for its own people. Any intervention in internal affairs by Governments or bodies lacking objectivity and failing to observe international rules to promote peace and discourage terrorism would be rejected by his nation. His delegation reserved the right to respond to any subsequent observations.

50. Mr. COLOMBO MURUA (Argentina) said that the Special Rapporteur's report on summary or arbitrary executions (E/CN.4/1983/16) dealt with a subject regarded as highly important by his delegation, which had spoken on it at the Commission's thirty-eighth session. In response to the request for information from Governments of member States, his Government had submitted a reply dealing with legal matters of a general nature.

51. The report noted that two allegations had been forwarded to the Argentine Government on 19 November 1982 - one relating to the deaths of missing persons and the other relating to alleged summary or arbitrary executions in Argentina. Both allegations had been submitted by a non-governmental organization known for its selectivity in alleged human rights violations and its efforts to discriminate against Argentina. That organization had prepared a document, in February 1980, based on statements by two persons known to be members of terrorist organizations. They had submitted false information aimed at supporting a self-styled political opposition group of Argentine terrorists active since 1969. His Government had had occasion, during the Commission's thirty-sixth session, to demonstrate the document's falsity and its authors' political motivation. The same organization had resubmitted the document shortly afterwards, under the Commission's confidential procedure. It was not in order, therefore, to resume the action by means of a procedure unauthorized by the Commission or any other United Nations body. The Commission, in instructing the Special Rapporteur to examine questions relating to summary or arbitrary executions, had intended only to investigate the scope and extent of that phenomenon, not to alter the confidential procedure. Thus, a subject twice dealt with three years previously was being raised again on the basis of the same document; and it was strange that the Special Rapporteur had included it, having affirmed, in the same report, that cases relating to events before 1980 had been excluded. To include Argentina in the report solely on the basis of a communication not only outdated but previously shown to be false reflected a discriminatory approach unacceptable to the Commission.

52. The second communication from the same non-governmental organization, included in the report and alleging government responsibility for two criminal acts committed in 1982, was based on press speculations which the press had itself later discarded. The Argentine President's condemnation of one of the acts and the appeal by the Minister of the Interior for witnesses to come forward were not mentioned in the report, which also failed to mention the authorities' investigations. Moreover, the communication failed to make any specific accusations and did not warrant the least credibility. His delegation rejected the reference to Argentina in a document which referred to matters subject to official judicial investigation, and in particular any distortion of the purpose of Council resolution 1982/35 in order to permit the communication of false allegations of summary executions. No doubt the Special Rapporteur had been genuinely misled and would renounce the allegations in the light of the Argentine delegation's clarification.

53. With regard to the main subject of the current agenda item, his delegation reiterated the warning expressed at the preceding session about certain Governments which tended to act as prosecutors against certain others and to adopt a political rather than humanitarian approach. The Commission's mandate regarding human rights violations in any part of the world was being distorted as a result of the course followed since 1974, particularly in regard to countries in the Latin American region. The worst feature was the subordination of humanitarian considerations to

political issues; for that the Commission was the wrong forum. It was a mistake to single out a particular country instead of seeking over-all improvements in respect for human rights and the condemnation of violations. It was the latter approach that would secure the collaboration of Governments with the international community; his delegation therefore appealed to the members of the Commission to act always in accordance with justice and equity.

54. Mr. TJIRIANGE (Observer, South-West Africa People's Organization) said that the Commission was meeting at a time when certain forces were deliberately trying to confuse the decolonization process in Namibia with a view to perpetuating colonialism in that country. A totally wrong impression was being given that a genuine change was taking place, but South Africa's record of atrocities during the past three years showed clearly that no real change was intended. The Ad Hoc Working Group of Experts on southern Africa, in its visits to the region, always obtained further evidence to that effect, in addition to the ample details provided by SWAPO and ANC. The evidence showed that South Africa resorted to tactics characteristic of a fascist regime. Namibians had been massacred and Namibian women raped; a criminal gang code-named "Koevoet" had been formed as part of the policy of terror, intimidation and torture; and secret gaols had been set up, particularly in remote, densely-forested areas. Youths aged from 13 years upwards were conscripted for fighting against freedom forces, thus creating conditions ripe for civil war in an independent country. In such circumstances, the so-called positive changes taking place were merely cosmetic and therefore worthless. The African people did not want the liberalization of apartheid or a relaxed colonialism. Oppression was not a matter of degrees. They wanted total, unconditional independence now.

55. The Reagan Administration was seeking to link the decolonization of Namibia with the totally unrelated issue of the withdrawal of Cuban troops from Angola with the aim of using the Namibian issue to achieve its global imperialistic objectives. It was immoral and inhuman for any nation to capitalize on the suffering of other peoples in order to achieve its own selfish objectives. The Namibian people had not invited Cuban troops to Angola; rather Cuban troops were in that country by arrangement with its sovereign Government. It was ironic that those who were so concerned about Cuban troops in Angola said nothing about South African troops in Namibia.

56. As long as South Africa remained in Namibia, there would be violations of human rights. The attainment of total independence was a prerequisite for the enjoyment by the Namibian people of their human rights, and the international community had a moral obligation to help the people of Namibia to free themselves from South African colonial rule. The United Nations had been created to bring about peace based on respect for human rights, including the right of peoples to self-determination. Wherever colonialism and oppression existed, the United Nations could not remain impartial; it must side with the oppressed to secure their right to self-determination, freedom and dignity.

57. There was much more that could be said but, in view of the time-limit on statements, he requested the secretariat to give wide distribution to the written material which SWAPO had made available.

58. Mr. VALLADARES (Christian Democratic World Union) said that he came from a continent of sorrows where the violation of human rights was a common occurrence, where Indians were being slaughtered in Central America and where mothers whose sons had been assassinated were denied even the sad privilege of burying them. The drama of missing persons in Latin America was one of the distressing episodes of a century which abounded in sad events. No one could remain silent in the face of such crimes.

59. Having personally endured the repression and torture of the left, he wished to express his solidarity with the victims of the right. That was the only attitude which could really save man from his worst instincts. No crime was historically justifiable. The bloodshed and barbarity perpetrated by the right and the left were equal. But he could only speak about what he personally had seen, heard and suffered during 22 years in political prisons, where he had been ill-treated, humiliated and deprived of the most basic rights. He had seen many of his companions beaten, tortured and killed. His head and hands were scarred from the torture to which he had been subjected. He would never forget the rigours of forced labour in the prisons, where the violence of the authorities was brutal and relentless.

60. He had seen fellow-prisoners shot dead for no reason and beaten unconscious. When, in 1966, one prisoner had gone on a hunger strike to protest against such brutal treatment, he had been denied water for days to increase his suffering, and when, dying, he had cried out for water, a guard had urinated into his mouth. The prisoner, Roberto López Chávez, had died the following day. He and his fellow political prisoners had been subjected to beatings twice daily in order to force them to wear the uniform of ordinary criminals as part of the Government's efforts to deny the very existence of political prisoners. On 1 September 1975, the prison garrison had gone on a rampage, dragging prisoners from their cells and kicking them down the corridors. Gerardo González Alvarez, a Protestant minister, who had raised his arms to invoke God's forgiveness on the guards, had been shot dead on the spot, and dozens had been wounded. Many of the survivors of that massacre were still in prison.

61. On 23 March 1975, a prison guard had slashed the hands of a political prisoner, Eduardo Capote, who had already served his sentence of 15 years but who had not been released because release was contingent on acceptance of political rehabilitation. Many others who had completed their sentences had likewise not been released. Hundreds of his companions were still languishing in political prisons, deprived of clothing, visits, correspondence and medical attention, and shut up in cells without either natural or artificial light. Many were seriously ill.

62. He would tell much more in his books because the terrible experiences he had had were his personal ghosts, which he could only exorcize through writing. For years, the Government in question had cleverly concealed its true repressive nature, had buried its corpses in secret and had silenced its victims. It had sent many to the firing squad for political offences. The reason why that Government was anxious to conceal the facts was obvious: it would lose all legitimacy if its crimes became known to the public. Nearly a quarter of a century had elapsed since that Government had taken power in his country, so no one could excuse the killing and oppression for which it was responsible on the ground that the political process was still young. It might be difficult to prevent such crimes but the least that could be done for the

victims was for just people to denounce them. In the preceding three years, the Christian Democratic World Union had submitted nearly 1,000 complaints, but to no avail. Martí, the architect of Cuban independence, had said that to remain passive in the face of a crime was to commit it. He had been told that, if he dared to mention the name of the country to which he was referring, the representatives of totalitarian Governments would not allow him to continue speaking. However, the time-limit on statements was almost up, and he wished to say that it was in his homeland that such crimes were committed. He was of course, referring to Cuba, which was in the grip of the most brutal dictatorship in its history.

63. Mr. de SCHUTTER (International League for the Rights and Liberation of Peoples) urged the Commission to consider the human rights situation in the Republic of Zaire, a country which had ratified the International Covenants on Human Rights in 1976 and which, the following year, had signed the Optional Protocol.

64. While the various Constitutions adopted in Zaire since 1960 had guaranteed the basic rights of citizens, other laws had been enacted which limited or totally prevented the enjoyment of such rights, including freedom of conscience and religion, and freedom of expression and opinion. The situation which existed was legally unacceptable: a Government signed international conventions, which it confirmed by national laws, but enacted other laws at variance with those conventions, and, in practice, neither the national laws nor the conventions were respected.

65. In spite of the provisions of article 6 of the International Covenant on Civil and Political Rights concerning the death penalty, the Code of Justice of Zaire provided that prisoners condemned to death by the Court of State Security or military tribunals did not have the right of appeal and that the sentence could be executed immediately. While article 13 of the same Code provided for freedom of thought, conscience and religion, a 1971 law limited the number of religions and sects which were authorized in Zaire. Freedom of expression and of the press did not exist in practice. The country's labour laws allowed only a single trade union. The Zairian electoral system was at variance with provisions of article 25 of the International Covenant on Civil and Political Rights.

66. In addition to the many cases of conflict between the laws of Zaire and the international instruments it had signed, there were many more cases in which the actions of the Government were in breach of its international commitments. The Government had committed violations of the rights provided for in articles 6, 7, 9, 10, 14, 15, 17, 18, 19, 21, 22 and 25 of the International Covenant on Civil and Political Rights. In 1966, four former ministers had been hanged in the central square of Kinshasa for allegedly plotting against the Government. Political opponents had been thrown to the crocodiles or executed without trial. In 1969, more than 100 students had been massacred by the army and in 1981, 13 members of parliament who had called for the creation of a new political body had been sent to prison for 15 years. The list of victims was long, and ranged from senior officials who had fallen out of favour to political opponents, and the man in the street, whose only offence was to have complained about bad living conditions. The number of arrests and disappearances was on the rise, and the police, operating without any control, held "suspects" for long periods without trial. The mortality rate in detention camps and prisons was extremely high, and torture was a common occurrence. The regime had also committed several mass violations of human rights, massacring hundreds of people in 1978 and 1979.

67. The many violations of human rights in Zaire had been documented in several reports issued by Amnesty International and the testimony of various individuals, including the former Prime Minister of Zaire and those who had testified at the session of the Permanent People's Tribunal at Rotterdam in September 1982. His organization appealed to the Commission to take action to secure the release of those who had been unfairly condemned or arrested on political grounds, and to restore human rights in Zaire, especially the freedoms of the press, assembly and political association, and the right to organize.

68. Mr. HEREDIA PEREZ (Cuba), speaking in exercise of the right of reply, said that, earlier in the meeting, an individual had spoken on behalf of a non-governmental organization which, just a few days earlier, to the surprise of many who were familiar with Cuba's record in the field of human rights, had attempted to initiate a campaign of attacks and slander against Cuba. The aim of that organization was to erode Cuba's well-earned prestige in the field of human rights. The Cuban delegation had replied in detail at that time and its statement was to be found in the relevant summary record. He wished, however, to tell the Commission something of the character of the individual who had so slandered Cuba with his trumped-up charges. That vile and cowardly individual had had the audacity to present himself as someone concerned with human rights when his hands were still covered with the blood of the martyrs who had suffered under the dictatorship of Batista, in whose police force he had served. That vile individual was a total fraud. He had been sentenced to prison not for his beliefs but because in 1960, when the entire Cuban nation had been bracing itself for an invasion, he had been found with a cache of arms intended for use in supporting the invaders and in indiscriminate terrorism. He posed as a Christian and yet had given no thought to human rights when the people of Cuba had waged their revolution against all odds. He posed for the press as a paralytic in a wheelchair and yet everyone had seen him enter and leave the conference room on his own feet, without difficulty. It was beneath the dignity of the Commission to give credence to such an individual.

69. Mr. ZORIN (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that, although the representative of the United Kingdom had referred to the time of Dickens in discussing the question of child labour in that country, the fact was that child labour still existed in the United Kingdom, as indicated in an article in the publication Labour Herald. According to statistics given by that publication, one third of 11 and 12-year-olds in the United Kingdom were working, and 50 per cent of those earned less than £1 an hour. According to the article, the children were not working for pocket money but to help meet the needs of their families, especially since in many cases the parents were unemployed. The problem of child labour in the United Kingdom was, therefore, not a thing of the past but a current reality.

70. The United Kingdom representative had also referred to trade-union rights in Poland, and yet, as recently as 1982, an employment act had been passed in the United Kingdom Parliament imposing limitations on trade-union activities and on the right to strike. Not content with that, the Government of Mrs. Thatcher was now preparing a bill providing for even stricter controls on trade unions and authorizing government interference in their activities.

71. The representative of the United Kingdom had also mentioned the question of the right of Soviet citizens to leave their country but he had not said anything about the right to enter the United Kingdom. In January the so-called Nationality Act had entered into force, which deprived thousands of non-white United Kingdom nationals of their citizenship purely on racial grounds and barred refugees from former colonies from entering the United Kingdom.



72. Mr. KOOLJMANS (Netherlands), speaking in exercise of the right of reply, said that Suriname had enjoyed full autonomy within the Kingdom of the Netherlands since 1954 and that, accordingly, the Suriname authorities had for more than 30 years been exclusively competent and responsible for the country's internal affairs. The fact that national parties had been established mainly on a racial basis could not, therefore, be attributed to the Netherlands.

73. Neither before nor after the coup of February 1980 had his Government denied the right of the people of Suriname to choose their own political and socio-economic system. The fact that co-operation between his Government and the Government of Suriname, especially in the economic sphere, had been carried on on a normal basis until September 1982 bore witness to the fairness of his Government's policy. Only when the arbitrary executions had taken place had his Government decided that certain steps must be taken. That approach was in line with his Government's consistent policy of speaking out whenever blatant violations of human rights occurred.

74. Some, like the representative of Suriname, might consider his Government's policy to be too lofty. The Netherlands Government, for its part, considered such a policy to be required by the lofty standards which the international community had set for itself.

75. He welcomed the willingness expressed by the Government of Suriname to co-operate fully with the Special Rapporteur. His Government would be the first to welcome the establishment of reliable guarantees for human rights in Suriname, which would enable his country to resume its traditional cordial relations with that country.

ADOPTION OF THE AGENDA (agenda item 2) (continued)

76. The CHAIRMAN said that the Bureau had agreed to propose for inclusion in the agenda an additional item entitled "Election of a member of the Sub-Commission". In that connection, he drew attention to document E/CN.4/1983/39. If there was no objection, he would take it that the Commission wished to adopt the Bureau's proposal.

77. It was so decided.

The meeting rose at 1.10 p.m.