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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 52nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 9 April 1997, at 9 p.m.

Chairperson: Mr. ZAHRAN (Egypt)
later: Mr. SOMOL (Czech Republic)

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(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

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In the absence of Mr. Somol (Czech Republic), Mr. Zahran (Egypt),
Vice-Chairperson, took the Chair.

The meeting was called to order at 9.30 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
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(agenda item 10) (continued) (E/CN.4/1997/5, 6 and Add.1 and 2, 8, 9, 12 and Corr.1 and Add.1 and Corr.1, 48-50, 51 and Add.1, 52-54, 55 and Corr.1, 56-59, 60 and Add.1, 61, 62 and Add.1, 63, 64, 113, 114, 118, 123-125, 129 and 132; E/CN.4/1997/NGO/3, 4, 6, 12, 14-17, 21, 25 and 27; A/51/457, 460, 466, 478, 479, 481, 490, 496, 538 and 542/Add.2)

1. Mr. CLEMENT (World Council of Churches) said that the gravity of the human rights situation in Nigeria and Sri Lanka called for close scrutiny and strong action.
2. In Nigeria, a pattern of gross human rights abuses had persisted for years, especially in Ogoniland, where there had been a rise in the number of cases of arbitrary detention and extrajudicial executions. Respect for the law had been diminishing ever since the military regime had come to power. The courts were no longer able to protect the basic rights of the people and habeas corpus had been suspended. The Government persecuted its opponents, silenced all forms of dissent and held trade union leaders incommunicado without bringing charges against them. In Ogoniland, the situation continued to deteriorate rapidly, despite the international repercussions of the execution of Ken Saro-Wiwa and other leaders. The increasing militarization of the region and the brutalization of the population by the security forces had forced hundreds of Ogonis to flee to transit camps in neighbouring Benin. At the beginning of 1996, the fact-finding mission sent to Ogoniland by the World Council of Churches had prepared a report entitled "Ogoniland - the struggle continues", which highlighted the plundering of the land and the pollution of the environment by the transnational oil companies operating in the region with the connivance of the Nigerian military dictatorship. It was deplorable that the Special Rapporteurs on the independence of judges and lawyers and on extrajudicial, summary or arbitrary executions had been prevented from visiting Nigeria in fulfilment of the mandate given to them by the Commission at its previous session. The Commission should appoint a special rapporteur on the situation of human rights in Nigeria and request him or her to submit a report at its fifty-fourth session.
3. In Sri Lanka, the civil war fuelled by an unresolved ethnic conflict had entered its fourteenth year, having caused 100,000 deaths and the uprooting and displacement of millions of people. The security forces were committing more atrocities than ever and the incidence of disappearances and torture had increased alarmingly in the north and east of the country. The Prevention of Terrorism Act and special regulations allowed the security forces to hold individuals in custody indefinitely and guaranteed impunity to the perpetrators of serious

violations. Strict censorship and an embargo in the north and east made it practically impossible for the international community accurately to assess the suffering and distress of the civilian population. The parties to the conflict should be urged to respect the internationally accepted norms of humanitarian law and the Sri Lankan Government should dispense with censorship and allow journalists, non-governmental organizations (NGOs) and churches to visit the north and east of the country.

4. Ms. ALEJANDRE (International Association of Educators for World Peace) denounced the incident in which two unarmed civilian aircraft manned by Armando Alejandre, Carlos Costa, Mario de la Peña and Pablo Morales, who had been on a humanitarian search and rescue mission in the Straits of Florida, had been shot down without warning by two Cuban military planes on 24 February 1996, in violation of article 3 of the Universal Declaration of Human Rights. The events had been confirmed in an inquiry by the International Civil Aviation Organization (ICAO), which had concluded that the civilian aircraft had been outside Cuban airspace when they had been downed. In a resolution dated 27 June 1996, ICAO had reaffirmed that States should refrain from using weapons against civilian aircraft in flight and that, if an aircraft had to be intercepted, the lives of its occupants and the safety of the aircraft should not be endangered. It had also pointed out that the use of weapons against a civilian aircraft in flight violated the rules of international law and was incompatible with the most elementary humanitarian considerations. On 26 July 1996, the United Nations Security Council had also urged Cuba to comply with the international provisions prohibiting the use of weapons against civilian aircraft in flight.

5. Pointing out that the Head of the Cuban Government had personally acknowledged the incidents and assumed responsibility for them, she called on the Commission strongly to condemn a criminal act that constituted a premeditated violation of the right to life.

6. Mr. PEREZ BERRIO (American Association of Jurists) said that the international community showed little interest in the human rights situation in Colombia even though it was the Latin American country in which the most serious human rights violations took place. It was obvious that the Colombian Government, which was under pressure from the army, would do anything to hinder the work of the Colombian office of the United Nations High Commissioner for Human Rights. Consequently, it was absolutely necessary to establish an additional mechanism such as a special rapporteur on the human rights situation in the country. Furthermore, as the peace agreements reached in Guatemala were slow to produce any improvements in respect for human rights, the mandate of the independent expert on the situation of human rights in Guatemala should be extended by one year.

7. He drew attention to a note from Mr. Leonce Ngendakumana, the President of the National Assembly in Burundi, denouncing serious human rights violations in that country, and stressed the responsibility of the great Powers in the tragedy that had befallen the Great Lakes region of Africa.

8. He deplored the methods used against the terrorists of Euzkadi ta Askatasuna (ETA) in Spain by the Spanish Government, which authorized the torture of prisoners suspected of

ETA membership; that was a serious violation of their human rights. He also deplored the Spanish Government's readiness to take legal action against members of parliament or of legal political groups for activities carried out in exercise of the right to freedom of opinion.

9. He denounced the execution in the Islamic Republic of Iran of political opponents, including Mehrdad Kalani and Ahmad Bakhtari; the latter had met with the Special Representative of the Commission on Human Rights on the situation of human rights in that country, Mr. Copithorne, something which seemed to suggest that contact with a representative of the United Nations was punishable with death. If the Commission did not react particularly vigorously, it would lose a good deal of its credibility in the eyes of the peoples suffering from human rights abuses.

10. Lastly, the blockade imposed unilaterally by the United States on Cuba despite the decisions of the General Assembly, the opposition of the Latin American countries and the protests of the European Union was a gross violation of the basic rights of the Cuban people and should be categorically condemned by the Commission on Human Rights. The periodic renewal, under pressure from the United States, of the embargo imposed on Iraq by the Security Council had caused serious damage to the Iraqi economy and led to extreme poverty, with children as the main victims.

11. Mr. MBURU (International Human Rights Law Group) said that the human rights situation in Nigeria had continued to deteriorate since the previous session of the Commission on Human Rights. The military Government in Nigeria had not lived up to its commitments to cooperate with the Commission and had even refused to allow two of the Commission's special rapporteurs to visit the country on a fact-finding mission. A total disregard of human rights went hand in hand in that country with deliberate attempts to eliminate the entire opposition. The presumed victor in the 1993 presidential election, Chief Abiola, and many defenders of democracy, had been languishing in prison for two and a half years. The Government had accused 16 of its leading opponents of treason, a crime that carried the death penalty, and all the opposition groups had been banned from taking part in the transitional programme. He therefore called on the Commission to take action, including by appointing a special rapporteur on the situation of human rights in Nigeria, if it did not wish to see the country in the grip of anarchy.

12. He welcomed the report submitted by the Special Rapporteur on the situation of human rights in Afghanistan and commended its analysis and recommendations on women's rights; it showed that there could be no overall improvement in the human rights situation in the country unless women were also able to exercise their basic rights. The Commission should endorse the Special Rapporteur's recommendations and renew his mandate so that he could pursue his crucial work. The Afghan authorities, meanwhile, should ensure that internationally accepted human rights standards were respected throughout Afghanistan.

13. The armed conflict that had broken out in October 1996 in Zaire between the Zairian army and rebel fighters supported by Ugandan and Rwandan troops had aggravated a human rights situation that was already very perturbing on account of the daily abuses of the civilian population by the army and police and the lack of an independent judiciary. It should be noted that the two warring parties were indulging in massive violations of human rights and

international humanitarian law. Soldiers of the Zairian armed forces were allegedly murdering, torturing, raping and inflicting other forms of violence on civilians on a regular basis. Although the Government had taken action against some soldiers, looting and the harassment of civilians had not ceased. The rebels, for their part, were responsible for unacceptable violations of the right to life, as pointed out in the report submitted by the Special Rapporteur on the situation of human rights in Zaire. According to some accounts, they had deliberately massacred several thousand Rwandan and Zairian civilian refugees.

14. The Commission should call on all parties to the armed conflict in Zaire to observe the rules of international humanitarian law and to negotiate an immediate end to hostilities, so as to make the transition to democracy possible while ensuring that women took part in the process, combating xenophobic practices and speech and defining clear criteria for access to citizenship. The Commission should also request the United Nations High Commissioner for Human Rights to strengthen the operational mechanisms for monitoring human rights and supporting public institutions and NGOs throughout Zairian territory. Lastly, it should follow the recommendation made by the Special Rapporteur and the High Commissioner to send an independent international fact-finding mission to Zaire, particularly to the east of the country, in order to verify allegations of violations of the right to life.

15. Ms. NDUWIMANA (International Federation of Action of Christians for the Abolition of Torture) said that the world had looked on and done nothing while violence had escalated in the Great Lakes region of Africa, with the terrible ethnic cleansing in Shaba province in Zaire, genocide in Rwanda and subversion by the opponents of national reconciliation in Burundi.

16. Despite the steps taken by the United Nations to ensure the protection of persons, it was the refugees, displaced persons, women, children and ethnic minorities who continued to bear the brunt of the disasters resulting from the struggles for power, while those responsible were totally unaffected. The impunity of those responsible acted as a catalyst in such crises and the semi-paralysis of the International Criminal Tribunal for Rwanda, which was unable to function normally for lack of resources, was very worrying.

17. The recommendations made to the United Nations in reports prepared after the intensification of the armed conflict after 1993 had never been acted on. The logic of war triumphed over dialogue, leaving the countries concerned in ruins. To resolve the crisis in the Great Lakes region, the relevant United Nations resolutions and international human rights principles must be backed up with practical measures to combat the widespread use of armed force, arms trafficking, the presence of mercenaries, the violation of international borders, infringements of the basic rights of prisoners, the extrajudicial execution of refugees and persons displaced by the war, violence against women and children and the disastrous consequences of the embargo on the civilian population, as well as to ensure the protection of humanitarian workers and human rights defenders.

18. To that end, she made the following recommendations: first, the Special Rapporteurs on the question of torture, on extrajudicial, summary or arbitrary executions and on violence against women should carry out investigations, in addition to the work carried out by the Special Rapporteurs on the human rights situations in Zaire, Rwanda and Burundi; second, everything

possible should be done to achieve a ceasefire in Zaire and to implement the United Nations peace plan, particularly by dispatching neutral observers to determine the conditions for establishing the rule of law and monitoring future elections; third, the International Criminal Tribunal for Rwanda should be provided with all necessary resources to enable it to carry out its mission and the international community should support the restoration of justice and economic and social reconstruction in Rwanda; fourth, the embargo on Burundi should be lifted and the talks under way should be kick-started by establishing normal conditions for dialogue between all the parties concerned; and, lastly, the United Nations should extend the mandate of the International Criminal Tribunal for Rwanda to crimes committed in Burundi after 21 October 1993.

19. Mr. ROBET (Regional Council on Human Rights in Asia) said that the systematic violations of human rights by the Government in power in Indonesia for the past 30 years had become more sophisticated: the police and the public prosecutor's office were used to suppress political opposition, but it was the army that held the real power. Moreover, the Indonesian Government used the national human rights commission to fool the international community into thinking that the human rights situation had improved. It pretended to be actively involved in the work of the Commission on Human Rights, but showed little desire to implement the special rapporteurs' recommendations that would really help improve the situation and refused even to cooperate with the system set up by the United Nations to protect human rights.

20. The situation had deteriorated rapidly in 1996 and early 1997 especially with regard to the exercise of freedom of religion. In February 1997, a new instrument of extrajudicial repression had been added to the law against subversion, which was the legal basis for repression, in the form of a military surveillance system operating at the district level. In the same period, there had been rioting because of economic, social, religious and ethnic problems which the State had failed to tackle properly and which had led to arbitrary arrests, torture and even extrajudicial executions.

21. With regard to the judicial system, the Indonesian Government contrived to crack down solely on the people it saw as political opponents, sometimes with the blatant cooperation of the courts. That was how some of the leaders of workers' organizations, such as Dita Indah Sari, leader of the Centre for Indonesian Workers' Struggle, and political activists such as Sri Bintant Pamungkas, founder of the Indonesian Democratic Union Party (PUDI), had been thrown into prison. Those measures were part of a series of serious violations of basic human rights, including civil and political rights, such as freedom of association and assembly. The right to a fair trial was regularly flouted and suspects attempting to exercise their freedoms were at risk of being arrested, harassed and subjected to cruel and degrading treatment during interrogation or detention.

22. In order to combat the climate of fear and suspicion reigning in Indonesia, where everyone was a potential victim of flagrant acts of physical or psychological violence, the Commission on Human Rights should urge the Indonesian Government to cooperate with the United Nations by inviting the Special Rapporteur on the independence of judges and lawyers to visit Indonesia and to give a positive response to the request addressed to it by the Special Rapporteur on religious intolerance.

23. Mr. GINANJAR (International Federation of Journalists) said that, for 30 years, the Suharto Government's policy towards the Indonesian press had been one of control, restrictions, repression and threats under the "Pancasila" system of press regulation designed to muzzle the media. The Government had, for instance, banned the weeklies De Tik, Simponi and The Independent and thrown journalists who published articles that were critical of it into jail. It had had the publisher of the Suara Independent magazine sentenced to 30 months' imprisonment for printing supposedly insulting and malicious articles about the President and the Government. A journalist from the Bernas daily, Fuad Sjaafuddin, had even been tortured and killed for writing articles denouncing attempted corruption by a relative of President Suharto.

24. The press was under constant pressure from the Government or the armed forces to make sure articles, especially those on the situation in East Timor, toed the government line. Journalists with integrity and a belief in democracy were not permitted freely to exercise their profession in Indonesia. A number of them had been sacked, arrested, tortured or executed. The Commission should therefore urge the Indonesian Government to invite the Special Rapporteur on the right to freedom of opinion and expression to visit Indonesia.

25. Mr. TRUEMAN (Survival International) said that the Ethiopian Government pursued a deliberate policy of oppressing the Oromo people, who made up about half the population of Ethiopia, and other communities in the south of the country. Ethiopian government forces violated the human rights of supporters of the Oromo Liberation Front, which had represented the Oromo people in the transitional Government following the fall of the military dictatorship in 1991. However, the Ethiopian Government rejected all responsibility for the numerous cases of extrajudicial execution, enforced disappearance, torture, arbitrary detention and rape attributed to government forces, saying they were unfortunate mistakes that were inevitable in a country without a strong civil society or democratic culture. Its supporters advocated a strong government capable of clamping down on violent opposition groups in order to end political instability.

26. Despite the intervention of foreign diplomats in Addis Ababa, human rights violations were on the increase in Ethiopia. Oromos accounted for most of the 1,683 victims of extrajudicial execution and the 527 missing civilians suspected of supporting opposition groups. Tens of thousands of civilians had been thrown into jail, where prisoners were routinely tortured and raped, particularly in secret detention centres, and more journalists were imprisoned in Ethiopia than in any other African country. The Oromos' only development organization, the Oromo Relief Association, had been closed down by the Government in 1995 and that measure had been kept in place even though it had been declared illegal by the courts. In addition, the ruling party dominated the trade unions, the teaching profession, the judiciary and all levels of the administration.

27. He called on the Commission to appoint a special rapporteur to investigate and report back to it on human rights violations in Ethiopia.

28. Mr. GRAVES (African Commission of Health and Human Rights Promoters) said he was concerned about the disturbing human rights situation in Bahrain, a State which had not signed either the International Covenant on Civil and Political Rights or the International Covenant on

Economic, Social and Cultural Rights, although, in accordance with the provisions of the Vienna Declaration, it was bound to apply international human rights standards. The Bahraini authorities, which had abolished the 1975 Constitution, were implementing a policy of oppression and repression that they attempted to justify by invoking the need to fight attempts to overthrow the political regime by force.

29. The human rights violations committed in Bahrain included the arrest of children and women for attending peaceful meetings, the torture of thousands of people in the country's prisons and the denial of the right to appeal against court decisions. The indigenous community was also the victim of discriminatory practices, including forced exile, the exclusion of teachers and students from universities and schools, attacks on mosques and the arrest of religious scholars. Several extrajudicial executions had been carried out and several prisoners had died as a result of torture.

30. The Commission on Human Rights should urge the Government of Bahrain to respect the human rights and dignity of Bahraini citizens, put an end to the repressive measures used against the population and start a genuine dialogue with the people's representatives. The Government should also restore the Constitution and citizens' constitutional rights and establish a democratic system that respected individuals' rights.

31. Mr. MIOT (International Federation of Rural Adult Catholic Movements) drew the Commission's attention to the serious violations of the basic rights of rural people, particularly of farmers, in many countries, in total disregard of the commitments in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, adopted in March 1995, and Commission on Human Rights resolution 1996/60 on the exercise of the right to freedom of association.

32. The plight of farming communities in Africa and elsewhere had continued to deteriorate as a result of privatization policies and reduced government investment, devaluation and inflation. Rural people were becoming increasingly aware of the need to organize themselves to fight against the most glaring injustices linked to the inexorable dominance of the neoliberal economic model. They joined together in independent farmers' organizations to defend their rights and interests, including, in many countries, by fighting to prevent the total destruction of tropical forests. Trade union leaders were often the victims of repressive measures and even of torture and killings aimed at undermining farmers' basic right to organize. Indigenous peoples were particularly affected by such policies.

33. In Brazil, the absence of dialogue between the Government and the movements fighting for land and the impunity enjoyed by the perpetrators of crimes against workers carried out on behalf of landowners were among the causes of violence and even massacres related to land reform and conflicts over land. The implementation of land reform violated the rights of indigenous people, who found their original right to their ancestral lands under attack.

34. He urged States to provide more support for farming and rural organizations and to actually recognize their basic right to organize themselves and strengthen their organizations in order to improve their situation.

35. Mr. RAYKOV (Bulgaria) paid tribute to the Commission on Human Rights for its efforts to eliminate violations of human rights and fundamental freedoms throughout the world. He shared the concerns expressed by the representative of the European Union about the human rights situation in particular countries and therefore associated himself with its representative's statement. He reaffirmed his delegation's starting point that, in considering the human rights situation in different parts of the world, it was necessary to take into account the overall realities in the countries concerned, not just the situation in some parts of them. In that connection, he supported the comments and recommendations made by the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia in his report. The establishment of the Special Rapporteur's office in Belgrade was a positive and constructive step that would allow him to gather first-hand information on human rights abuses in the country.

36. On the question of infringements of the constitutional rights of the Bulgarian minority in Serbia, he recalled that the issue had been the subject of four periodic reports to the Commission and of General Assembly resolution 51/116, adopted in December 1996. In its desire to maintain good neighbourly relations with the Federal Republic of Yugoslavia, his Government was holding bilateral talks with the Yugoslav Government in an effort to find solutions to the problem of the violation of the right to education and the cultural rights of the Bulgarian community in Serbia. In that regard, the signing in May 1996 of an agreement on a bilateral programme for cooperation in the fields of culture, science and education was a step forward. However, despite that progress, the right of members of the Bulgarian minority to bilingual education and their right to practise their religion were still being violated and his Government would continue to search for a fair solution to those problems at the bilateral and international levels.

37. Out of concern for the persistent instability in Albania, his Government had called on the parties to the Albanian conflict to look for peaceful political solutions to the crisis. He welcomed the efforts being made by international and regional organizations in Albania and reiterated his Government's willingness to contribute to any initiative aimed at restoring order and the rule of law in the country under a clear-cut mandate sponsored by a prestigious international institution. Taking that position as its starting point, his Government welcomed Security Council resolution 1101 (1997), which aimed to establish a temporary and limited multinational protection force to facilitate the safe and prompt delivery of humanitarian assistance and to help create a secure environment for the missions of international organizations in Albania. Bulgaria was prepared to participate in that multinational protection force.

38. He was concerned that no solution had yet been found to the human rights problem in Cyprus. Judging the status quo to be unacceptable, he reiterated his delegation's commitment to respect for the territorial integrity and sovereignty of Cyprus, in accordance with the relevant resolutions of the Security Council and the General Assembly. He recommended that those resolutions, which were designed to settle the dispute by peaceful means within the framework of negotiations held under the auspices of the Secretary-General of the United Nations, should be implemented.

39. Mr. HELMIS (Observer for Greece) denounced the human rights violations committed in Cyprus and recalled that the first resolution of the Commission on Human Rights on the subject dated back to 1975. For almost 23 years, Turkey had occupied 37 per cent of Cypriot territory

and, notwithstanding its international obligations, persisted in its refusal to allow Greek Cypriots who had been expelled by force to return to their homes. The problem, which affected a third of the population of the country, was the result of both ethnic cleansing and foreign aggression. In open disregard of humanitarian law, Turkey had continued to send settlers to the island to change the demographic balance and influence the political process. Turkish Cypriots were treated as second-class citizens and driven out, while the remaining Greek and Maronite Cypriots - barely 600 of them in 1996, most of whom were over 60 years of age - were continually harassed. The situation persisted despite the agreement which had been reached between the two sides under United Nations auspices in Vienna in 1975 and with which the Turks had never complied. Moreover, the problem of the missing Greek Cypriots was still unresolved, thanks to the delaying tactics used by the Turkish side in the United Nations Committee on Missing Persons in Cyprus.

40. He also denounced the continuous plundering of the cultural and religious heritage of the occupied part of Cyprus and deplored the lack of a response to that situation by the international community. However, he pointed out that, in a judgement issued in December 1996, the European Court of Justice had condemned Turkey for preventing a Greek Cypriot woman, Ms. Loizidou, from having access to her land in the occupied part of the island. In conclusion, he called on the international community to take concrete action, at long last, to demonstrate its determination to find a just and viable solution to the problem of Cyprus.

41. Mr. DE SANTA CLARA GOMES (Observer for Portugal), fully endorsing the statement made on behalf of the European Union, drew the Commission's attention to the situation in East Timor, where, despite the commitments undertaken by the Indonesian Government, there had been no end to serious and systematic abuses of the most fundamental human rights. Cases of arbitrary detention, torture, disappearance and extrajudicial executions were regularly reported by reliable sources. The security forces appeared to act with complete impunity and Amnesty International currently listed at least 57 prisoners of conscience in East Timor, including Xanana Gusmão, the East Timorese resistance leader imprisoned in Cipinang.

42. Ignoring its commitments, Indonesia had done nothing to resolve the problem of the persons missing after the violent incidents in the cemetery in Dili in 1991 or to improve detention conditions and had not released any convicted persons. Nor had it sought to cooperate more closely with the Commission by allowing one of the latter's special rapporteurs to visit East Timor, as it had said it intended to do in 1997. No steps had been taken to facilitate access to East Timor by an official from the office of the United Nations Development Programme (UNDP) in Jakarta or by the international media or humanitarian organizations. The tensions in East Timor were also due to the massive influx of Indonesians and the excessive military presence of Indonesian troops in the territory.

43. The only hope for change lay in the organization of United Nations-sponsored talks to find a solution to the problem. The Commission should support the Secretary-General's action by making a clear statement on the human rights situation in East Timor.

44. Mr. BENNETT (Afro-Asian Peoples' Solidarity Organization) welcomed the positive developments in the human rights situation in the State of Jammu and Kashmir and the improved relations between India and Pakistan. The positions taken by the two countries boded well for a

solution to the problem, but no outside interference should be allowed to disrupt the process. The Kashmiris had been deprived of their rights and traditional way of life for years by foreign fundamentalist terrorists claiming to act in the name of religion.

45. In Jammu and Kashmir, the disappointments and disillusion of the past seemed to be giving way to hope and an upsurge in political activism in the lead-up to the elections. Violence had not altogether disappeared from Kashmir, but a democratic process appeared to be under way. If the leaders of India and Pakistan lived up to their stated aim of resolving their differences through dialogue, Kashmiris could at last look forward to a brighter future.

46. Mr. MOCONG ONGUENE (World Alliance of Reformed Churches) said it was unfortunate that, despite a timid return to democracy, successive Governments in Equatorial Guinea had done nothing to guarantee respect for human rights and fundamental freedoms in that country and that all kinds of violations - arbitrary detention of political opponents, harassment and intimidation of activists from legal political parties, torture and inhuman and degrading treatment - continued to be committed with complete impunity.

47. He urged the Government of Equatorial Guinea to negotiate with the real political forces in the country in order to establish a truly democratic system. He congratulated the Special Rapporteur on the situation of human rights in Equatorial Guinea for his excellent work and hoped that the Commission would extend his mandate. He also hoped that the international community would take a closer interest in the country with a view to improving the human rights situation there.

48. Ms. CORDERO (Women's International League for Peace and Freedom) said that a delegation from her organization had visited Colombia in 1996 and observed large-scale and repeated human rights violations, including numerous disappearances in towns and in the countryside, the eviction of peasants, threats of death and torture, murders of elected representatives or political opponents and shortcomings in the administration of justice as a result of the system of "faceless judges". The situation had grown even worse since the visit, with human rights activists being particularly targeted. She cited the case of Gloria Cuartas, mayor of Apartadó, Urabá, in the north-east of the country, who had been threatened with death by paramilitaries acting in collusion with the army because she had denounced the situation.

49. She urged the Colombian Government to take the necessary measures to dismiss police officers who connived with the paramilitary groups. She called on the Commission on Human Rights clearly to denounce the human rights violations committed in Colombia. The delay in opening the High Commissioner's office to monitor human rights in Colombia was regrettable and the Commission should do its utmost to have the office operational as soon as possible and to appoint an independent expert to submit a report to the Commission on its activities, in accordance with the mandate provided. She called on all States to express more forthrightly their concern over the internal armed conflict in Colombia and to press the Colombian authorities to work to restore peace. In the belief that the elimination of the massive human rights violations in Colombia depended on the eradication of the serious social and economic injustices in Colombian society, she urged Governments to provide the necessary resources for the implementation of international human rights standards and the realization of all human rights, particularly economic, social and cultural rights.

50. Ms. KESSLER (National Council of German Women's Organizations), speaking also on behalf of a number of German NGOs concerned about ongoing violations of human rights, particularly women's rights, in Afghanistan, said that her concerns were focused on women's access to three important areas of activity, namely, education, health care and employment. Since September 1996, women had been barred from teaching, even though they had once provided 60 per cent of the teaching force, girls were forced to stay at home, there were no female students at university and many nursery schools had been closed. Furthermore, female medical staff were allowed to work only on certain conditions, women-only health facilities were fast disappearing and there were even restrictions on women's visits to a doctor. Lastly, women's right to work had been severely restricted by the Taliban regime, at a time when, as a result of 18 years of war, many families depended for their subsistence on women's work, thereby aggravating the already widespread poverty.

51. In conclusion, she called on the Commission to adopt a resolution stressing the responsibilities of the signatories of the International Covenants to guarantee to everyone the right to education, health and employment. She encouraged the Special Rapporteur to continue his work and to investigate the situation of Afghan women, in particular, and called on all Governments and United Nations agencies to make assistance to Afghanistan conditional upon respect for women's rights. Lastly, she urged the Special Envoy of the Secretary-General for Afghanistan to include women's rights among the issues to be discussed in the peace negotiations.

52. Ms. TORROJA (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos) denounced the massive violations of human rights in Equatorial Guinea and welcomed the report by the Special Rapporteur on the situation there (E/CN.4/1997/54). The Commission must pay attention to the demands for freedom of association, expression and movement. The fact that those freedoms were not guaranteed prevented the democratic opposition from putting its views to citizens and prevented the latter from choosing their leaders in free elections.

53. Regarding Western Sahara, another former Spanish colony, which had been aspiring to exercise its right to self-determination for 27 years, she condemned the attitude of Morocco, which was acting like a veritable occupying Power in that territory, flouting the Western Saharan people's right to freedom of association and expression. Harassment, arbitrary detention and disappearances boded ill for the referendum on self-determination demanded by the General Assembly and the Security Council. The Commission should therefore consider holding an international conference in which Spain would participate, to promote an agreement on the holding of such a referendum.

54. As to Israel, the justification of the practice of torture on Palestinians by the Israeli security forces must be condemned. Torture, collective expulsions, the demolition of houses and detention without trial were violations of Palestinians' rights, as was the Israeli Government's settlement-building policy. The repeated blockades of the West Bank and Gaza Strip were another major obstacle to the Palestinian people's exercise of their economic, social and cultural rights.

55. She was also concerned about the situation in East Timor and called on the Commission to take the necessary steps to put an end to extrajudicial executions, arbitrary detention, unfair trials, enforced disappearances and torture. She also urged the Indonesian Government to release East Timorese political prisoners and to permit a representative of the United Nations High Commissioner for Human Rights and the thematic mechanisms concerned to pay regular visits to East Timor.

56. She supported the request to extend the mandate of the independent expert on the situation of human rights in Guatemala, Ms. Pinto, whose work was vital and completely different from that of the United Nations Human Rights Verification Mission in Guatemala (MINUGUA).

57. Mr. ARNOTT (War Resisters International) welcomed the willingness shown by the Government of Thailand, which had been strongly reaffirmed before the Commission, to grant refuge and humanitarian assistance to all persons fleeing unrest in neighbouring countries. Humanitarian organizations, observers and refugees had reported that Karen asylum-seekers had been turned back at the border by the Thai army. The Thai Government's unambiguous statement would help dispel confusion and clarify its attitude and future intentions towards the Karens and other ethnic groups fleeing from the widespread abuses committed by the Burmese army. Given the murderous attacks by the Burmese army on refugee camps on the other side of the Thai border, it was reassuring to learn that the Thai Government had taken steps to move the camps deeper into its territory in order to ensure the safety of their occupants. The steps announced by the Government were inspired directly by the ancient Buddhist culture of hospitality and by international instruments such as the International Covenant on Civil and Political Rights, to which Thailand had recently acceded. The Thai Government was thus also respecting the principle of the non-refoulement of refugees and asylum-seekers whose safety was not assured in their own countries. The Karen refugees in Thailand would be particularly at risk of persecution if they were sent back to Burma. They would be in danger until a real and lasting peace had been established.

58. Consequently, he recommended that the Commission should stress in its resolution on the situation in Myanmar the risks run by the Karen and other refugees if they returned to Myanmar before there was real peace between the Government and the various ethnic movements, that the international community should continue to help Thailand to cope with the massive influx of refugees, that Thailand should continue to give shelter to refugees from Burma and that the ruling military junta (the State Law and Order Restoration Council (SLORC)) in Myanmar should renounce violence and agree to transfer power to the winners of the 1990 elections.

59. Mr. Somol (Czech Republic) took the Chair.

60. Mr. WANI (World Muslim Congress) said that, if the United Nations was to survive, it must take firm action against those countries that did not respect human rights and disregarded Security Council resolutions. India was such a country; ignoring the pledges it had made since 1947, it pursued a policy of brutal repression of the Kashmiri people, who merely wanted to exercise their rights. It was regrettable that the outside world, mostly for economic reasons, turned a blind eye to India's behaviour in Kashmir, a territory under a United Nations mandate.

61. India had no right of sovereignty over the people of Kashmir and must answer for the pattern of gross human rights abuses committed by the Indian armed forces, which had been in the region for too long. An independent and neutral court should investigate those crimes against humanity, as was being done in Bosnia. The international community should bring economic, political and moral pressure to bear on India in order to have the culprits brought to justice and should, moreover, impose sanctions on India to deter it from committing further violations.

62. The totally one-sided and groundless statement made on behalf of the European Union on agenda item 10 had come as a surprise. It was deeply regrettable that the European Union should ignore all the evidence and refuse to accept that the elections held in Kashmir in May and September, effectively under the control of the Indian occupying forces, had been illegitimate. That blindness raised doubts about its impartiality and objectivity and it was reasonable to ask whether it cared more about its economic interests than about human rights. It should be remembered that all Kashmiris condemned terrorist acts and that, at the behest of the All Parties Hurriyet Conference, a general strike had been held in protest against the taking of Western hostages.

63. To conclude, he expressed the wish that the Commission would find a way to give hope once again to a people that was under no illusions.

64. Mr. SALIH (Arab Organization for Human Rights) said that, despite real progress at the legislative level, the human rights situation in the Arab world remained a cause for concern. The right to life was frequently violated there as a result of domestic or international conflicts. In the case of Palestine, it was regrettable that the realization of the rights of the Palestinian people had been set back as a result of Israel's reneging on several of its diplomatic and military commitments to peace. The repression of unarmed civilians, arrest, torture, extrajudicial executions, kidnappings, the sealing off of territories, the Judaization of Jerusalem in defiance of international resolutions, and non-compliance with the measures taken for the security of the autonomous sectors were all obstacles raised by Israel to the exercise of Palestinians' rights. Lebanon and, to a lesser extent, Syria had also been the targets of Israeli military attacks.

65. The human rights situation had also deteriorated in the Sudan, where outbreaks of internal conflict were on the increase; in Iraq, the scene of fighting between rival Kurdish factions which carried out extrajudicial executions, the execution of hostages and looting, causing the exodus of tens of thousands of refugees; and in Somalia, a country without a government that had always been prone to bloody confrontations. Serious human rights violations were committed in many Arab countries. Arbitrary detention, systematic torture, ill-treatment inflicted with complete impunity, sham trials, forced confessions, the closure of newspapers, attacks on or arrests of journalists, denial of the right to association and censorship of the political opposition were the most frequently reported kinds of violation. Unfortunately, elections in some countries had also been marred by numerous irregularities.

66. Mr. SEIN WIN (International Peace Bureau) said he was disappointed that the Special Rapporteur on the situation of human rights in Myanmar had not been permitted to visit the country to carry out the mandate entrusted to him by the Commission on Human Rights at its fifty-second session. The attitude of the ruling junta (SLORC), which refused to implement

United Nations resolutions or receive visits from its envoys, was a flagrant violation of the Charter of the United Nations. In order to justify its failure to cooperate, SLORC hid behind the principle of non-interference in the internal affairs of a sovereign State. Instead of opening its borders to human rights observers, SLORC preferred to flatly deny a situation that could only get worse. There were regular reports of restrictions on the right to freedom of expression, murders, arbitrary arrests, unfair trials, harsh prison sentences, economic and other pressure on elected representatives to force them to resign, restrictions on the professional activities of pro-democracy doctors and lawyers, and deaths in detention as a result of torture or the lack of medical care or food. While it was full of consideration for notorious drug traffickers, SLORC treated the elected representatives of the people like criminals. The main targets of the clampdown and harassment were the parliamentary representatives of the National League for Democracy and their supporters, who were unable to travel or meet freely and some of whom had been arrested and were still imprisoned for allegedly inciting the demonstrations by students in December 1986. The safety of Daw Aung San Suu Kyi, the opposition figurehead currently under house arrest and subject to all kinds of restrictions, was also a source of serious concern.

67. In the light of what was happening in Burma, he recommended that the Commission should extend by one year the mandate of the Special Rapporteur and adopt a resolution that reflected the catastrophic human rights situation in Myanmar.

68. Ms. RUBIN (United States of America) said that her Government tried to gather as much information as possible on the human rights situation in the various countries around the world. It did so not to give the impression that the human rights situation in the United States was perfect, but in the belief that the rights and fundamental freedoms enshrined in the international instruments were universal, that a country that cared about its citizens' human rights would also respect the rights of its neighbours and that any violation should be denounced for what it was. Her Government's intention was precisely to denounce countries that tried to divert attention away from the violations committed on their territory, while not omitting to praise the efforts of those trying to promote democracy.

69. In that respect, she referred to the situation in Cuba, where pro-democracy activists considered a threat continued to be arrested, imprisoned, threatened and harassed in many ways and where there was no glimpse of any sign of political opening. By contrast, she welcomed the peace agreements recently signed in Guatemala, where the Government had demonstrated its willingness to advance the cause of human rights and democracy and to combat impunity, including by convicting members of the security forces charged with human rights abuses, disbanding paramilitary groups and reducing the size of its armed forces. She also commended the efforts by the Colombian Government, which had to contend with violent guerrilla groups, paramilitary units and drug traffickers, to improve the human rights situation in its territory. However, although the Government had already decided to strengthen its cooperation with the United Nations High Commissioner for Human Rights, it must still demonstrate the willingness to arrest and prosecute members of the security forces found guilty of human rights violations and to penalize any illegal collaboration between army units and paramilitary groups.

70. The United States was deeply concerned about the current instability in the Balkans and wholeheartedly supported the efforts of the Organization for Security and Cooperation in Europe (OSCE), the European Union and the Italian-led international force to prevent the serious humanitarian crisis looming in Albania. While welcoming the Serbian Government's concessions to the democratic opposition in view of the municipal elections, the United States remained concerned about the lack of democratic reforms in Serbia and also about the denial of the most basic human rights to the Albanian minority in Kosovo. In addition, the United States called on Croatia to continue to cooperate fully with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, to arrest all persons indicted by the International Criminal Tribunal for the Former Yugoslavia, to guarantee freedom of the press and representation of the Serbian community at all levels of government and to protect Serbs' civil rights under Croatian law.

71. With regard to Eastern Europe, the situation in Belarus, where the Government was sliding towards authoritarianism, as reflected in the severe restrictions on economic reform, the democratic opposition and the media, was a cause for concern.

72. The United States was also deeply concerned about the human rights situation and the potential for intercommunal violence in Cyprus and called on the Greek and Turkish Cypriot communities to seek a just solution to their differences.

73. In Africa, the human rights situation was mixed. The United States welcomed the progress made in certain countries such as Ghana, where free elections had been held, Mali, where further progress had been made towards democracy, Liberia, where there was hope that free elections would be held soon, and South Africa, where the process of national reconciliation continued. However, it deplored the widespread violations committed in Nigeria, where restrictions on workers' rights and the denial of freedom of speech, assembly, association and movement were accompanied by the worst atrocities, and in Zaire, where it was high time the rebels and government forces reached an agreement to avoid a new bloodbath, as well as in Rwanda and Burundi, where the perpetrators of human rights violations and those responsible for genocide must be brought to justice.

74. It was deeply regrettable that the Iraqi Government, not content with its merciless repression of a people it had itself plunged into the greatest hardships, should persist so stubbornly in its refusal to comply with United Nations Security Council resolutions and to destroy its entire stock of weapons of mass destruction. In the Islamic Republic of Iran, little progress had been made in the field of human rights; murders, extrajudicial executions, disappearances, torture, arbitrary arrests and detention, unfair trials, restrictions on freedom of speech and the press and the persecution of the Baha'is were still the order of the day. Meanwhile, the fate reserved by the Taliban for women and girls in Afghanistan, who were denied the right to education and employment, was the result of a foolish policy.

75. With regard to Asia, the United States was deeply concerned about the human rights situation in Burma, where SLORC maintained severe restrictions on the basic rights to freedom of speech, assembly and association and where the political activity of opponents of the military regime was subject to significant restrictions. The situation was just as worrying in Sri Lanka, where over 700 people had disappeared, mostly in the Jaffna region, and where the Government was in no hurry to bring to justice members of the security forces involved in human rights abuses. She called on the parties to the internal conflict in that country to observe the rules of international humanitarian law. Lastly, while the United States was not looking for confrontation with China over human rights, it strongly believed that China should be held to account, including before the Commission on Human Rights, for failures to meet the obligations it had entered into. The far-reaching economic reforms implemented in China had not put an end to widespread violations of human rights, particularly the rights to freedom of speech, the press, assembly, association and religion.

76. In conclusion, she called on the Commission to pay attention to all countries without exception, not only to denounce human rights violations wherever they were committed, but also to commend States that were moving in the right direction.

77. Mr. HASSAINE (Algeria) said that in 1989 Algeria had discarded the single-party system and adopted a new Constitution that guaranteed pluralism, the separation of powers and fundamental rights. Despite being confronted with religious terrorism, his Government had persisted along the path of democracy and had established legal and institutional mechanisms for the protection and promotion of human rights. The National Human Rights Monitoring Agency had thus been set up and an ombudsman appointed in 1982. The Government had also undertaken to guarantee freedom of the press. Since 1994, that legal process had gone hand in hand with a political process to legitimize the country's institutions, most notably in the first multi-party presidential elections in Algeria, held in November 1995 with national and international guarantees for their transparency and impartiality. Moreover, the dialogue between the Head of State and all the political parties had led to the adoption by consensus in September 1996 of a "platform of national entente" to consolidate multi-party democracy. To implement the commitments undertaken, the Constitution had been revised by means of a referendum, which was itself a new exercise in democracy and thus required the adoption of a new law on political parties and a new electoral law. In addition, an independent national commission had been set up to monitor the first multi-party parliamentary and local elections, due to be held in June.

78. At the international level, it should be stressed that Algeria had ratified the Convention on the Elimination of All Forms of Discrimination against Women, as well as most of the other human rights instruments. It had also accepted all the relevant monitoring mechanisms, including the voluntary mechanisms. Algeria, with its experience of combating terrorism, welcomed the world's growing awareness of the problem. Terrorism was a worldwide phenomenon that required a worldwide, non-selective response and condemnation by the whole international community.

79. He was particularly concerned about two issues. The first was the worsening situation in the Middle East, where the Israeli settlement policy was undermining the peace process. He hoped that the peace process would be quickly restarted on the basis of agreements reached earlier and that the international community would provide greater support for the process. The second was the worsening situation in the Great Lakes region, which threatened the stability of the entire African continent. He called on the international community to show due solidarity with countries in the region in order to help restore peace there.

80. Mr. FLORUTTI (Argentina), speaking on agenda item 10 (a), said that, despite the efforts by the Special Representative of the Secretary-General for Cyprus to persuade the two sides in the conflict to enter into direct and open talks, the human rights situation on the island, particularly for refugees, remained disturbing. There was renewed tension and an increasing number of violent incidents between the two communities. The situation called for a just solution based on the provisions of international human rights law and on the implementation of all General Assembly and Security Council resolutions. Refugees should be allowed to return home and cases of enforced disappearances should be cleared up. Such a solution implied the establishment of a sovereign and independent Cypriot State where all communities were politically equal and it ruled out any form of partition or total or partial union with another country.

81. He stressed the importance of the efforts of the United Nations Peace-keeping Force in Cyprus (UNFICYP) in providing humanitarian aid to Greek Cypriots living in the north of the island and to Turkish Cypriots in the south. Those efforts should be maintained in order to help the two communities to live together. It should be stressed that the Greek Cypriot authorities in the south had followed the recommendations made by UNFICYP to improve living conditions for Turkish Cypriots in that part of the island. However, it was regrettable that the Greek Cypriots' and Maronites' rights to freedom of movement and to property were still subject to restrictions in the north.

82. He was convinced that the Secretary-General's Mission of Good Offices provided the basis for a negotiated compromise between the parties, that the measures envisaged in Security Council resolution 1092 (1996) were the best way to instil the necessary confidence as a basis for the negotiations and that only the implementation of all General Assembly, Security Council and Commission on Human Rights resolutions on Cyprus would allow peace and stability to be restored to the island and guarantee the Cypriot people the full exercise of their rights.

83. Mr. WANG Guangya (China), speaking on a point of order, said that, on the previous day, his delegation had made a statement earlier than planned, at the request of the Chairperson. The latter had not specified that it could not take the floor again. The Chairperson had so far been quite flexible about delegations' speaking time and it was to be hoped that he would show the same flexibility towards his delegation, given that its second statement had been properly announced in the order of the day.

84. Mr. van WULFFTEN PALTHE (Netherlands) said that the question just raised related to a rule which had been established by the Bureau in agreement with the Commission and applied since 1993 and which the Chairperson should enforce. The established procedure could be modified only after consultation with the different regional groups.

85. After a procedural discussion on exceptions to the speaking time allocated to the delegations of States members of the Commission, in which Mr. ALFONSO MARTINEZ (Cuba), Ms. JANJUA (Pakistan), Mr. LOFTIS (United States of America), Mr. STROHAL (Austria), Mr. van WULFFTEN PALTHE (Netherlands) and Mr. WANG Guangya (China) took part, the CHAIRPERSON said that he could not decide on his own to make an exception to the established rule and that it was for the Commission to take a decision on the matter. He therefore proposed that informal consultations should be held before any decision was taken with regard to any change in the length of statements by members of the Commission.

86. It was so decided.

The meeting rose at 12.15 a.m.