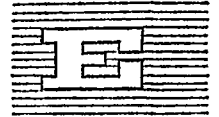


UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL  
E/CN.4/1983/SR.44  
8 March 1983  
ENGLISH  
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 44th MEETING<sup>\*/</sup>

(First part)

Held at the Palais des Nations, Geneva,  
on Wednesday, 2 March 1983, at 3 p.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)

---

<sup>\*/</sup> The second part of the summary record of the meeting will appear as document E/CN.4/1983/SR.44/Add.1.

---

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.

The meeting was called to order at 3.05 p.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 and 55; E/CN.4/1983/L.18, L.37, L.38 and L.48; E/CN.4/1983/NGO/2, 4, 8-15, 21, 25, 27-31, 38, 39, 41, 42 and 45)

1. Mr. INAN (Observer for Turkey), speaking in exercise of his right of reply, said he was astonished at the remarks concerning his country which had been made by the representative of Ireland at the previous meeting, particularly as the Irish delegation would have had an opportunity of making that kind of comment more discreetly in another United Nations body. That delegation had seemed to want to take advantage of the fact that the meeting was public and that representatives of the Press were present in order to create a stir. The representative of Ireland had claimed to be using reliable sources in speaking of the human rights situation in Turkey, but the Irish Government had said nothing at the time when that country had been a prey to terrorism. It now wanted to stand as the protector of criminals after they had been arrested. If Mehmet Ali Agka had not escaped from the punishment which he deserved for a crime committed in Turkey, he would not have been able to attempt to assassinate the Pope on 13 May 1981. He could assure the representative of Ireland that Turkey was a law-abiding State where criminals were prosecuted and brought to trial, in order to ensure respect for the most important right, namely the right to life.

2. Mr. RITTER (Observer for Honduras), speaking in exercise of his right of reply, said that the representative of the Commission of the Churches on International Affairs had referred in a confused manner to a military build-up in Honduras and the situation of Salvadorian refugees in that country. Honduras was a place of refuge where thousands of people had come in search of safety. A number of international bodies were co-operating with the Government in helping those refugees. Among them UNHCR was very active; that body, however, had never criticized the Honduran Government. The criticisms which the Commission had heard came from an isolated individual, representing unknown interests.

3. The representative of Nicaragua had spoken of counter-revolutionary camps which were said to exist in Honduras. On that point he would refer to a letter which the Minister for Foreign Affairs of Honduras had sent on 18 February 1983 to the Minister for Foreign Affairs of Nicaragua inviting him to visit the frontier zone between the two countries, in order to confirm the unfounded nature of the tendentious campaign launched at the international level by the Government of Nicaragua to cast doubt on the neutrality of his country concerning the internal conflict in Nicaragua. There were no counter-revolutionary camps in Honduras, which fully respected the principle of non-interference in the affairs of others.

4. He then referred to a joint statement made by the Ministers for Foreign Affairs of Costa Rica, Honduras and El Salvador at the conclusion of a meeting held at San José, Costa Rica, on 23 and 24 February 1983. In connection with the visit of Pope John Paul II to Central America, the three Ministers had launched an appeal for a dialogue in favour of peace in the region. Concerned at the serious events which had occurred there since 1980, they had expressed the wish that such a dialogue might bring out points of convergence and put an end to the situation of conflict from which the region suffered. They had also called for the convening

of a conference of the Ministers for Foreign Affairs of the five Central American States, with the participation of other Latin American States wishing to encourage peace and democracy. That conference was to be held shortly. The three Ministers for Foreign Affairs had also appealed to the international community to support that initiative in favour of dialogue. He could give an assurance that his country was doing its utmost to contribute to the achievement of the objectives mentioned in the statement to which he had referred.

5. Mrs. EKANGA KABEYA (Zaire), speaking in exercise of her right of reply, said it was regrettable that non-governmental organizations had been used by some people to attack Governments without any valid reason, and thus to deflect members of the Commission from their noble aim. Her country was a State subject to the rule of law which worshipped democracy and respected rights and fundamental freedoms, despite the very serious difficulties which it, like the majority of the developing countries, was experiencing. Without wishing to attach importance to Mr. Schutter's statement, she would like to give some explanations to prevent that statement from leaving a distorted picture of her country in the minds of Commission members.

6. In her country religious freedom was a reality. In 1982 a Belgian weekly, Le Duel, had published a well-documented and illustrated article on the profusion of religions and sects in that country. With regard to the press, the financial difficulties, small circulation and distribution problems of some newspapers had led the Minister for Information to offer them a State subsidy, provided that they accepted the principle of amalgamation, which explained the small number of newspapers in certain towns. In spite of that, UNESCO had recognized in a study that Zaire was one of the few countries in Africa where so many papers were to be found. She added that the allegations to which she had referred were nothing more than a catalogue of extracts from certain publications whose proprietors were hostile to her country. Moreover, the facts mentioned referred to previous events, which had already been the subject of an official statement.

7. Mr. ZORIN (Union of Soviet Socialist Republics) reminded the Commission that in its resolution 5 (XXXIII), adopted without a vote on 28 February 1977, it had decided to concern itself also with economic, social and cultural rights. To date, that decision had produced scarcely any results, despite the existence of disturbing problems regarding the enjoyment of those rights. The right to work called for special attention; in article 23 of the Universal Declaration of Human Rights it was stated, inter alia, that "everyone has the right to work". That principle was elaborated upon in the International Covenant on Economic, Social and Cultural Rights, article 6 of which he quoted. Those texts were moreover based on the Charter itself, Article 55 of which stated that "the United Nations shall promote ... higher standards of living, full employment ...". Unfortunately that had so far remained a mere dream for millions of persons affected by unemployment, a social scourge of unprecedented extent.

8. Unemployment in the developing countries had external causes; those countries were confronted by insurmountable obstacles created by forces which exploited them without any concern for their economic development or living standards. Those forces were described, inter alia, in operative paragraph 1 (e) of General Assembly resolution 32/130: they were apartheid, racial discrimination, colonialism, foreign domination and occupation, an unjust international economic order, the denial of self-determination, etc. For developing countries to succeed in combating

unemployment, it would be necessary to take steps against those external causes, whose origins were to be found in countries which regarded the developing countries as objects for exploitation and oppression.

9. Unemployment was also increasing in highly industrialized countries, but the explanation for that was quite different: it was the Western capitalist system that was responsible. He quoted some official unemployment statistics for January 1983: 12 million unemployed in the United States of America (but 20 million according to other sources); 3,220,000 in the United Kingdom, or 13.8 per cent of the active population (but 5.2 million according to the Labour Party); 1.5 million in Canada, or 12 per cent of the active population; 2.5 million in the Federal Republic of Germany, or nearly 10 per cent of the active population. In the capitalist countries unemployment particularly affected under-privileged categories or regions: the blacks in the United States, immigrants in the Netherlands, the Aborigines in Australia, and Northern Ireland in the United Kingdom. Furthermore, the proportion of unemployed persons was particularly high among young people: in the United States 24 per cent, in Canada 30 per cent, in the Federal Republic of Germany one sixth and in the United Kingdom one third. Lastly, according to Reuters, the number of unemployed in the countries of the European Economic Community had stood at 12.4 million or 11.1 per cent of the active population in January 1983.

10. Unemployment affected its victims through their income, their housing or education possibilities and even their elementary needs. According to an Associated Press report, nearly 2 million persons had had no roof over their heads that winter in the United States. The situation of the 1.5 million migrant workers was particularly disquieting; it was reminiscent of slavery nearly 120 years after its official abolition. Those workers lived in camps where many deaths had been recorded in recent years due to exhaustion or ill-treatment. Furthermore, the United States Department of Justice had examined 25 cases regarded officially as slavery-like practices.

11. The phenomena which he had just described occurred in developed countries, which while exploiting poor countries through their transnational corporations, sought to lecture the world on human rights. Those countries would have much to do at the national level to ensure that economic, social and cultural rights were enjoyed in spheres such as labour, education, health, etc. In 1953, former President Eisenhower had stated that each gun manufactured, each warship launched and each rocket fired represented money stolen from the pockets of those who were suffering from hunger and cold and that in that way, the sweat of the workers, the intelligence of the learned, the hope of children were wasted. In an electoral address, President Reagan had asserted that inflation and unemployment must not be allowed to undermine the dignity of the American people; since his election, however, unemployment had doubled, inflation had worsened, and help for the sick and aged had been reduced. In the meantime, huge sums had been devoted to armaments.

12. The major imperialist Power had thus chosen a path which violated the economic, social and cultural rights mentioned in the Charter, the Universal Declaration of Human Rights and in the International Covenants, which the United States had not ratified but which its previous President had signed. The information which he had given brought to light serious, brutal and massive violations of economic, social and cultural rights, the causes of which required identification, and which called for measures if it were desired that such violations should cease or at least be reduced.

13. Mr. HUSLID (Observer for Norway), referring to the human rights situation in El Salvador, said that the final report by Mr. Pastor Ridruejo (E/CN.4/1983/20) confirmed the impression that the country was torn by internal unrest and conflicts which had been going on for over three years. The civilian population, caught between political frictions and armed confrontations, lived in a climate of distress and terror. His delegation endorsed the recommendations of the Special Representative, and was of the opinion that the top priority was to terminate the suffering of the Salvadorians by ending aggression and persecution and by restoring civil and political freedoms. Administrative and social reforms and the establishment of a dialogue between the Government and all parties to the conflict were essential measures if peace and tranquility were to be restored. His delegation supported the draft resolution submitted by the Canadian delegation on the situation in that country.

14. According to the information available on Guatemala, the situation had deteriorated since the Commission's previous session: one of the fundamental causes of the violence was that the majority of the population did not enjoy essential economic, social and cultural rights. The legitimate calls for social reforms had so far been disregarded. His delegation appealed to the Guatemalan Government to take urgent measures to restore human rights and fundamental freedoms. The appointment of a Special Rapporteur on the situation in Guatemala was all the more necessary in view of the continuing reports of massive violations of human rights.

15. His Government had on several occasions made known its deep concern over the violations of human rights which persisted in Iran, despite the assurances of the Iranian Government, and in particular over the fate of the members of the Baha'i community. His delegation reiterated its support for the Commission's request to the Secretary-General to establish direct contacts with the Iranian Government in order to obtain as much information as possible on the situation of the Baha'is. The Iranian Government had just invited the Secretary-General to send a special envoy to Iran, and that was to be welcomed.

16. The crisis in Afghanistan had also aroused deep concern: the Norwegian Government hoped that the parties involved would co-operate so as to find a political solution which would allow the Afghan people freely to determine their own way of life.

17. The situation in Poland was also a subject for concern; since the Commission's previous session, martial law had been suspended but not entirely lifted and new legislation and special provisions had been introduced which, in many respects, prolonged the effects of martial law. Freedom of expression continued to be restricted, as did trade union freedom. It was true that some internees had been released following the suspension of martial law, but other persons had been imprisoned pending trial for their trade union activities, not to mention the numerous persons detained for offences merely involving the expression of disagreement with the policy of the Polish Government; they could justifiably be regarded as political prisoners. His delegation observed with satisfaction that the Polish authorities appeared to be ready to contemplate measures of clemency for such prisoners; his delegation was in favour of a general amnesty and continued to urge the lifting of martial law.

18. The study by the Special Rapporteur on summary or arbitrary executions (E/CN.4/1983/16) contained an abundance of information and a number of conclusions and recommendations, some of which called for urgent action. His Government had been dismayed to read that summary and arbitrary executions were being carried

out on a massive scale and in a systematic fashion throughout the world, under almost all social, economic and ideological systems. The Special Rapporteur gave first priority, among the measures to be taken to arrest the erosion of the value of the right to life, to the ratification and application of the International Covenant on Civil and Political Rights, which guaranteed the right to life and the protection of that right by the law. His delegation supported the adoption of measures of that kind. His Government attached great importance to the preparation of a convention against torture and hoped that Governments would respond generously to the appeals for contributions to the United Nations Voluntary Fund for Victims of Torture.

19. His Government had long favoured the establishment of a post of High Commissioner for Human Rights; it was encouraged to note the progress achieved in formulating a draft mandate.

20. His Government, which was deeply attached to the advancement and protection of the rights of indigenous populations, had instructed two committees to find ways of improving the exercise of the rights of the Sami people, especially with regard to their land and other resources, systems of representation and their right to use and to be educated in their own language. The reports of the two committees should be presented during 1983.

21. To further the interests of indigenous populations at the international level, his country had taken part in the establishment and in the work of an Inter-Nordic Committee and had maintained contacts with the authorities of States where indigenous populations lived and which were concerned with their rights. His Government welcomed the activities of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. To encourage the necessary dialogue between Governments and the representatives of the indigenous populations, it supported the idea of setting up a voluntary fund to allow the representatives of indigenous populations to participate as observers in the work of the Working Group.

22. His Government welcomed the decision to make the Division of Human Rights into a Centre for Human Rights under an Assistant Secretary-General, who would continue to work with even greater enthusiasm for the promotion and protection of human rights everywhere in the world, as the Division of Human Rights had done with such courage and conscientiousness under the leadership of Mr. van Boven.

23. Ms. MOLTKE-LETH (Observer for Denmark) said it was deplorable that violations of human rights, even the right to life, were being committed in almost every part of the world.

24. Her delegation had frequently condemned the apartheid regime, which was particularly abhorrent because it institutionalized racism. In order to bring the South African Government to initiate action to eliminate apartheid, international pressure should be intensified.

25. Her delegation, which had been one of the sponsors of a resolution on the situation in Guatemala at the thirty-eighth session of the Commission, had been disappointed to note that no special rapporteur had been nominated; whatever the reasons, that state of affairs was damaging for the Commission and for the Guatemalan Government, which had indicated its willingness to co-operate. Her delegation strongly urged the appointment of a special rapporteur before the end of the session. Large-scale arbitrary executions in which Government forces were actively involved continued to be reported; the population, in particular the

indigenous population, continued to live in a state of terror and no investigation had been undertaken with a view to punishing those responsible, in spite of the commitment made by General Rios Montt when he had assumed power. Her delegation renewed its appeal to the Guatemalan Government to put an end to the sufferings of its people, particularly by attempting to find solutions to social and economic problems by democratic and peaceful means.

26. At its previous session the Commission had adopted a resolution on the situation in Poland which her country had co-sponsored. Her delegation had been disappointed by the attitude of the Polish Government which had refused to co-operate with the Secretary-General's representative; that signified a lack of respect for the Commission on Human Rights and proved that the concern was well founded. In his report (E/CN.4/1983/18) the Under-Secretary-General recorded some progress made since the suspension of martial law, in particular the elimination of certain powers of military courts with regard to civilians, the lifting of most restrictions on freedom of movement and the release of internees. However, the number of prisoners sentenced under summary proceedings remained very high: how could the Polish Government justify the approximately 1,500 political prisoners who, according to one of its spokesmen, were still being detained? The new trade-union law and the legal provisions restricting the freedoms to choose employment were scarcely compatible with the International Covenant on Economic, Social and Cultural Rights. Her Government recommended that the mandate of the Under-Secretary-General should be extended.

27. The Special Representative on the situation of human rights in El Salvador had been unable to record any improvement in respect for civil, political, economic, social and cultural rights in El Salvador; in fact he was convinced that in 1982 serious and massive violations had persisted in many cases with fatal consequences. Peace, a prerequisite for respect for civil and political rights and the gradual enhancement of economic, social and cultural rights, would never be achieved without a political solution. Her Government therefore appealed again to the Government of El Salvador and to all parties concerned to embark on a dialogue in order to put an end to the armed conflict.

28. The change in the attitude of the Iranian Government was to be welcomed, as that Government had stated its readiness to provide the United Nations with all the information required on the human rights situation, and had agreed to receive an envoy of the Secretary-General at the end of March. It had been reported that thousands of people had been executed since the revolution, some of whom had not been tried at all or had been tried without the most elementary judicial safeguards. The number of persons tortured between February 1979 and March 1981 was considerable. Persecution practised against political opponents and religious groups, especially the Baha'is, was abhorrent. Her delegation trusted that the readiness of the Iranian Government to co-operate with the Secretary-General was tantamount to a readiness to guarantee respect for the rights recognized in the International Covenant on Civil and Political Rights.

29. Mr. RONCAL ANTEZANA (Observer for Bolivia) said that the new democratic Government in Bolivia had chosen to be represented at the thirty-ninth session of the Commission on Human Rights by its Minister of the Interior, Migration and Justice, because it was convinced that the Ministry's task was to ensure respect for public and individual freedoms in the new context of political co-existence and ideological tolerance in the country.

30. The human rights crisis in Bolivia, which had been studied by the Special Envoy, Mr. Gros Espiell (E/CN.4/1983/22), had begun 18 years previously with the seizure of power by the dictatorship, after the civil and constitutional Government had been overthrown. Successive military Governments had substituted their will for the law. Regimes of that kind did not recognize any right to opposition, which they made an offence. The population owed its life to its silence. With the press muzzled and persecuted and with all institutional control abolished, that kind of autocratic Government rapidly lapsed into private and administrative corruption. The leaders exploited the national wealth directly; the masses, driven by hunger, rebelled from time to time but were invariably overcome by the armed forces. His country had thus been the scene of countless massacres.

31. For 18 years, briefly interrupted by two democratic experiments, human rights had been a concept unknown in Bolivia. Barbarism had reached its height with the assumption of power on 17 July 1980 by General Luis García Meza. Sheltering behind a de facto martial law and the curfew, the regime had assassinated, imprisoned and terrorized indiscriminately. In such a climate, the Government could squander the country's natural riches and money with impunity, and bleed the economy white. That period had been referred to by the Special Envoy of the Commission for Bolivia in a report which he (Mr. Roncal Antezana) did not intend to contest but to amplify.

32. General Torrelio, who had succeeded García Meza in March 1982, had headed a slightly less repressive regime, but one whose spirit had remained the same; that new regime had, for example, murdered workers in the town of Cochabamba in February 1982, when a mass demonstration had been overcome with bloodshed by paramilitary groups which had been armed by the Government.

33. The Torrelio regime had become the passive spectator, and then the accomplice, of drug traffic, the organizers of which had belonged to the clique of General Luis García Meza and Colonel Luis Arce Gómez. As a result of a general strike of workers, General Torrelio had been replaced by General Guido Vildoso, who had followed a policy along similar lines to that of his predecessors.

34. All those details showed that up till the accession to power of the incumbent President, Mr. Hernán Siles Zuazo, the only progress achieved in the area of human rights had been a slight relaxation of the dictatorship which had been weakened by its own excesses, its corruption and the growing resistance of the population.

35. The new democratic regime established on 10 October 1982 abolished the machinery for repression: thus the "Department of Political Order", one of the principal places for the torture of political prisoners, had been closed and the premises handed over to the authorities; the National Directorate of Information which had assisted in repression, had been abolished. The so-called "security buildings", where "disappeared" persons had been liquidated, had been demolished. For the first time the regime had made a head-on attack on the terrorist activities of drug traffickers. The paramilitary personnel were in the hands of the courts and would be very severely sentenced. One of the principal organizers of those groups, who was no stranger to drug traffic and repression under dictatorial regimes, Klaus Barbie, had been expelled and sent to France after a trial using summary procedures, under the law governing residence.

36. The new leaders of the Bolivian armed forces were no longer inspired by the spirit of repression and violence and the appetite for power which had previously characterized military circles. The army had resumed its function of defending the country.



37. To meet the wishes of the majority of the Bolivian population, the Ministry of the Interior had, after an investigation conducted with the necessary discretion, succeeded in establishing the guilt of certain persons in connection with the dictatorship's most serious crimes; the machine-gun attack on the premises of the Bolivian Workers' Federation on the day of the military coup d'état on 17 July 1980, the execution of eight leaders of the Revolutionary Left Movement on 15 January 1981 at La Paz, and of Father Luis Espinal, editor of the weekly Aquí.

38. The guilty persons had been handed over to the Prosecutor's Department in what had been not only a legal measure but also a moral gesture aimed at preventing anyone from earning his living by crime in future, and stigmatizing, by publicity, the intellectual instigators of such crimes who would remain unpunished because they were in exile.

39. The new Bolivian Government had set up a National Commission for Investigation of the Cases of Disappeared Citizens, an entirely autonomous body responsible for elucidating the fate of the many persons who had been detained and had disappeared. After a month it had discovered in a trench at the La Paz general cemetery 14 corpses for which no death certificate had been made out and which must have been buried during the regime of General Hugo Banzer Suárez. In response to appeals made by certain political organizations and certain sectors of the population that members and accomplices of the preceding regimes should be punished, the new Government, invoking the concept of human rights, had preferred to be accused of weakness and to follow the path of legality in trying the offenders.

40. With regard to paragraph 75 of the report of the Special Envoy for Bolivia (E/CN.4/1983/22), his delegation stated that there could not exist, legally or technically, a union of unemployed persons and that the so-called unemployed referred to in the report were in fact former members of the State services responsible for repression, under the leadership of members of the former dictatorship. They had organized, not a protest demonstration, but an attack on the police, which had been obliged to respond, but with the restraint recommended by higher authority. No one had been injured in the incident.

41. As for the claims put forward by a number of persons with savings, they had no legal basis, although the distress of those concerned could be appreciated. States altered the rate of exchange or carried out devaluations in response to a given economic situation and in exercise of their judicial authority. In his country, that power was regulated by articles 143 and 144 of the Political Constitution. The devaluation carried out in his country had affected not only savers, but all strata of society in differing degrees. It was possible that currency devaluations might one day come to be regarded as a breach of public trust and that individuals could then file complaints against the State but that was a possibility which hardly seemed compatible with the requirements of the national economy. Inasmuch as the democratic regime of his country had acted on the basis of economic realities, it did not consider that it had violated human rights.

42. As the achievement of human rights was linked to the meeting of material needs, the Universal Declaration of Human Rights had been supplemented in 1976 by the International Covenant on Economic, Social and Cultural Rights. Progress in that sphere had, however, been decidedly slow. Paradoxically, countries such as his own, which possessed considerable natural resources, had been reduced to poverty by corrupt

dictatorships. His country had inherited heavy liabilities on 10 October 1982: excessive indebtedness, a shaky currency, inflation, unemployment, financial chaos in general. It could not extract itself from that situation without international aid.

43. Since civil liberties had been re-established, there remained only one human right to be claimed, the right to well-being. His Government was making resolute efforts to ensure that right, despite some difficulties in being understood internally, but it could not attain that goal overnight, and the persistence of a number of social difficulties was inevitable for the time being. In order to achieve that unique human right, his country asked the Commission to help it to conform with the provisions of the International Covenant on Economic, Social and Cultural Rights and to provide workers and their families with decent living conditions.

44. Mr. GROS ESPIELL (Special Envoy of the Commission for Bolivia) said that by giving a fuller and more detailed account of many of the matters dealt with in the study on the human rights situation in Bolivia (E/CN.4/1983/22), Mr. Roncal Antezana had done much to make the human rights situation in that country better understood. The re-establishment of a democratic Government in Bolivia and of a State based on law, which respected human rights, had been brought about without bloodshed, thanks largely to the tenacity of the Bolivian people and with international aid. As he had stressed in his study, the case of Bolivia gave the international community an exceptional opportunity to show its solidarity with the process of recovery in a country and would be a proof that specific international action could make a very effective contribution to ensuring the economic, social and cultural foundations needed for the establishment of a State based on law.

45. The representatives of Canada, Ireland and other States members of the Commission had also stressed that the case of Bolivia provided the United Nations with a unique opportunity to help a country which had succeeded by its own efforts in re-establishing a democratic regime.

46. Mr. CHARRY SAMPER (Colombia) said he was happy to confirm what the President of his country had said in October 1982: there was nothing more encouraging for his country than to witness the re-establishment of democracy in Bolivia. His country and Bolivia had a common historical origin; they were both members of the Andean Group and they had special links with each other. Out of respect for the principle of non-interference in the internal affairs of another State, his country had in recent years followed from a distance the development of Bolivian life, but it had been greatly concerned at one time over the democratic future of the whole continent. The year 1986 would mark the centenary of Colombia which, except for one period in its history, had always had democratic Governments. Over the past 30 years it had had seven elected democratic Governments in succession.

47. In Bolivia, the people had resumed control of their historic destiny, and the re-establishment of democracy in that country augured well for the future. The very fact that Mr. Roncal Antezana had himself addressed the Commission showed that Bolivia wished to follow the path of democracy.

48. The results of the 1980 elections in Bolivia had not been respected and the elected institutions had been overturned by a coup d'état. Those institutions had been re-established in October 1982, and Mr. Zuazo had been elected President of Bolivia. It was a matter for great satisfaction that that country, which suffered from its land-locked position and was confronted with very serious economic difficulties, had, in spite of everything, escaped violence.

49. His country, which had a long democratic tradition, was glad to be able to endorse the study of the Special Envoy of the Commission. It would be a sponsor of the draft resolution to be submitted to the Commission with the aim of discontinuing consideration of the human rights situation in Bolivia. If that draft resolution were adopted by consensus, the Commission would reaffirm its conviction that Bolivia could return to normal constitutional standards. The international community should help Bolivian democracy, which deserved its support.

50. Mr. SOLEY SOLER (Costa Rica) said he welcomed the positive conclusions of the Special Envoy of the Commission on the human rights situation in Bolivia and was waiting eagerly to see how the democratic process would evolve in that country, thanks to the will of the people and with the support of workers' and trade union movements. From the time of his accession to power, President Zuazo had stated that he would re-establish a law-abiding State in Bolivia in order to ensure its prosperity and stability.

51. Countries which, like his own, had a democratic regime should help Bolivia to overcome its difficulties, since the Bolivian Government had shown that it was anxious to respect human rights and democracy. Costa Rica was particularly pleased with that development. It was only in a pluralist system that all human rights could be respected. His country would therefore be one of the sponsors of the draft resolution proposed by Canada with a view to discontinuing consideration of the situation of human rights in Bolivia. By adopting that draft resolution by consensus the Commission would not only help Bolivia but would perhaps also encourage other States to embark on the road to democracy.

52. Mr. MACCOTTA (Italy) reminded the Commission that at its previous session his delegation had expressed concern at the violence which, throughout the world, seemed to be the norm in relations between States and also within States. There had been no improvement in the situation since then. His delegation had spoken of a purely formal respect for human rights. Nothing had changed in that respect. His delegation had also noted the previous year that the principles of the Charter, of the Universal Declaration of Human Rights and of the International Covenants on Human Rights had too often been sacrificed for the higher interests of States and for their ideology. In 1982 there did not seem to have been any improvement in that situation either. However, there had to be limits to reasons of state when massive violations of human rights occurred which were no longer solely a matter for domestic State jurisdiction. On the basis of that consideration his delegation would be submitting, under agenda item 11, a draft resolution designed to facilitate the establishment of a high-level post to be occupied by an eminent person with responsibility for dealing with that question.

53. At the current session, as at previous ones, the Commission often heard repetitive speeches reflecting a feeling of frustration and impotence, and its work, like that of other bodies, was guided in the main by political considerations. That ossification and politicization had reached such a degree that the Commission had not even mentioned events which had occurred just before its session or in the course of it, and which had been referred to by the international press. There came to mind in particular the expulsion of African workers from Nigeria, and events which had occurred in several countries in Asia and Africa. However, since those problems were not on the Commission's agenda, they were passed over in silence.

54. In those circumstances new solutions were needed to break the deadlock; reference might in particular be made to the Charter, Article 56 of which mentioned co-operation of Member States with the United Nations. Consideration might also be given to organizing a seminar on the limits of domestic jurisdiction and on the question of the appointment of a prominent independent figure who could have a free hand in promoting the defence of human rights. It would, however, be necessary to approach that proposal with great caution. It might, for example, be argued that funds devoted to such activities could be put to better use in helping those who were dying of hunger. If the Commission misinterpreted its mandate, it ran the risk of creating an aberrant vicious circle: failure to help those who were deprived of the most elementary human rights would contribute to a further deterioration in their living conditions and thus serve to encourage a recrudescence of violations of human rights and fundamental freedoms.

55. The Commission was at the moment passing through a veritable rogues' gallery, which was unhappily not complete. The question of violations of human rights in South Africa, Kampuchea and the Middle East and in certain Latin American countries, in particular Guatemala and El Salvador, had already been tackled. With regard to Argentina, his delegation hoped that the commitment to a speedy return to democracy which Argentina had publicly entered into on 16 February 1983 would be carried out in the interests of that country and that, in particular, it would enable the question of enforced disappearances to be cleared up. In Iran, the frequent recourse to the death penalty and violations of the right to freedom of conscience and opinion, particularly in the case of members of the Baha'i International Community, caused particular concern to his delegation, which would also like the question of the treatment of prisoners of war within the framework of the conflict between Iran and Iraq to be cleared up. In that respect, it was encouraging to note that the observer for Iran had recently invited a representative of the Secretary-General to visit his country.

56. Italy and Poland had sometimes had a common destiny: Italy in the nineteenth century and Poland in the twentieth had been reborn from the ashes of foreign domination and had recovered their national identity. The historical reasons which explained the course of action being followed by the Polish Government and the existing human rights situation in Poland were well known. There was no question, at least in the mind of his delegation, of interfering in the domestic affairs of Poland by submitting a draft resolution on the human rights situation in that country. The Polish trade union movement had aroused great hopes in Italy, which was particularly sensitive to the principle of trade union freedom. As the Commission had decided by a majority to entrust Mr. Gobbi with an assignment, respect for democratic rule required that that decision should be observed and that he should be allowed to complete his task. The Italian delegation was gratified to learn of the suspension of the state of siege in Poland and hoped that that initiative augured well for the future.

57. A review of those various situations prompted the question what useful purpose was served by undertaking long and complicated work on codification, if States had the right subsequently to decide unilaterally whether or not they had violated human rights. The principles governing the defence of human rights should be thought over and there should be no hesitation in calling things by their right name. His country would seek to improve defence of human rights by all possible means, including institutional arrangements. The Commission was an important landmark in the area of the defence of the human dignity.

58. Mr. KNIGHT (Baha'i International Community) said it appeared from the report of the Secretary-General (E/CN.4/1983/19) and in particular from document E/CN.4/1983/52, as well as from the statement made by the observer for Iran, exercising his right of reply at the 28th meeting, that the Iranian Government did not deny treating the Baha'is harshly. The Iranian Government was trying, rather, to make unfounded accusations against the Baha'i community, on the one hand to justify the measures taken against it, and on the other hand, to try and conceal the real reason for persecution of the Baha'i community, namely religious prejudice.

59. Finally, the representative of Iran had stated that with the exception of the Baha'is, whom he had described as a political group, none of the many religious minorities in Iran had complained to the Commission about religious discrimination and had invited the Commission to draw the conclusion that religious prejudice did not exist in Iran. That demonstrated that the Baha'i community in Iran had in fact been singled out for special treatment. It was the only religious minority in the country which was denied official recognition, which was forbidden to practise its religion and which was systematically persecuted by the Government. The reason for which it was treated differently from other religious minorities was that it was the only religion founded after Islam, and what was more had been founded in Iran. Consequently, the first followers had been Iranians who had formerly been Muslims and who had then been branded as apostates. Five generations later, the Baha'is continued to be accused of apostasy although the majority had been Baha'is all their lives.

60. There was no justification for the accusation that the Baha'is were "enemies of Islam". Baha'is believed in the oneness of the major religions of the world and revered their founders. Indeed, the Baha'i faith was the only world religion, apart from Islam itself, which recognized Mohammed as the prophet of God and the Koran as a divinely revealed book.

61. Muslims throughout the world recognized that Islam invited them to respect the human rights of non-Muslims and to allow them to practise their religion in peace. The fundamentalist Iranian leaders were not, however, prepared to tolerate a religion which had appeared after Islam. In contrast, no Christian country denied that Islam was a religion simply because it had appeared several centuries after Christianity, nor did it persecute Muslims because the majority of their population did not believe Mohammed.

62. Since the Iranian Government was unwilling to admit that its persecution of the Baha'is was motivated solely by religious prejudice, it claimed that the Baha'is were a political organization, an allegation which was groundless (document E/CN.4/1983/19, annex III, page 1). The well-worn allegation that because the Baha'i World Centre was in Israel, the Baha'is were agents and supporters of zionism was equally false. The Centre had been set up in the Holy Land in the previous century and had nothing to do with zionism.

63. According to the Iranian Government, any Baha'i who was executed or punished in some other way was persecuted not because of his religion, but because he had been found guilty of a serious crime. That was untrue. No evidence had ever been produced to support the accusations made against the Baha'is, resting on allegations of political or pro-Zionist activities, since the Baha'is did not engage in that kind of activity. Dozens of Baha'is had been executed solely because of their Baha'i activities, as the official verdicts bore witness. Furthermore, if a Baha'i agreed to recant his faith, all the charges against him, however serious they might be, were

immediately dropped and he was immediately released. What could be said about Baha'i children who were denied an education unless they recanted their faith and about the thousands of Baha'is who had been dismissed from their jobs before being offered those same jobs back if they gave up their religion?

64. The Baha'i International Community possessed many official Iranian documents proving conclusively that the only reason for the harassment, persecution and execution of Baha'is was their membership of the Baha'i community (E/CN.4/1517).

65. Furthermore, contrary to the assertions of the observer for Iran, the Baha'i International Community had already contributed to the work of the Commission's current session by making statements on the elimination of racism, the right to development and the problem of discrimination against indigenous peoples, by submitting a written statement on the rights of the child and by proposing two sets of draft articles to the Working Group on the Rights of the Child. Its relations with the United Nations went back to 1948; the Baha'i International Community had contributed actively and positively to the work of the United Nations in all spheres.

66. It hoped that the Iranian Government would respond to the requests of the Commission and would speedily restore human rights and freedoms to all Iranian citizens. It once again appealed to the Iranian Government to put an end to the cruel persecution of that innocent and defenceless minority.

67. Mr. MAHALLATI (Observer for Iran) pointed out that the resolution adopted by the Commission did not invite his Government to receive a special representative of the Secretary-General and that consequently, contrary to what the representative of Canada had stated, his Government had acted altogether independently in inviting the special representative of the Secretary-General to visit Iran. While attaching great importance to the humanitarian endeavours of the Secretary-General, his delegation wished to criticize the report (E/CN.4/1983/19) not only to dispel some misunderstandings but also to help in the preparation of future reports. The report in question was not comprehensive enough. It should have shown the effects of foreign intervention, military aggression, economic sanctions and other factors such as the presence of 1.5 million Afghan refugees, more than 2 million war-stricken refugees, and 160,000 Iraqis and Iraqi Kurd refugees. It should also have mentioned the fact that the CIA-sponsored coup d'état was still very much alive in the minds of Iranians and that the revolution's transitory period was an exceptional situation.

68. His delegation had also noticed with regret that many of the comments in the report of the Secretary-General were based on reports of Amnesty International, since the most recent report of that organization was based on the allegations of one woman. Fortunately the Special Representative of the Secretary-General had been invited to visit Iranian prisons and could thus deal a blow to the credibility of Amnesty International reports on the human rights situation in Iran.

69. As far as the allegations made by terrorist groups such as the MKO against his country were concerned, they had been shown to be without foundation. In many instances, persons allegedly tortured and executed in prison had appeared in the courts and had not only denied having been tortured, but had filed a complaint against the MKO.

70. It was more than two years since a state of war had been imposed upon his country. During that period the terrorists had spared no effort to take advantage of that situation, assassinating as many leaders and as many of the innocent faithful as possible, as they had themselves admitted. While Iranians were defending their country in the west, they were victims of terrorism inside their frontiers. Was that the price to be paid to live decently and to enjoy well-deserved independence? If that were the case, his countrymen had already proved that they were ready to pay that price, if necessary with their lives.

71. At the 42nd meeting, his delegation had listened with the greatest astonishment to the statement made by the representative of a notorious terrorist organization whose words had nothing in common with those of any decent Iranian woman. She had evidently been able to enter the room under the cover of a non-governmental organization. He did not, however, intend to reply to her statement, the contents of which could only have been the fruit of her imagination. On the other hand, he would give the Chairman of the Commission photographs of three victims of the terrorists to reveal the true face of the MKO. He was not willing to question the procedure by which another member of the MKO had intruded into the Commission under the cover of a press agency. He would confine himself to warning the Commission of the danger represented by the misuse of the status of non-governmental organization. It was more than ever imperative for the Commission and the Economic and Social Council to scrutinize the question and to improve the procedure for accrediting non-governmental organizations. If two members of a notorious terrorist organization could enter the room so easily, what was the purpose of showing identity cards to the security guards?

72. Certain bodies also abused the status of non-governmental organization in another fashion. One group had adopted the practice of addressing the Commission solely for the purpose of making groundless allegations against his country, a practice which was in contradiction with the very nature of the Commission. Humanitarian problems should not be used to conceal political motivations. He invited the Commission members to examine the contribution of the Baha'i International Community to the work of the Commission and the reasons for the presence of that group in the Commission.

73. His delegation deplored the fact that certain delegations, also for political motives, had repeated the allegations made by certain non-governmental organizations against Iran. It had already had occasion, at other sessions of the Commission, to explain the reasons underlying such action. In that connection he drew the Commission's attention to an article which had appeared a few weeks earlier in the Tribune de Lausanne according to which the European Parliament had discussed the question whether a campaign should be launched against sects which were gaining an increasing hold on youth and had led certain young people to prostitution or even to drug-taking. The article had listed a number of sects which were active in Europe. In the light of that article, he would like to put a number of questions to representatives who had ventured to accuse his Government of religious intolerance.

74. He would like to know for what reason those sects were intolerable in certain European countries, on what basis European parliaments could decide that those sects were harmful to their country and why the standards taken as a basis by certain representatives were superior to the religious standards recognized and adopted by other countries. Since those representatives thought that other countries were free to adopt whatever code seemed reasonable to them, why did they criticize codes based on the religion or beliefs of those countries? It would also be interesting to know why the European Parliament had the right to restrain the activities of the followers of certain sects and, for example, to prevent sexual abuses committed by those sects whereas his country was required to tolerate all immoral behaviour or sexual abuse, sometimes

advisable according to groups such as the Baha'is, why some countries such as the United States had the right to execute murderers, while his country could not punish terrorists who burned schoolchildren and, finally, what was the definition of religion and in what way a religion differed from a sect.

75. He feared that in the absence of clear answers to those questions the Commission would one day have to hear statements by representatives of the Nazi political party, the international Ku Klux Klan, the Butchers' Society of Latin America against the Indians and so forth. It was more than clear that those few representatives who had made comments on the human rights situation in Iran without a thorough examination of the question were adopting a double standard. All practices in their countries were moral and advisable for other nations, but the norms and ethical codes of other nations were immoral and inadmissible. Fascism was bad because they had suffered from it but Zionism was good because they had created it. The justice of the rule of the majority was praised by those who reaped its benefits but denigrated in other countries when it ran counter to colonial ambitions. It was permissible to prosecute and execute those who had collaborated with the occupation forces in France during the Second World War, but it was apparently not permissible to treat in a much more just manner those who had engaged in espionage activities for the Zionists in his country. Klaus Barbie should be sentenced to death twice for his crimes, but the leader of the terrorist group who had caused bombs to explode in the street in Iran and had assassinated Iranian officials and his innocent fellow countrymen and who had admitted having collaborated with the Iraqi invaders should be allowed a free hand in Iran, and even, if he fled to France, receive a warm welcome and protection. Terrorism was, apparently, not a bad thing where Iran was concerned. Insurrection had to be put down in Corsica, in Ireland, in El Salvador, in occupied Palestine, but when it came to a country which rejected submission to the super-Powers, any initiative aimed at splitting it up and restoring the old colonial rule had to be encouraged. For how long would the Commission on Human Rights continue to hear such biased judgements? That was the main ailment from which the Commission suffered and which, if left uncured, would destroy its capacity for making impartial non-political judgements.

76. As his country had already had the opportunity of explaining, reports of arbitrary executions in Iran were complete fabrications and had been submitted to the United Nations by those very organizations which instigated terrorism in his country. His Government had replied to those accusations with supporting documentation, and had tried to demonstrate the degree of tolerance displayed by the Government and people of Iran with regard to the most ferocious terrorism which had been practised in the country. To appreciate the depth of his country's respect for human rights it would be necessary to make a journey along its western border and visit the Iraqi villages which remained in the line of fire of Iranian troops, yet had not been shot at even once since the invasion of his country by Iraq. On the other hand, on the Iranian side of the frontier, the inhabitants had occasion every day to mourn a near one who had fallen victim to Iraqi shelling. It was thus in those remote Iraqi villages that the proof of his country's respect for human rights was to be found.

77. Mrs. ELIASY-BRANTLEY (World Association for the School as an Instrument of Peace) pointed out that the representative of Poland had mentioned the principle of the sovereign equality of all States Members of the United Nations and the right of any State not to suffer interference in its internal affairs. He had unfortunately forgotten to mention another principle which was just as important: that of co-operation between Member States to protect human rights and fundamental freedoms and to discharge the obligations incumbent upon them under the different international instruments concerning human rights. In that connection she was thinking of the obligations imposed on Poland in particular by the International Covenants.



78. In speaking of Poland's objections to Commission resolution 1982/26, the representative of Poland had stated that his country had respected the provisions of the International Covenant on Civil and Political Rights. In fact, the Polish Government had merely respected article 4 of the Covenant from the procedural point of view. It claimed not to have acted in a manner incompatible with its other international obligations and not to have violated any inalienable right. However, the decree imposing martial law and its enabling instrument were not in conformity with the ILO Conventions on freedom of association, the right to collective bargaining, the protection of trade union representatives and forced labour, of which Poland was a signatory. The representative of Poland had described in detail the reasons for which the Polish Government had been compelled to impose martial law. In so doing, he had probably been trying to explain that the measures adopted strictly respected the International Covenant on Civil and Political Rights, but it would appear that the provisions of article 4 of the Covenant took account of the exigencies of self-defence and force majeure while stressing the temporary character of derogations from the provisions of the Covenant.

79. It was difficult to see how the legislation adopted while martial law had been in force and the decree suspending martial law respected the obligations of States Parties to the Covenant. The measures decreed under the martial law regime impinged on rights considered as inalienable. It was in violation of articles 4 and 6 of the Covenant that the decree suspending martial law continued to provide that those who were derelict in their public duty, disrupted the economy, committed acts of industrial sabotage, threatened public order or security, slandered the State or criticized international alliances would be brought before the military courts and be given a sentence ranging from not less than 10 years' imprisonment to the death penalty. Moreover, while the procedure instituted under martial law was maintained, persons found guilty of those crimes would continue to be denied the right of appeal. The decree suspending martial law also referred to the self-management of enterprises a right which was not deemed to be inalienable, but from which no derogation was permitted under the provisions of the relevant ILO Conventions. Workers still did not have the right to elect their own representatives without the consent of a superior, and their right to collective bargaining was correspondingly reduced. Under the martial law regime, the fact of not having a job was an offence, which was contrary to the Forced Labour Convention. The Commission should therefore call upon Poland to agree to an investigation of the human rights situation by the representative of the Secretary-General and to promote respect for human rights in accordance with its traditions.

[The second part of the summary record of the meeting will appear as document E/CN.4/1983/SR.44/Add.1.]