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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 47th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 4 March 1983, at 10 a.m.

Chairman: Mr. OFUNNU (Uganda)
later: Mr. GONZALEZ DE LEON (Mexico)

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The meeting was called to order at 10.10 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued) (E/CN.4/1983/16-20, 22 and Add.1, 33, 43, 47, 51-53, 55; E/CN.4/1983/L.18, L.37, L.38, L.48, L.53, L.58; E/CN.4/1983/NGO/2, 4, 8-15, 21, 25, 27-31, 38, 39, 41, 42, 45, 46)

1. Mr. PETROPOULOS (Observer for Greece), speaking in exercise of the right of reply, said that the observer for Turkey had referred to Greece in his statements in an effort to obscure the human rights violations for which Turkey had been responsible, and had tried to divert the Commission's attention by focusing on the unfortunate coup engineered in Cyprus by the Greek military dictatorship which had collapsed soon afterwards. That coup could not be used as an excuse for the human rights violations perpetrated in Cyprus after the Turkish invasion. It was absurd to seek to justify the Turkish invasion of Cyprus on the grounds of that coup and to try to cover up the human rights violations that had followed the invasion by recounting imaginary events and quoting sources out of context.

2. The observer for Turkey would do better to direct his attention to Turkey's current military occupation of Cyprus, the continuing deprivation of many Cypriots of their human rights and the continuing tragedy of the refugees. The occupation of foreign land by force had been abundantly condemned by the Commission and the best course now would be to find ways of ending Turkey's occupation of Cyprus rather than defending it.

3. Mr. CANKOREL (Observer for Turkey), speaking in exercise of the right of reply, said that he wished to reply to a statement by the representative of the Greek Cypriot Administration.

4. Mr. PIRISHIS (Cyprus), speaking on a point of order, observed that his delegation did not represent "the Greek Cypriot Administration". The Commission was composed of sovereign States and its members should be addressed as such.

5. The CHAIRMAN reminded delegations that it was usual practice in the Commission to refer to Member States by their proper title.

6. Mr. CANKOREL (Observer for Turkey), resuming his statement, said that the Commission should not be used as a vehicle for insulting sovereign Governments or indeed individuals. He had made a number of factual statements in the Commission and quoted United Nations documents. The representative in question should have confined himself to the specific contents of the Turkish statement instead of using insulting language and raising irrelevant issues.

7. The allegation in document E/CN.4/1983/33 that the Turkish intervention had led to "a mass exodus or displacement" was not a correct reflection of the facts. Some events had preceded that intervention, for instance, the fact that many Turkish Cypriots had been forced to leave their homes because of subhuman treatment. He simply wished to ask the question whether the history of Cyprus had started with the Turkish intervention or prior to it? If the Cypriot representative refused to recognize that it had started prior to Turkish intervention, perhaps he was suggesting that Archbishop Makarios or the leader of the Greek military coup had been Turkish? The Commission would judge such a denial of history for itself.

8. There had been no bloodshed in Cyprus in the past nine years, a situation which could hardly be termed "frustrating". Turkey would not allow Turkish blood to be shed again in Cyprus and it would be better for the Greek Cypriot community to recognize that fact.
9. The observer for Greece had also exercised his right of reply to a Turkish statement alleging that it had referred to Greece. He had made no reference to Greece in any of his statements, although he had quoted two eminent Greek Cypriots, Archbishop Makarios and the wife of the Cypriot Minister of Education, on the subject of the Greek invasion of Cyprus.
10. With regard to the statement made by the representative of the Afro-Asian Peoples' Solidarity Organization, he would be happy to give that representative some documentation on the question of Cyprus, including the texts of his statements in the Commission on the subject. He only hoped that that representative was aware of the existence of Turkish Cypriots and recognized them as also deserving of her organization's attention.
11. With regard to the statement by the representative of the International Confederation of Free Trade Unions (ICFTU), which had contained a reference to Turkey, the situation to which he had referred was already being considered by ILO in a satisfactory dialogue with the Turkish Government. Apparently, that representative had not read ILO's report very thoroughly. The Turkish Government had a better understanding of Turkey's problems and was better equipped to solve them than ICFTU.
12. Mr. ODOCH-JATO (Uganda), speaking in exercise of the right of reply, observed that at the previous meeting the representative of France had referred to "the problem caused by the deplorable events" of October 1982, when a number of Rwandese refugees living in Uganda had returned to Rwanda. The circumstances of that episode had already been clarified by his delegation at the thirty-seventh session of the General Assembly, as had the joint efforts of the Governments of Uganda and Rwanda to find a lasting humanitarian solution to the problem.
13. UNHCR and the international community at large had acknowledged the Ugandan Government's exemplary treatment of all refugees in Uganda, whatever their national origin. For the past 25 years, Uganda's refugee population had been accorded equal economic, social and cultural opportunities with Ugandan nationals; members of that population currently occupied prominent positions in government service, State enterprises and the private sector. The events of October 1982 had not been caused by the attitude of the Ugandan Government; the violence that had erupted between Rwandese refugees and the indigenous community, forcing the refugees to flee to their own country, had had its roots in the complex ethnic, cultural and other contradictions that had always characterized relations between the two communities. The position of his Government on the events had been made abundantly clear. In strict observance of its national and international obligations, the Government had acted promptly to restore law and order and to ensure the safety and welfare of all persons in the area, including any remaining refugees, with the result that there had been no fatal casualties. Shortly afterwards, the President had publicly condemned the violence and reiterated the Government's commitment to upholding the human rights and fundamental freedom of all individuals living in Uganda.
14. The Government's attitude towards the protection of refugees was also demonstrated by its readiness to co-operate with the Rwandese Government in order to solve the problem as soon as possible. The Joint Ministerial Committee set up by the two Governments was continuing its efforts to find a solution in accordance with its communiqué of 27 October 1982, in which the Ugandan Government had undertaken: to reaffirm its responsibility for Rwandese refugees still living in Uganda and to keep them in designated areas in accordance with recognized

international laws and procedures; to examine the possibility of compensating refugees who had left property behind in Uganda; and to examine applications for voluntary repatriation of those refugees identified as Ugandan nationals and to reabsorb them. The Joint Ministerial Committee would be meeting once more as from 6 March 1983 with the participation of a representative of UNHCR. Meanwhile, the Ugandan Government had taken internal measures to alleviate the overcrowding of Rwandese refugees and their livestock in the Nakivale and Oruchinga camps; many of them would soon be moved to designated areas.

15. His delegation earnestly hoped that the repeated references to the problem in the inappropriate context of item 12 would not prejudice Rwanda's and Uganda's continuing efforts to find a permanent solution to that regrettable problem.

16. Mr. KHERAD (Observer for Afghanistan), speaking in exercise of the right of reply, said that at the previous meeting the Commission had again been subjected to infamous fabrications about Afghanistan from certain imperialist and reactionary delegations, notably the United States, Togo and Pakistan. Such fabrications did not warrant a reply but the delegation of Pakistan, by making contradictory hypocritical statements about the so-called "Afghan refugee problem", was trying to divert the Commission's attention from the real problems with which it was supposed to deal.

17. His Government had already stated its position on the so-called "refugee problem" and provided the necessary clarification. The figures given by Pakistan had been deliberately and absurdly magnified in order to secure more international aid. Most of the people referred to as refugees were in fact nomads simply following their normal way of life. There were also seasonal workers who had left Afghanistan long before the April revolution to find work in neighbouring countries. Many Afghans had returned to their homes, but their names remained on the lists of those receiving international relief. Thus, there were in fact relatively few refugees and they did not constitute a serious problem. They could return home whenever they wished, for the Afghan Government had declared a general amnesty for all Afghans currently residing abroad, and had urged them to return home and resume their normal lives. Special legislative measures had already been enacted to ensure returnees the security, freedom and other conditions necessary for participation in the country's economic and political life.

18. In that connection, he wished to draw attention to a message from the President of the Revolutionary Council of Afghanistan addressed to Afghans living abroad, which had been reproduced in document A/37/438, and confirmed that the property, life and rights of such individuals would be protected if they returned. Thousands of Afghans had already returned and even more would have done so were it not for the artificial barriers created by countries such as Pakistan. His delegation condemned all hostile activities by such reactionary circles and called on them to cease their interference in Afghanistan's internal affairs and their obstruction of attempts by Afghan refugees to return home. That would help to solve the so-called "Afghan refugee problem", restore peace in the region, defuse the situation on Afghanistan's borders and contribute to international detente. The "Afghan refugee problem" must be considered from a purely humanitarian standpoint and not used for political propaganda purposes and as a cover-up for mercenary activities in the region.

19. Monsignor ROVIDA (Observer for the Holy See), speaking in exercise of the right of reply, said that his delegation felt obliged to make a statement at the end of the debate on item 12. Pope John Paul II was currently making a courageous and difficult journey through Central America and it was up to him to make a statement on human rights violations in that region. However, the delegation of the Holy See, deploring

the inaccurate information transmitted to the international community and reiterated in the Commission, wished to make it known that, prior to the Pope's visit to Guatemala and on behalf of the Pope himself, the Holy See had requested the President of Guatemala to repeal the death sentence on six individuals who had none the less been executed on 3 March. That execution offended not only the Pope but above all the dignity of the human person.

20. His delegation wished to condemn all acts of violence which, in Guatemala and elsewhere, discredited mankind. Only a renewed political will - free from ideology - to protect the common interests of populations could establish justice, order and peace in place of the current tragic course of events.

21. Mr. SOFFER (Observer for Israel) said that the Commission had again been treated to an absurd spectacle, with the representative of Poland subjecting it to rhetoric and slander against Israel while failing to justify the policies of his own Government. That Government had usurped power in order to crush the Solidarity movement and everything it stood for; it was also extremely alarming that anti-Semitic propaganda and policies had re-emerged in Poland.

22. His delegation had also been surprised at the tactless remarks made by the representative of the Ukrainian SSR in response to its description of the intolerable predicament of the Jewish community in the Soviet Union. The Israeli delegation had exposed the Soviet Government's harsh treatment and systematic repression of Soviet Jews. Several million Jews in the Soviet Union were denied their most basic rights, including the right to emigrate.

23. The tragic plight of a few Soviet Jews would serve as an example of the suffering of thousands of Jews in the Soviet Union. Felix Kochubievsky had aggravated his "offence" of seeking to join his two sons in Israel by establishing a Soviet-Israeli Friendship Society in the Soviet Union. There were scores of friendship societies in the Soviet Union linking Soviet citizens with citizens of other countries. Apparently it was not permissible for such a society to exist in relation to the Israeli people. Mr. Kochubievsky had therefore been convicted of "slandering the Soviet State and social system" and sentenced to two-and-a-half-years' internment in a forced labour camp. Iosif Begun had already served two terms as a prisoner of Zion in exile in Siberia; in order to promote his cause 3 March had just been proclaimed an International Day of Solidarity with Iosif Begun. Simon Shnirman's family had first tried to leave the Soviet Union in 1959 when he had been only one year old. His father had finally been permitted to emigrate to Israel in December 1976 but his mother had chosen to stay with him following his arrest in 1978 for refusing to report for military service. After serving a two-and-a-half-year sentence, he had been re-arrested in January 1983 on the same charge. Knowing that military service inevitably led to postponement of emigration for at least five years after such service, Jewish applicants for emigration had on occasion chosen to brave criminal punishment rather than risk indefinite postponement of their emigration.

24. How long would the Soviet Union continue unjustly to punish and repunish such people and to deny them their elementary human rights? Millions of Soviet Jews were being held hostage by the Soviet Government, their only crime being the religion of their Fathers. Freedom of emigration was a universally recognized right enshrined in international conventions which the Soviet Union had ratified but refused to implement. It was high time the Soviet Government practised what it preached, for the international community had had its fill of the Soviet Government's empty words.

25. Mr. OGURTSOV (Observer for the Byelorussian Soviet Socialist Republic) said that his delegation wished to draw attention to efforts by certain members of the Commission to reduce the scope of the current agenda item and, in doing so, restrict the information services which assisted the Commission in its work.

26. The question must be asked whether the Commission had any mandate to interfere in the internal affairs of a sovereign State which, through force of circumstances, had had to restrict certain rights of its citizens but had done so in strict conformity with its domestic legislation and with the relevant provisions of United Nations human rights instruments. The only answer was that the Commission had no such mandate. Nevertheless, some of its members were using human rights topics as a cover for attempts to interfere in the internal affairs of a sovereign State - the Polish People's Republic.

27. The Polish people was solving its economic and social problems by itself. It was well known that the unsuccessful subversive attempts by counter-revolutionary forces to destroy that country's economy had adversely affected the people's living conditions, as well as introducing anarchy and hatred with a view to overthrowing the State structure. However, with the help of the Military Council for National Salvation, those efforts had been soundly rebuffed by the Polish authorities through measures which, in any case, were an internal affair of that country and outside the competence of the Commission or any other bodies. It was typical that the more stable conditions in Poland became, the more frantic became the imperialist propaganda against that country, particularly that directed from the United States of America.

28. The deliberations on the current agenda item were being used in order to accuse Poland groundlessly of human rights violations. Those who did so had nothing to say about the massive and flagrant violations of human rights in southern Africa and the occupied Arab territories; on the contrary, they actively supported the military and racist regimes in Tel Aviv and Pretoria, despite the numerous resolutions adopted by the General Assembly, the Commission and other United Nations bodies condemning apartheid as a crime against humanity and calling for the cessation of trade relations with the apartheid regime. Indeed, the United States Administration had even decided to relax trade restrictions with South Africa and allow some sales of United States armaments.

29. No one in the Commission could recall the United States delegation having adopted, in respect of the constantly reported violations of human rights in southern Africa and the occupied Arab territories, the tone which it now used with regard to Poland. The United States distorted the cause of human rights for its own exclusively political aims; it sought to distract attention from the disregard of human rights in that country and from its support for certain dictatorial regimes,

and to slander those countries whose peace-loving policies and social structure did not suit its rulers. One example of its hypocrisy was the situation in El Salvador, whose citizens had for several decades been denied the most elementary human rights. The ruling junta's barbaric measures to smash the democratic left-wing opposition in town and country were being facilitated by United States military assistance, which had amounted to millions of dollars of aid to that utterly corrupt regime. The most reactionary and dictatorial regimes in Asia, Africa and Latin America were receiving assistance from the United States, which had the effrontery to tell Poland and other countries how they should conduct their own affairs, although the United States had failed to ratify the basic international human rights instruments.

30. The human rights of the masses in imperialist societies seemed to consist of the right of millions to unemployment, the right of national minorities to suffer discrimination in work, education and political life, the right to live in constant fear of organized crime and the right to have the country's youth indoctrinated in cruelty and violence. The United States had no "moral right" to speak of human rights when numerous Hitlerite criminals - including Walter Schreiber, tried in his absence for war crimes - had found asylum in the United States after fleeing from Europe. For example, several hundred former members of an SS unit which had been active in Byelorussian territory lived in a community at South River, New Jersey; no other country was known to have settled such a group.

31. The sincerity with which the United States representative claimed to speak was more akin to hypocrisy. The United States delegation should heed the warning of one of its own congressmen, John Connors, to the effect that people living in glasshouses should not throw stones. Many of the stones cast by the United States Administration would rebound against it, unmasking its blatant duplicity.

32. Mr. SAKER (Observer for the Syrian Arab Republic) said that the item under discussion was one of the most crucial on the Commission's agenda. Consideration of the many situations brought to the Commission's attention pointed to the need for that body to have some more effective means of dealing with human rights violations, without selectivity, in a spirit of co-operation and mutual respect, and avoiding interference in States' internal affairs. The valuable reports before the Commission testified to many cases of human rights violations in various parts of the world, and to the way in which totalitarian and racist regimes continued, in defiance of human rights, to oppress minorities, particularly rural populations, forcing them to leave their lands and depriving them of their basic economic and social rights.

33. The causes of violations must be studied, with a view to adopting measures to remove them. In particular, attention must be given to situations affected by colonialism and neo-colonialism, foreign occupation, racial discrimination and apartheid, denial of the right of self-determination, interference in other nations' internal affairs, the expulsion of indigenous populations and the denial of their legitimate control of their own natural resources, and the current unjust international economic order.

34. His delegation appreciated the work of the Special Rapporteur in preparing the report on summary or arbitrary executions (E/CN.4/1983/16), but shared the surprise expressed by some previous speakers at the somewhat unbalanced approach, which seemed to have been influenced by certain groundless material from the media and to have ignored the position of certain governments, even when the latter clearly intended to reply very shortly. That detracted from the report's objectivity.

35. The Syrian Arab Republic was proud of its record. In that country, power resided with the people, which exercised its mandate through a freely elected council made up of members of the National Popular Front, in which all political groups were represented. The Constitution guaranteed the human rights and security of all citizens, through legislation containing safeguards for all political, civil, social, cultural and other rights. The Syrian Constitution guaranteed all citizens equality regardless of race and religion. Discrimination was punishable by law. The assertion, by the observer for Israel, that Jews were persecuted in Syria was untrue. For over 1,000 years Christians, Jews and Muslims had lived peacefully together in that country and remained happy to do so. Jewish Syrian citizens enjoyed the full freedoms shared by other citizens with regard to religion, education, travel and other rights; he himself had recently renewed the passport of a Syrian Jew. The Jewish professional class formed an important part of the society and was subject to no discrimination whatsoever.

36. In discussing the situation in Poland, many delegations seemed anxious for the Commission to adopt decisions against that country's rulers. However, his delegation saw no point in the Commission's considering the situation further. The economic and other conditions in Poland were clearly improving, and the international community was duty bound to give the Polish people the chance to consolidate its recovery, and to avoid interfering in its internal affairs and complicating matters further. Poland could best be helped by allowing it to organize its own future.

37. Mr. OBOL-OCHOLA (Uganda) said that Uganda attached great significance to the role of the United Nations in promoting and protecting human rights, and appreciated the Commission's conscientious efforts. Uganda, having emerged from a period of systematic human rights violations, fully shared the international concern and indignation at all such violations anywhere in the world, and placed a high premium on the enjoyment of human rights by all mankind.

38. Human rights were a major component of Uganda's domestic and foreign policies. Under article 8 of its Constitution, citizens enjoyed equal protection under the law and the fundamental rights to life, liberty, security, freedom of conscience and expression, and protection of property and privacy. Violations were punishable pursuant to article 22 of the Constitution.

39. Having freed itself from the tyranny of the 1970s, the Ugandan people had exercised its democratic rights through the general elections of December 1980, monitored by a Commonwealth observer group; President Milton Obote, on his accession to office in December 1980, had proclaimed a policy of reconciliation and had declared the Government's commitment to human rights, saying that it would work for human compassion, human rights, dignity and reconciliation, without revenge and in conformity with the law. Soon after taking office, the President had released the former President Binalsa from detention; and to date over 7,000 persons detained after the war of liberation, including some of Amin's soldiers and secret service personnel, had been granted presidential amnesty and unconditionally released. Even some of Amin's most notorious aides had been afforded due process of law; Uganda's approach in that matter had been unique, other countries in similar circumstances having established special tribunals to try such criminals.

40. Uganda had a multi-party democracy; the Parliament was a free, democratic and effective legislature, enjoying membership of the Commonwealth Parliamentary Association and the Inter-Parliamentary Union. The judiciary was completely independent of the legislative and executive branches. The law and practice relating to habeas corpus functioned well. Election petitions had been ruled upon, and the ruling party, the Uganda People's Congress, had not always won. Freedom of opinion and expression was evidenced by the existence of over 10 privately-owned newspapers in Kampala alone - many of them supporting opposition parties. Through the Ministry of Rehabilitation, assistance was given to victims of the Amin era: widows were provided with the means to be self-supporting, and orphans and abandoned children were given shelter, clothing, food and free education. Pursuant to an act which had taken effect on 21 February 1983, Asians whose property had been expropriated by the Amin regime could reclaim them.

41. It was against that background of improved human rights conditions in Uganda that his delegation referred to the report of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1983/16). It thanked the Special Rapporteur for the effort put into preparing the report and supported the request that the Special Rapporteur's mandate should be renewed. But in view of the little time available to the Special Rapporteur and the nature of his work, the information had not been comprehensively analysed, and some Governments had not had enough time to respond. The Ugandan Government had requested copies of the note verbale from the Centre for Human Rights to enable it to respond accordingly. His comments, therefore, could be only of a tentative and preliminary nature.

42. Representatives of various international human rights agencies had seen the situation in Uganda at first hand. Mr. Peter Archer, a former United Kingdom Solicitor-General, having visited Uganda on behalf of the House of Commons all-party parliamentary group for human rights, said that he had received co-operation far in excess of that experienced in other countries having similar situations; he had also said that the West should temper its criticism with understanding, recognize the genuine efforts to make improvements and attempt to reduce the feeling of insecurity. The cases referred to in document E/CN.4/1983/16 relating to Uganda came from a single source, Amnesty International - a highly respected organization which, however, like most of the Western press, had relied on politically-motivated reports by the Government's opponents. Amnesty International's report dated 1 July 1982 ignored Uganda's complex economic and political situation, thus presenting an unbalanced view of developments and frequently placing blame on the wrong shoulders. Mr. Colin Legum, an authority on third world conditions, had stated, in Africa Report of January/February 1983, that during the previous two years Uganda had received worse treatment by the Western media than any other third world country, and that the attacks on President Obote's Government virtually amounted to a vendetta; however, the experience of his own four visits to Uganda during the previous year, including one to remote parts, was at variance with such adverse comments.

43. The current Government had inherited a virtually impossible situation. During the Amin era law and order, as well as the economy, had collapsed; and the war of liberation had inevitably caused damage, particularly to the infrastructure, and led to lawlessness made worse by the fact that abandoned weapons had fallen into the hands of criminal elements. Nevertheless, substantial progress had been made in Uganda's well-being. The Government's economic recovery programme contained comprehensive measures to restore hitherto idle industries. The black market had virtually disappeared, and agriculture was receiving priority attention. Uganda was already

self-sufficient in food and was exporting foodstuffs, after the serious famine of 1979/1980. Developments with regard to coffee, tea, cotton, sugar and tobacco were encouraging. Inflation had been substantially reduced, illegal currency transactions were no longer the rule and goods were now being imported. The continued improvements in the economy would have a corresponding effect on over-all security. The latter was now good, apart from a few pockets of resistance in isolated areas in and around Kampala, because the police force had been increased from a mere 4,000 in 1979 to over 13,000. Assistance from friendly countries in training police and prison forces was greatly appreciated; however, more help was needed.

44. Such incidents as continued to occur were the work of a few disgruntled politicians, defeated at the previous general elections and now perpetrating acts of terrorism - acknowledged by Amnesty International and other organizations. The attacks had included the killing of one member of the Indian High Commission in Kampala and the wounding of another. In all cases, the terrorist leaders had claimed responsibility for the acts. The Government was obliged to eliminate the causes of insecurity, pursuant to article 8, clause 5, of the Ugandan Constitution.

45. There had indeed been some instances of misconduct in the Ugandan army - a situation not confined to that country. The infractions had been firmly punished. The quality and discipline of the armed forces were being improved through daily training by Ugandan commissioned and non-commissioned officers, some of whom were being trained in friendly countries. In addition, the Commonwealth Military Training Team in Uganda was training instructors.

46. Although Uganda's worst troubles were past, the murderous and fascist rule of Amin had wrecked the economy and disrupted political and social order; in the hard task of recovery, Uganda hoped for the international community's goodwill and understanding. The Commission had demonstrated its understanding in adopting resolution 1982/37; his delegation appreciated the Commission's recognition of the problems facing the Ugandan Government and its determined efforts to protect and promote human rights. The Ugandan Government and people would always co-operate with the Commission and the international community in promoting and protecting human rights in Uganda and throughout the world.

47. Mr. SOKALSKI (Poland) said that Poland had pledged full respect for human rights and intended to keep its word. The debate in the Commission had fully confirmed the validity of all the arguments which the Polish delegation had advanced concerning attempts by the Commission to consider Poland's internal affairs. Regrettably, some speakers had offered their own assessment of the situation in Poland, distorting both the origins of the problems and the nature of the developments. The Central Intelligence Agency (CIA) and other NATO intelligence services had underestimated the collective wisdom of the people, the cohesion and patriotism of the Polish army, and the efficiency of the country's organs of public order. Scenarios concerning Poland had been prepared for years and had cost a lot of money - yet they had collapsed overnight. The European Bay of Pigs had misfired, and Poland had not let itself be turned into a Chile of 1973.

48. Some speakers were disappointed that Poland had suspended rather than lifted martial law. Yet some of their Governments did all they could to aggravate Poland's problems, prevent internal stabilization and act against domestic and external peace, which was what Poland really needed. The rigours of martial law had been applied sparingly in Poland. Harsh measures had never been part of the Polish mentality and were alien to the country's political structure. Ever since martial law had been declared, all the constitutional authorities had functioned normally and the elected organs of authority had continued to operate. Their position had in fact grown rather than diminished as a result of a number of reforms. The military had acted not as a ruling power but as a safeguard for the implementation of the policies of the legal authorities. Martial law had been introduced not to stop the reforms initiated in August 1980 and the subsequent decisions of the highest constitutional organs, but to implement them effectively. His delegation could therefore not accept the abusive allegations made by some representatives and non-governmental organizations, whose statements revealed a strong measure of dependence upon the CIA. In the absence of rational arguments, they had even had to resort to using a handicapped person, who deserved much greater respect. He congratulated the United States delegation on that "humane" method of discussion.

49. Poland had never relished the introduction of martial law and had seen it from the outset as the least of several evils. In the weeks preceding 13 December 1981, rule by law had been deteriorating. Why, then, did certain representatives talk only about the effects of what had happened and ignore the underlying causes, in which they themselves had played a role? The opponents of social peace in Poland seemed to be turning a blind eye to the process of positive change taking place in all areas. The country still had difficulties, but the worst were over and the horizon was certainly brighter. An economic reform was being carried out, backed by a broad network of new legislation including laws on the implementation of that reform, State enterprises, workers' self-management and the rights of citizens. A National Council for Culture, a Parliamentary Economic and Social Council, a Constitutional Tribunal and a Tribunal of State had been established by Parliament, and a Teacher's Charter and laws on higher education, the special rights of war veterans, co-operatives and trade unions had been enacted. The first Congress of the Patriotic Movement of National Revival, to be held in May 1983, would be a new milestone on the path of national accord and reconciliation.

50. Poland would have gone even further towards full normalization had it not been for the economic restrictions practised by some NATO States which had allegedly been aimed against the Government but had severely affected the living conditions of the people. They had proved downright ineffective and had hurt Western economies. That was what happened when wishful thinking replaced political realism.

51. Throughout 1981, the United States had endeavoured to show particular concern about Poland's coal miners. While Radio Free Europe and the Voice of America had been rhapsodizing about strikes in Poland and encouraging Polish miners to boycott work on Saturdays, American coal companies had been busy taking over Poland's traditional coal markets. In 1981 alone, Poland had lost almost half a billion dollars owing to the drop in coal exports. In 1949, the United States had also tried to punish Poland. The list of goods embargoed for export had included most basic medical instruments at a time when, following the misery of the Nazi occupation, Poland had had a tremendous

number of sick and disabled victims of war. Gone, however, were the times when Polish affairs were decided against and without the Polish people. The policy of sanctions, pressure and interference in Poland's internal affairs was bound to fail.

52. Some speakers had deliberately attempted to ignore the significance of the suspension of martial law. It was not a simple matter to recover from a crisis as grave as Poland's. The country had not paid the high price of introducing martial law in order to ruin everything for the sake of the political whims of those who did not wish Poland well. All the basic restrictions of martial law had ceased to function on 30 December 1982 and the only regulations remaining in force directly protected the country's economy and reinforced the personal safety of citizens. It was unnecessary to pressure Poland to lift the remaining inconveniences: it realized that it must do so fast and it would.

53. His delegation rejected the unfounded allegations that martial law restrictions had been incorporated into Poland's legislation. There had been some changes in the Penal Code, but they did not go any further than the equivalent legal provisions of most West European countries. Similar United States legislation should be checked for purposes of comparison.

54. The story that there were hundreds of political prisoners in Poland was equally fallacious. No one had been arrested for his political beliefs, but there had been a political upheaval and some participants in activities prohibited by law had been detained and sentenced through due process. It was a rhetorical gimmick to say that the sentences concerned had been earned by the "non-violent exercise of human rights". Furthermore, the fact that Polish courts and the Council of State had been busy for weeks considering cases in which prompt pardons should be granted to those who had violated the martial law legislation had been passed over in complete silence, and no one had cared to notice that Poland's law on employment, which in certain cases did introduce restrictions on changing jobs, was actually 16 years old and not an invention of recent months.

55. A few representatives had referred to the situation of trade unions: that, too, was strictly a domestic problem within national jurisdiction. Some aspects relating to Poland's international obligations under ILO Conventions were the subject of long-standing co-operation and dialogue between ILO and Poland and in no way came within the Commission's terms of reference. It had been interesting to hear the spokesmen for big capital portraying themselves as friends of Poland's working class. Poland's critics were reluctant to recognize that the former trade union Solidarity had not been the only one in the country. There had been at least as many active members of a number of other trade unions, whose history and tradition had been much less ephemeral than those of Solidarity. It was true that they had all been dissolved by a decision of Parliament, but that was because the authorities had preferred to start anew rather than to err in the old way. His delegation could not accept the acrimonious contention that the measures taken were contrary to some ILO Conventions. It was a matter of public record that a number of provisions of those Conventions had been violated much earlier by the very unions concerned. No responsible person would deny that those organizations had diverged from their trade-union objectives and defied the law. To say that the Polish Government had departed from ILO Conventions was to put the cart before the horse.

56. The situation of Poland's trade-union movement had at one point become an extremely complicated tangle of socio-political, psychological and moral problems and it had become absolutely necessary to break that deadlock. On 8 October 1982, several months after martial law had been proclaimed, the Polish Parliament, and not the Government, had passed a new law on trade unions. Anyone capable of separating reality from ill-concealed emotions would certainly agree that the law was a momentous act on the road to normalization and democratic reforms. Its main substantive provisions had been based on a draft text of 1981 which had been discussed with all the then-functioning trade unions and the ILO International Bureau of Labour. The Polish Parliament had thus given equal chances to all within a well-established legal framework.

57. The new trade unions were beginning to function at the most basic level - that of individual work establishments, where people knew one another and there could be no manipulation and behind-the-scenes intrigue. They had already been formed in more than 6,000 enterprises and had a total membership of more than 1 million. Nobody was pushing people to join them. It would take time to form a strong mass movement, but that would ultimately come, for there could be no socialism other than that built by the working masses. No one should expect, however, that trade unions in a socialist country would be modelled upon those in capitalist countries.

58. Some delegations had alleged that Poland had refused to co-operate with the Secretary-General. His delegation could not accept that contention. Poland had had contacts with the Secretary-General on many matters of mutual interest, including all the relevant aspects of the situation in Poland, and had received his personal representative in mid-1982. It had co-operated with the United Nations, but had refused to collaborate in leaving Poland at the mercy of a few instigators of anti-Polish action, implementing illegal decisions contrary to the Charter, destroying established United Nations criteria for the consideration of human rights questions and accepting measures prejudicial to procedures called for in duly ratified international agreements.

59. The representative of the United Kingdom had endorsed the extension of the so-called Secretary-General's mandate on Poland just a few days after the United Kingdom Government and most of that country's press had firmly rejected as interference in Britain's internal affairs a decision by the European Parliament to conduct an inquiry into the problems of Northern Ireland.

60. Draft resolution E/CN.4/1983/L.37 was an astounding document in terms of the amount of venom and distortion it contained. Although it had been circulated several days before the so-called report on Poland, it had already thanked the Secretary-General for the report and had requested him to update and complete it. The text had originally been discussed as a United States draft, but suddenly four other NATO countries had become sponsors, replacing the United States. Such practices set a dangerous precedent: a Government which was not a party to the International Covenant on Civil and Political Rights could introduce, through third parties, a draft resolution contrary to the principles and procedures provided for in the Covenant. As a party to the Covenant, his Government strongly objected to such practices.

61. Whereas everyone admitted that the situation in Poland had greatly improved, the draft resolution alleged the contrary. One could seldom read so much wilful distortion of truth as in that document. The United States delegation and a few others often claimed that United Nations resolutions on Israel and South Africa were counter-productive, but it would be interesting to hear them argue why an anti-Polish draft resolution which amounted to brutal interference in the country's internal affairs was not counter-productive.

62. Before the submission of the draft resolution, one of the sponsors had attempted to reach a deal: it would stop bringing up Poland's internal matters in the Commission if the Commission would drop the items on Chile and El Salvador. It would be a gross understatement to say that that offer was cynical. His country refused to be a bargaining chip.

63. The fact that the Federal Republic of Germany, which was a successor to the Third Reich, had sponsored a resolution lecturing Poland on human rights was a challenge to common sense and Polish dignity. The role of the Netherlands in forcing through the resolution was also inconceivable: many Polish families would no doubt wonder whether that was the Dutch way of thanking the hundreds of Polish soldiers who had died on their soil while liberating their country from Nazi occupation. It was most surprising to find Ireland in that company: if anything, its chief preoccupation should be the human rights situation in Northern Ireland. It was particularly regrettable that Italy was among the sponsors, as the draft was totally alien to the long tradition of mutual tolerance and good relations between Poland and Italy. The list of human rights violations in those four countries was much more serious and dated back further than did Poland's temporary derogations from some of the Covenant's provisions.

64. The draft resolution was totally unfounded. In no way did it reflect the situation in Poland or indicate the position of the Polish Government: in fact, it distorted them both and was a form of biased political vilification. It made a mockery of human rights concerns and he hoped that all honest members of the Commission would assess it accordingly. His delegation could never reconcile itself with any such resolution. The unjustified consideration of Poland's internal matters must be terminated without delay; to support it would be to commit an unfriendly act against Poland. His delegation was aware of the pressures upon certain delegations to support the draft resolution and appealed to them not to give in. What was really at stake was not human rights but brutal political expediency. Poland had the right to expect that the NATO Governments which had chosen to pursue a policy of pressurizing it would finally abandon their hostile posture and display more realism and respect; that would be consonant with the spirit of the Charter and the purposes and principles of the United Nations.

65. Mr. Gonzalez de Leon (Mexico) took the Chair.

66. MR. SCHIFTER (United States of America) suggested that the Department of State's country reports on human rights practices should be consulted by members of the Commission.

67. There was a big difference between a Government which, while in control of law and order, used its police and military forces to deprive individuals of their human rights, and a Government which, in a situation of civil warfare, was unable to restrain some of the forces nominally under its control from committing human rights violations when the other side, the guerrillas, were guilty of similar violations. The latter was the case in two countries of Latin America, El Salvador and Guatemala, where guerrilla forces, actively supported and advised from abroad, were attempting to overthrow the established Government by force and violence. In doing so they killed and maimed innocent civilians and damaged property. Opposing forces often did the same, but without having been directed from the highest level of Government.

68. In both those countries, those who were dissatisfied with the way their Governments had operated would have an opportunity within the next two years to express their dissent at the ballot box and, if they could convince a majority of their fellow-citizens of the correctness of their views, to put those views into effect through a process which was in harmony with the provisions of the Universal Declaration of Human Rights.
69. Where there was civil peace, the democratic process and respect for human rights went hand in hand; the Commission should therefore welcome the important democratic achievements or steps towards democracy made in 1982 in such countries as Argentina, Bolivia, Brazil, Honduras and Uruguay. It was regrettable that Chile could not be placed on that list. The Commission, however, undermined its own credibility by maintaining a separate item on Chile yet doing nothing about Cuba, a totalitarian dictatorship far more repressive and guilty of far greater and more all-pervasive human rights violations than Chile. His delegation was not attempting to absolve Chile, but believed that the Commission would have a better chance of discussing problems with that country and achieving an improvement in conditions of concern to it if it approached Chile fairly and even-handedly.
70. In 1982 there had been a further deterioration of the human rights situation in Nicaragua, another Latin American country which the Commission had not scrutinized. In 1981, his delegation had called attention to the measures taken against the Miskito Indians, more than 10,000 of whom had fled to Honduras while others had forcibly been moved by the Nicaraguan Government from their homes. Civil liberties had been suspended and prior censorship of the media established, while political arrests had become commonplace. There were reports of disappearances, torture and killings in prison. It was regrettable that the human rights record of Nicaragua was rapidly deteriorating.
71. The situation in Suriname was also a cause of concern. Fifteen of the most prominent citizens had been arrested and it had been claimed that they had been shot dead while trying to escape. More recently, the Government had announced the arrest of its second-ranking member and his death in detention by suicide. The circumstances of that suicide were highly dubious. The military regime treated the country's free institutions as harshly as its citizens. There was no freedom of the press to speak of and all other media functioned as organs of the Government.
72. While violence persisted in some countries in the Americas, there were signs of the dawn of a new era in a number of countries which were turning to democracy, representative government and respect for human rights in a setting of civil order and harmony.
73. Turning to other parts of the world, his delegation expressed concern about conditions in Iran, although it was to be hoped that the most recent signs from that country meant that significant improvements might be expected in the immediate future. However, international public opinion was rightly concerned about the continuing reports of mass executions, mass arrests, detention under cruel conditions and torture. The Baha'is, a gentle and non-confrontational people, had been singled out for particularly harsh treatment. Many of their leaders had been sentenced to death and executed for no reason other than their faith and religious functions. It had been reported only recently that the death sentences against 22 Baha'is had been upheld by the Iranian Supreme Court. That was indeed a most desperate situation which called for an appeal by the world community to the Iranian leadership to desist.

74. He had been shocked by the Polish representative's reference to the representative of a non-governmental organization. The person in question was a professor of international law, a brilliant legal scholar and an outstanding student of Polish history. The Polish statement had been totally irrelevant and in the poorest taste. While members might occasionally make strong statements in the Commission, they should at all times remain within the bounds of decency.

75. His delegation also deplored the aspersions cast by the Polish representative on members of the Commission and their integrity. Neither the resolution on Poland adopted at the preceding session nor the draft resolution submitted at the current session had been prepared by the United States. Both had been drafted by Europeans, and the fact that the United States Department of State had transmitted the text to other capitals was no crime.

76. The ILO Committee on Freedom of Association had just the day before adopted a report on the situation in Poland by a vote of 46 to 4, with 4 abstentions. In its report, it noted, *inter alia*, that restrictions on trade-union activities remained in force, only one trade union was permitted, large numbers of individuals had been sentenced for trade-union activities, and the Government had provided no new information on deaths which had occurred during demonstrations on the dismissal of workers for trade-union activities or on the ill-treatment of detained persons. The ILO Committee had concluded that it could not close the case, as the Government of Poland wished.

77. The following day would mark the thirtieth anniversary of the death of Joseph Stalin, who had been responsible for the killing of more Soviet citizens than Adolf Hitler. There was no doubt that the Soviet Union had come a long way since the end of Stalin's despotic rule but it fell far short of meeting the basic standards laid down in the Universal Declaration of Human Rights. Admittedly, there were significant differences between the Stalin era and the post-Stalin period. Under Stalin, no one had been safe from being sent to a work camp in Siberia or killed outright. That did not happen any more but freedom of expression, if one disagreed with the pronouncements of the leadership, was still non-existent, and long prison sentences, banishment or commitment to institutions for the mentally ill awaited the offenders.

78. The mere mention in the Commission of violations of human rights by the Soviet Union and the countries associated with it invariably brought forth invective and abuse from those mentioned. Fortunately, his country could not be easily intimidated and it would continue to speak its mind. Hardly a day had passed without the United States being sharply criticized in the Commission. His delegation's policy had been to ignore those criticisms which were generally known to be false and to respond only to those concerning which the facts might be less clear. His delegation, in turn, wished that the response to criticisms which it levelled at others would be factual rather than abusive. He recognized, however, that members were free to choose their own style of discourse. The members listening to them were free to draw their own conclusions from the nature of the discussion.

79. During the Commission's discussion of item 12, it had heard lengthy presentations on the sins of the United States by the representative of the Soviet Union, which had been supplemented by lectures from the representative of the Ukrainian SSR on United States crime statistics. Many of those present had lived in the United States and even those who had not had an accurate picture of life there. It would, therefore, be of no real value to respond in detail to the Soviet representative's

long indictment. His country had its domestic problems but it also had a great many strengths. People throughout the world who came by the million to his country seemed to have decided that its strengths outweighed the problems. The Soviet representative's research assistants did not provide him with accurate information. So as to avoid another repetition of his statement the following year, he urged the Soviet representative to make an extended visit to the United States in order to see conditions there for himself.

80. Turning to human rights developments in the Soviet Union, he said that 1982 had been a year of regression in Soviet respect for human rights. The sparks of freedom that had been allowed to glimmer in the 1970s were rapidly being extinguished. The authorities had sharply escalated their repression of those engaged in peaceful dissent. The Moscow-Helsinki group had been disbanded, contacts between Soviet citizens and foreigners had been severely curtailed, foreign journalists had been harassed, and numerous citizens who had done nothing more than exercise their internationally recognized human rights had either been threatened with arrest or actually incarcerated and sentenced to long prison terms or internal exile. While the Soviet Union welcomed peace groups everywhere else, it had reacted brutally to Soviet citizens who had tried to form a genuine peace group not controlled by the State apparatus and had committed the group's leader to a mental hospital.

81. The Declaration on Religious Intolerance, adopted by the General Assembly in 1982, remained a dead letter in the Soviet Union, where anti-religious propaganda continued to be an integral part of the Government's programme and was taught in the schools. Unregistered believers were singled out for special harassment in schools or places of work and were denied access to housing. Jews had to bear the additional burden of discrimination and persecution on the basis of ancestry alone. In the light of the recent discussion of the survival of nazism, the Commission should note the anti-Jewish propaganda appearing in the official Soviet media and the discrimination against Jews in the field of higher education and access to the professions. Only recently, an individual who had exposed the existence of such discrimination had been sentenced to banishment for five years and another was still being tried.

82. It was no wonder that, being subjected to anti-Jewish vilification in the media and severe restrictions on their children's educational and career opportunities, the Jews of the Soviet Union wished to leave the country. And yet only some 1,000 were permitted to depart each year. The restrictions thus imposed were another violation of internationally recognized human rights.

83. More than 65 years had passed since the Bolshevik revolution, nearly 38 years since the end of the Second World War, and almost 30 years since the end of Stalin's despotism. The Soviet Union had thus had ample time to build and develop. And yet why was that Superpower, which possessed one of the strongest military machines in the world, afraid of the written and spoken word and why was the Universal Declaration of Human Rights still a dead letter in the Soviet Union? It had often been said that the relaxation of international tension could be brought about by confidence-building measures. One of the most significant steps the new Soviet leadership could take towards that end would be to relax its grip on the Soviet people so that they could at long last enjoy the rights so clearly spelled out in the Universal Declaration of Human Rights.

84. Mr. Otunna (Uganda) resumed the Chair

85. Mr. HEREDIA PEREZ (Cuba) quoted from a recent wire-service dispatch which gave an account of criticisms levelled against the Reagan Administration by three human rights groups in the United States, to the effect that the Government's human rights policy was to overlook the shortcomings of friendly Governments and criticize only those with which the United States had poor relations. The groups in question had charged that the Reagan Administration's actions were the very antithesis of human rights.

86. The United States representative had referred in his statement to the question of Central America. An informative article appearing recently in a Nicaraguan newspaper had pointed out that the economic development of the United States had been historically linked to the exploitation of the peoples of Latin America and other parts of the world. Central America and the Caribbean had been a particular target of United States imperialism, intervention and exploitation for centuries. The people of Guatemala had suffered for years under brutal United States-supported regimes and El Salvador was racked by a civil war fanned by the United States. The article quoted the United States representative to the United Nations, Mrs. Kirkpatrick, as saying that Somoza was preferable to the Sandinistas. The article went on to say that, to the United States, "democrats" were those who allied with its imperialist policy, "communists" were those who demanded adequate food for their starving children, and "extremists" were those who fought to change unjust conditions.

87. The Western press itself abounded in reports of human rights violations in the United States. According to such reports, an individual in North Carolina still kept slaves, one of whom had died as a result of the harsh treatment he had received. The Secretary of the Interior advocated the liquidation of Indian reservations, which would deprive the indigenous people of their lands, and had criticized their way of life. The Washington Post had written recently that the Indians of the United States were the most disadvantaged minority in the country. The Supreme Court of the United States had ruled that white communities could exclude undesirable elements, such as blacks, from their midst, thereby encouraging the separation of the races or apartheid. The well-known columnist Carl Rowan had written in the Washington Post on 20 January 1983 that the terrible reality of the Reagan Administration's policy was that it encouraged, subsidized and defended racism. A hospital had reportedly refused treatment to a sick infant because its parents could not pay. The famous comedian Dick Gregory and his son had been arrested for demonstrating peacefully outside the South African embassy. Such things occurred in the United States and yet the representative of that country had the effrontery to lecture the Commission on the human rights situation in other countries.

The meeting rose at 1.05 p.m.