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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES

Fortieth session

SUMMARY RECORD OF THE 27th MEETING (CLOSED) */

Held at the Palais des Nations, Geneva,
on Friday, 26 August 1988, at 10 a.m.

Chairman: Mr. BHANDARE

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Communications concerning human rights: Report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

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The meeting was called to order at 10.40 a.m.

COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII) (agenda item 8) (E/CN.4/Sub.2/1988/R.1 and addenda)

1. The CHAIRMAN pointed out that the procedure provided under Economic and Social Council resolution 1503 (XLVIII) allowed the Sub-Commission to deal with violations of human rights not just in a general, but in a specific way.
2. Mr. YIMER, Chairman/Rapporteur, Working Group on Communications, introducing the Working Group's report (E/CN.4/Sub.2/1988/R.1 and Addenda) said that the Group had held eight meetings between 25 July and 5 August and had unanimously adopted its report. As a result of the attendance of all its members, the Working Group had been able to carry out its task and to take its decisions on a basis of broader agreement. Most of its decisions had, in fact, been taken by consensus.
3. Pursuant to Economic and Social Council resolution 1503 (XLVIII) the Working Group on Communications had the task of examining communications concerning allegations of human rights violations together with such Government replies as might have been received, and of bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. To that end, the Working Group was guided by the rules of admissibility laid down in Sub-Commission resolution 1 (XXIV). Pursuant to paragraph 5 of Council resolution 1503 (XLVIII), a communication could only be brought before the Sub-Commission if the relevant decision had the support of at least three of the five members of the Working Group.
4. The Working Group had had before it approximately 5,300 communications concerning 72 countries and over 150 replies from 46 Governments. Although the total number of communications was less than in some earlier years, a larger number of replies had been received from Governments than in any single year period before. Moreover, a considerable proportion of those replies had been very detailed. The Working Group had noted with satisfaction a growing tendency on the part of Governments to reply to communications forwarded to them under Economic and Social Council resolution 728 F (XXVIII). The Group had expressed its satisfaction with this positive development in international co-operation and expressed the hope that such co-operation would become universal. In that connection, it had stressed that co-operation by Governments was essential for its proper functioning and for that of the other bodies entrusted with the implementation of the procedure regulated by Council resolution 1503 (XLVIII). The Sub-Commission might wish to reflect those observations in its public report to the Commission.
5. The Sub-Commission had to consider 34 communications concerning 15 countries, together with such replies from Governments as had been received. In addition, the Working Group had decided to keep pending consideration of some communications relating to three countries together with the replies of the Governments concerned until its following session. In that connection, it would be recalled that the Sub-Commission had authorized the Working Group to keep communications pending until its following session in a confidential decision taken at its thirty-third session, in 1980. The

Working Group had duly kept in mind the request by the Sub-Commission at the same session that particular attention should be paid to communications which appeared to contain further information of relevance to situations under review by the Commission on Human Rights under the procedure provided for by Council resolution 1503 (XLVIII), as well as those communications which were pending before the Sub-Commission.

6. The communications submitted by the Working Group, consisting of some 1,300 pages in the original language, had been published in 29 addenda to the report. As the secretariat had only had 12 working days in which to prepare the documentation, it had not been possible to translate all the documents into the working language of each expert. That permanent logistical difficulty stemmed from the fact that under paragraph 1 of Council resolution 1503 (XLVIII), the Working Group met immediately prior to the Sub-Commission rather than several weeks before its session. Nevertheless, he expressed his thanks to the secretariat. Notwithstanding the financial crisis affecting the United Nations and the drastic reductions in staff, in particular, in the translation services, more material had been translated than in the past few years. He also expressed his thanks to the Centre for Human Rights. As a member of the Working Group on Communications for six years, he wished to pay a tribute to the efficiency of the Centre's staff, which painstakingly prepared all the relevant documentation, and in particular to its Communications Section, which performed its task in an exemplary manner.

7. It was now for the Sub-Commission to decide how to act on the material placed before it by the Working Group on Communications. In other words, it had to decide whether or not the communications selected by the Group should be transmitted to the Commission on Human Rights.

Communications concerning Bangladesh (E/CN.4/Sub.2/1988/R.1/Add.25 and E/CN.4/GR.1988/7/Add.2)

8. Mr. ILKAHANAF said that the very long list of facts set out in the communications concerning Bangladesh did not appear to be supported by sufficiently convincing evidence. On the other hand, the reply from the Government showed that that country's authorities did not claim there were no irregularities, but that they were striving to remedy them. In particular, mention might be made of the establishment of the Chittagong Hill Tracts Development Board, under the chairmanship of the Minister for Planning, with which a number of tribal leaders were associated. Other measures had been taken on behalf of the tribal populations of the region concerned and several members of the security forces found guilty of irregularities had been punished. Consequently, he proposed that the Sub-Commission should discontinue its consideration of the communications, following the example of the Commission on Human Rights which on occasion decided to discontinue consideration of certain situations once it was assured of the full co-operation of the Government concerned.

9. Ms. PALLEY did not fully grasp the meaning of Mr. Ilkahanaf's suggestion. While she could agree that the Sub-Commission should not take a decision on Bangladesh on account of the efforts made by that country's Government, she none the less considered that it was preferable to continue to keep the situation under review.

10. Mr. YIMER, Chairman/Rapporteur, Working Group on Communications, said that three options were open to the Sub-Commission regarding all communications: it could decide to take no further action, transmit the communications concerned to the Commission on Human Rights or keep its decision pending until the following session. One of the communications concerning Bangladesh had been pending for a year, as the Sub-Commission had decided at its previous session to postpone its decision.

11. Mr. ALFONSO MARTÍNEZ said that the situation was rather confused. The Sub-Commission had before it two new communications (Nos. 88/3/1154 and 88/3/1155) and a communication from the previous session (No. 87/2/243). He would like to know whether the Working Group had taken a decision on the communication which had been kept pending from the previous session, or whether the Sub-Commission merely had to take a decision on the two new communications.

12. Mr. YIMER, Chairman/Rapporteur, Working Group on Communications, said that the Working Group considered only new communications and communications which the Sub-Commission had kept pending, but not communications on which the Commission on Human Rights had deferred its decision.

13. Mr. van BOVEN did not think that it was desirable for the Sub-Commission to postpone once again its decision on a communication which had already been pending for a year. The Sub-Commission should either take no further action on the communication concerned or decide to transmit it to the Commission on Human Rights. He nevertheless wished to stress that Governments had the possibility of appearing before the Commission in order to explain their position, while they were unable to do so in the case of the Sub-Commission. It was neither desirable to take no further action on communications concerning Bangladesh which contained serious allegations or to postpone the decision, which was not a particularly efficient way of proceeding. He proposed that the communications should be transmitted to the Commission on Human Rights in order to promote a continuation of the dialogue with the authorities concerned.

14. Mr. DIACONU considered that it was clear from the Bangladesh Government's reply that it was desirous of settling an extremely sensitive problem, and that various measures had already been adopted to that end. It therefore appeared preferable to allow the Bangladesh authorities the time and the opportunity to settle the matter. Like Mr. Ilkahanaf, he considered that it would be preferable for the Sub-Commission to take no further action on those communications. In the event that further communications concerning Bangladesh were referred to it at its following session, it would then be able to take a different decision at that time.

15. Mrs. KSENTINI said that she wished to raise two procedural questions, the first of which was whether the Working Group had taken its decision solely on the basis of the two new communications, or whether it had taken into account the fact that another communication had been pending since the previous year. Secondly, she did not share Mr. van Boven's view regarding the need to refer communications in question to the Commission on Human Rights in order to allow the Government of Bangladesh to provide explanations. When the Sub-Commission decided to transmit communications to the Commission, it was because they

contained serious allegations. As it was clear that the Bangladesh authorities wished to co-operate with the Sub-Commission, if the latter referred the communications to the Commission, it would, as it were, be penalizing the Government instead of offering it another chance, and it would not encourage other States to co-operate with it.

16. Mr. ILKAHANAF said that the two new communications and the communication kept pending from the previous session were more or less comparable. He had proposed that the Sub-Commission should take no further action on them on account of the efforts made by the Government of Bangladesh and the measures it had already adopted to settle the question. In particular, mention could be made of the 10 per cent quota reservation for tribal members in all Government contracts for economic development projects undertaken in the Chittagong Hill Districts; the 10 per cent quota reservation for tribal members employed as labour in all local development work; the continuous consultation and involvement of the tribal leaders in all discussions pertaining to the socio-economic matters of the Hill Tracts; the temporary relief provided to facilitate the rehabilitation of tribal refugees returning to the region; the immediate creation of numerous jobs for persons of tribal origin, and so on, not to mention the penalties meted out to a certain number of members of the security forces who had been found guilty of irregularities. Consequently, the Sub-Commission should follow the example of the Commission itself, which generally took no further action on communications when it had ascertained that the Government was desirous of co-operating.

17. Mr. KHALIFA said that, pursuant to Economic and Social Council resolution 1503 (XLVIII), complaints submitted to the Sub-Commission should concern situations which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights, which might be committed when a Government endeavoured to repress a domestic rebellion. There were marginal population groups in all countries which did not enjoy full human rights in the same way as other citizens, and that was apparently the case of the tribal populations of the Chittagong Hill Tracts in Bangladesh. While the incidents which had taken place in that region were serious, it was an exaggeration to talk about genocide. In view of the Bangladesh Government's willingness to co-operate, it would be desirable to allow it the time and the opportunity to prove its good intentions by adopting measures to improve the situation and, in particular, the standard of living of the populations concerned.

18. Consequently, the Sub-Commission should not discontinue consideration of the matter but should keep it pending for a further year in order to reconsider it in the light of the progress achieved and then decide whether or not to transmit it to the Commission on Human Rights.

19. Mr. EIDE said that the complaints made in the communications under review were sufficiently detailed and precise, and that the situation of the tribal populations in the Chittagong Hill Tracts was consequently somewhat alarming. However, the Government of Bangladesh had acknowledged that human rights violations had been committed, and it had stated that disciplinary measures had been adopted and that further measures would be taken to improve the situation. Consequently, the Sub-Commission should not take a final decision on the communications but reconsider the matter the following year. It would then see whether the Government had kept its promises.

20. Mrs. DAES said that, as the Working Group had observed in paragraph 6 (a) of its report (E/CN.4/Sub.2/1988/R.1), the earliest communication concerning Bangladesh had been pending for a year, and it would be contrary to the Sub-Commission's practice not to take a decision during its current session. However, Bangladesh was one of the world's least developed countries and at the time when the incidents mentioned in the communications had occurred, it had also had to cope with natural disasters. It had none the less replied to the Sub-Commission; it had also authorized a mission from Amnesty International to visit Bangladesh and had taken measures to improve the situation. On account of the willingness of the Government to co-operate, the communication should be kept pending for a further year.

21. Mrs. WARZAZI said that it was not the first time that a communication had been kept pending for more than a year. There were already a large number of precedents. She was more concerned by the fact that the communication (No. 88/3/1154) did not meet the criteria of admissibility established by Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolution 1 (XXIV), which specified that communications would be inadmissible if their language was essentially abusive and in particular if they contained insulting references to the State against which the complaint was directed. Such was the case of the communication concerning Bangladesh, which contained language insulting to General Ershad who was described as, *inter alia*, a "dictator", a "killer" (E/CN.4/Sub.2/1988/R.1/Add.25, *passim*) and who was accused of "genocidal activities" as well as of being "extremely violent, racist and corrupt" (*loc. cit.*, p. 4), and in which it was also claimed that the "Government had massively rigged all elections" (*loc. cit.*, p. 3). Such language was not acceptable and consequently the communication should be declared inadmissible.

22. Mr. CHERNICHENKO said that after having examined all the documents before the Sub-Commission, he had difficulty in reaching a conclusion at that stage. The complaints in the communications under review concerned serious violations of human rights, although, as Mrs. Warzazi had observed, they were formulated in terms which did not meet the established criteria, and which had manifestly political motivations. Furthermore, he pointed out that for years past the Sub-Commission had not transmitted complaints to the Commission on Human Rights but had confined itself to drawing attention to situations which revealed flagrant violations of human rights. The ideal solution would be that, as stated in Economic and Social Council resolution 1503 (XLVIII), the Sub-Commission should transmit to the Commission on Human Rights not only the text of the communications, but also any relevant material examined by it, i.e. a kind of analysis of the question containing arguments sufficient to justify the referral of a communication to the Commission. However, in the case under review, the Sub-Commission did not have sufficient valid arguments to put forward.

23. Finally, he wondered why the representatives of the Governments against which a complaint had been directed could not be present when communications were examined by the Sub-Commission, since to the best of his knowledge, there was nothing to prevent it and it would make the work of the Sub-Commission easier.

24. Mr. ALFONSO MARTÍNEZ expressed his support for the remarks made by Mrs. Warzazi concerning the language used in communication No. 88/3/1154. The argument put forward by Mr. van Boven to justify referring the communications concerning Bangladesh to the Commission on Human Rights, namely that it made for co-operation and dialogue with the Government of Bangladesh, did not seem logical to him. The Government of Bangladesh had already begun talks with the representatives of Amnesty International, as well as with a delegation from ILO which had recently visited Bangladesh. That proved that a dialogue was possible otherwise than through the transmission of communications to a higher body. As Mr. Eide had pointed out, it was also true that the replies provided by Bangladesh to the Sub-Commission in 1988 were very different from those provided in 1987. However, that did not mean Bangladesh was better disposed towards the Sub-Commission, and its attitude might be motivated by considerations other than the pressure which bodies such as the Sub-Commission were capable of bringing to bear. Consequently, it would be preferable to leave the communications concerning Bangladesh pending for a further year. Moreover, he approved Mr. Chernichenko's suggestion that representatives of Governments against which complaints were directed should be present when communications concerning them were examined. It would be a salutary exercise which ought not to be difficult to carry out.

25. As the Sub-Commission had many other communications to consider, he suggested that, in order to gain time, it should take a vote on the various proposals made, beginning with Mr. Ilkahanaf's proposal that it should take no further action on the question. That was the proposal most at variance with the initial one, namely, the referral of the communication to the Commission on Human Rights.

26. Mr. AL-KHASAWNEH thanked Mrs. Warzazi for recalling the criteria for admissibility of communications. Communication No. 88/3/1154 not only contained insulting language but also unproven allegations. There was unquestionably a problem concerning the tribal populations, but the problem was not particular to Bangladesh and existed in other countries in the sub-continent and in the world. If the shortcomings of the communication and its insulting tone were set against the attitude of the Government of Bangladesh which showed a sincere desire to co-operate with the Sub-Commission, the only possible conclusion was that the Sub-Commission should not proceed with the question. He could not follow Mr. van Boven's reasoning; if communications concerning Governments which were prepared to co-operate with the Sub-Commission were to be transmitted to the Commission on Human Rights, what was to be done in the case of those Governments which refused to co-operate?

27. Mrs. MBONU said that the violations of human rights described in the two new communications before the Sub-Commission appeared very serious. However, in view of the willingness of the Government of Bangladesh to adopt measures to improve the situation and to participate in a dialogue as it had already done with Amnesty International, and its desire to co-operate with the Sub-Commission, it would be advisable for the Commission to go along with the view expressed by Mr. Ilkahanaf and not to proceed with the matter. She also supported Mr. Chernichenko's suggestion concerning the presence in the Sub-Commission of representatives of the Governments against which complaints were directed.

28. Ms. PALLEY acknowledged that, as Mrs. Warzazi had said, communication No. 88/3/1154 was not couched in language consistent with the criteria relating to admissibility of communications. However, the authors of the communication were not jurists; it had probably been difficult for them to control their feelings and to use language that did not reflect a value judgement. It would be proper to disregard the form and to address the substance of the communication which contained quite serious allegations.

29. While the change of attitude of the Government of Bangladesh was reason for satisfaction, what mattered at present was that the latter should keep its promises. For that reason, she would like the communication either to be kept pending for a year or alternatively to be transmitted to the Commission on Human Rights; she was opposed to the Sub-Commission taking no further action on the question.

30. Mr. TIAN JIN said that the contents of the reply from the Government of Bangladesh to the Sub-Commission indicated that it was striving to improve the situation of the tribal populations of the Chittagong Hill Tracts in spite of the difficulties confronting it. The Government was also anxious to co-operate with the Sub-Commission. Consequently, he considered that the Sub-Commission should not proceed with the matter, as Mr. Ilkahanaf had proposed.

31. Mr. ASSOUMA congratulated the secretariat for the methodical way in which it had made up a voluminous file on the communications. In respect of communications Nos. 88/3/1154 and 88/3/1155, the allegations made seemed slight, with the exception of some points in respect of which the Government of Bangladesh had itself acknowledged that there had been errors. Furthermore, the Government had shown that it was prepared to co-operate. It might well be that the Sub-Commission would note further that co-operation if it referred the communications to the Commission. Moreover, what was to be done in the case of those Governments which were unwilling to co-operate? The Sub-Commission's task was certainly not to penalize Governments at any price; it should rather help them to find the right path, on the basis of the principles it advocated. For those reasons, the communications under review should be left pending; that would encourage the Government of Bangladesh to pursue its efforts. Should a vote be taken, he would join Mr. Ilkahanaf.

32. Mrs. WARZAZI, said that she had been a member of the Working Group on Communications and underscored the sustained effort made by the Group over the previous two weeks. She pointed out to Ms. Palley that she had not requested that all the communications concerning the Chittagong Hill Tracts should be rejected, as she was well aware that large-scale violations of human rights had occurred in that region. However, one must be realistic and face the fact that the solution to the problem would require time and a lengthy dialogue. She merely urged the Sub-Commission to reject communication No. 88/3/1154 as it was couched in unacceptable language, and because it was based exclusively on reports disseminated by the press. She recalled that those two grounds for inadmissibility were mentioned under subparagraphs (b) and (d) of resolution 1 (XXIV) paragraph 3 of the Sub-Commission. She was surprised that the secretariat should have indicated that newspaper clippings were available for consultation by the Sub-Commission. In general, the secretariat should instead indicate the shortcomings of the communications in relation to the rules followed by the Sub-Commission.

33. Mr. EIDE thought, like Ms. Palley, that the Sub-Commission should not pay too much attention to the language used by the victims of human rights violations. The secretariat might have replied to the authors of communication No. 88/3/1154 requesting them to tone down the language used. Mr. Chernichenko's idea of requesting a representative of Bangladesh to address the Sub-Commission was interesting, although it would lead to an adversary procedure, comparable to that of a court, which would require a great deal of time; in particular, if a Government were invited to submit observations to the Sub-Commission, it was only fair to invite the authors of communications as well. Finally, in response to a remark made by Mr. Alfonso-Martínez, he thought that there was indeed reason to hope that Bangladesh had changed its attitude after the Sub-Commission had considered a situation of concern to it; there was no doubt that Governments changed their attitude when they attracted the attention of international bodies. He also hoped that consideration of communications concerning Bangladesh would be left pending until the following session; he felt, however, that there was no justification for concluding the examination.

34. Mr. SCBARZO-LOIZA recalled that communications Nos. 88/3/1154 and 88/3/1155 did not describe a new situation; it was well-known that there had been many violations of human rights in the Chittagong Hill Tracts. Murders had been taking place for a number of years and the arbitrary conduct of the police had been denounced. The Government of Bangladesh had said that it was taking steps to set things right, but serious violations continued to occur. In the circumstances, he also considered that it would be preferable to keep the consideration of communications pending; that should encourage rather than discourage the Government. It would also enable other information from Amnesty International and other sources to be taken into account.

35. Mr. VARELA QUIROS noted that three options had been envisaged in respect of communications Nos. 88/3/1154 and 88/3/1155: firstly, that they should be transmitted to the Commission, in accordance with the recommendation of the Working Group on Communications; secondly, that consideration of them should be left pending until the following session, as Mrs. Daes, Mr. Eide and Mr. van Boven had recommended; thirdly, that consideration of them should be discontinued. In reaching a decision, he took into account the co-operation of the Government, but wondered whether that operation was sufficient, in view of the fact that the violations were continuing. In the future that co-operation would need to achieve better results. Consequently, as Mr. van Boven had suggested, the best course of action would be to keep consideration of the communications pending until the following year; a decision would be then taken either to discontinue consideration or to transmit the communications to the Commission. With regard to Mrs. Warzazi's remarks concerning the language employed in a communication and which, in her view, made the communication inadmissible, the Working Group was responsible for ascertaining whether communications were admissible, in matters of form.

36. Mr. PELLET said that he was also impressed by the standard of preparation of the documents emanating from the Working Group and the secretariat.

37. He had some doubts regarding the remarks by Mrs. Warzazi and Mr. Chernichenko. In particular, he wondered whether it was possible to set aside a communication on the grounds that it was politicized; he did not think that an apolitical attitude was necessarily a virtue. As for the abusive terms language, cited as grounds for inadmissibility in

paragraph 3 (b) of Sub-Commission resolution 1 (XXIV), it had been said that the secretariat might have deleted it from communication No. 88/3/1154. The authors of communications should not be expected to write like jurists; neither could the secretariat censor communications sent to it.

38. Mr. Chernichenko's idea that the Government should be heard did not seem very realistic, it would take time and it would also be necessary to hear the authors. The situation described by the communications was serious. The Government of Bangladesh had undoubtedly co-operated with the Commission, but that was not sufficient to terminate consideration of the communications concerning it, otherwise Council resolution 1503 (XLVIII) would be meaningless. Like Mr. Eide, he considered that consideration of those communications might be kept pending until the following session, although he would also be prepared to vote for their referral to the Commission.

39. Mr. YIMER said that he wished to make a clarification regarding Mr. Chernichenko's remark: Council resolution 1503 (XLVIII) did not allow Governments to be heard, as it stipulated that the Sub-Commission should consider communications in private meetings. In order to do as Mr. Chernichenko proposed, it would be necessary to amend the resolution. Furthermore, it was for the Sub-Commission, not the secretariat, to take a decision on the admissibility of communications containing insulting language.

40. Mrs. FLORES also thanked the members of the Working Group and the secretariat. The current debate showed the willingness of the Government of Bangladesh to co-operate and a certain change was apparent in its attitude between 1987 and 1988. She also recognized, together with Ms. Palley and other members of the Sub-Commission, the seriousness of the situation described. In view of those two considerations, she also felt that the best solution would be to keep consideration of the communications concerned pending. By the following year there might be further communications which would help to provide a definitive solution to the matter. In any case, the Sub-Commission should take a decision by consensus.

41. Mr. YOKOTA said that the current debate enabled the new members of the Sub-Commission to form a better understanding of the criteria for considering communications and that it would be possible to deal more rapidly with the communications that followed. Regarding Mrs. Warzazi's observations, he noted that the communications under study were not merely made up of newspaper cuttings; they also contained analyses by the authors. Some of the newspaper cuttings were useful, even if they could not constitute the basis of a communication. The authors of the communications under review were unlikely to have had sufficient resources to compile all the data by themselves. Consequently, even if the newspaper cuttings mentioned in the communications should not be treated as evidence, they should none the less remain as parts of the file. He also considered that the situation described was serious; a decision to keep it under review would be a message that would be understood by the Government of Bangladesh. It would thus realize that its efforts were appreciated, but that nevertheless the Sub-Commission did not consider the matter settled. He was not against terminating consideration of the communications but would prefer it to be resumed at the following session.

42. Mr. RIVAS POSADA said that he had the same position as Mrs. Flores. It was clear that the Sub-Commission was unlikely to reach a consensus on either of the two extreme options, namely, definitive termination of consideration of the question or transmission to the Commission on Human Rights. He personally was in favour of the intermediate solution of leaving the matter pending until the following year. He requested the Chairman to ascertain whether a consensus on the third solution might not be possible, so that the Sub-Commission might take a rapid decision and not pursue its procedural debate, which, although relevant, was not the issue to which it should be giving its attention.

43. Mrs. BAUTISTA observed that most speakers took into account the action taken by Governments and the manner in which they replied to the United Nations. It was indeed important to give due recognition to a constructive attitude by Governments, so as to draw the largest possible number of States within the sphere of influence of the United Nations and to promote respect for and observance of human rights. It was also desirable to encourage such replies and, in view of what had been said, she considered it preferable to conclude consideration of the communications concerning Bangladesh.

44. Mr. ILKAHANAF observed that in 1987 the Sub-Commission had already decided to keep the previous communications concerning Bangladesh pending until the current session. It had requested a reply from the Government; the reply had been sent and showed that the Government had taken steps to improve the situation. Consequently, there was no reason to postpone once again the communications until the following year. He was of the view that consideration of the communications should be terminated.

45. Mr. ALFONSO MARTÍNEZ said that he wished to elaborate on his previous intervention; he was of the opinion that when Governments took decisions in areas as sensitive as that under review, they did not do so solely on the basis of United Nations decisions. He had not said that the work of the experts of the Sub-Commission could not have an influence, positive or negative, on a Government's future activity. If he thought that, he would not be a member of the Sub-Commission. On the contrary, he was convinced of the usefulness of its work. However, there were occasions when action might not be appropriate, and in the case at hand, he was not sure, on account of the desire to co-operate shown by the Government of Bangladesh, that a decision by the Sub-Commission, which rightly or wrongly, might be interpreted by the Government as being excessive might not have the opposite results to those sought. It should not be forgotten that pursuant to Articles 55 and 56 of the Charter, United Nations agencies were under the obligation to seek a solution to humanitarian problems, whatever their importance, through international co-operation which they were to strive to establish by all means.

46. Mrs. WARZAZI requested that a vote should be taken on her proposal to reject communications Nos. 88/3/1154 and 88/3/1155 whose wording was unacceptable.

47. Mr. van BOVEN acknowledged that the language in the two communications was not that of diplomacy, but thought that it would be possible to request the secretariat to delete the passages concerned. Furthermore, the communications were not merely based on articles in the press; the author

also made a serious study of the situation. Consequently, he suggested that the secretariat should eliminate some passages, as provided for in paragraph 3 (b) of Sub-Commission resolution 1 (XXIV) so that the communications would meet the conditions for admissibility.

48. Ms. PALLEY, speaking on a point of order, said that the Sub-Commission should take a decision on Mrs. Warzazi's proposal before deciding whether to terminate consideration of the communications concerning the country under scrutiny. Mrs. Warzazi had raised an important procedural point as the decision taken by the Sub-Commission thereon would determine the manner in which it dealt with such communications in the future. Although she did not agree with Mrs. Warzazi on that point, she nevertheless considered that the Sub-Commission should decide how it wished to proceed in the matter.

49. The CHAIRMAN put Mrs. Warzazi's proposal to the vote: he requested the members of the Sub-Commission to indicate whether they were in favour of rejecting communications Nos. 88/3/1154 and 88/3/1155 in view of the abusive language in which they were written.

50. Mrs. Warzazi's proposal was rejected by 11 votes to 10, with 3 abstentions.

51. The CHAIRMAN invited the Sub-Commission to vote on the proposal to take no further action on the communications concerning Bangladesh.

52. The proposal was rejected by 12 votes to 11, with 2 abstentions.

53. The CHAIRMAN invited the Commission to vote on the proposal to keep consideration of the communications concerning Bangladesh pending until the following year.

54. The proposal was adopted by 13 votes to 6, with 5 abstentions.

55. Mr. ALFONSO MARTÍNEZ observed that Mrs. Warzazi's proposal had been very specific and that no doubt some members of the Sub-Commission who had voted in favour of it had done so for reasons unconnected with the language employed therein.

56. He considered that it was not for the secretariat but rather for the Working Group to amend the wording of a communication. If the latter accepted a communication whose language was subsequently judged abusive by the Sub-Commission, then it was up to the Sub-Commission to take a decision. The Sub-Commission could not hand that heavy burden over to the secretariat.

57. Mrs. FLORES said that she had not clearly understood what was being put to the vote, following Mrs. Warzazi's proposal. She would like the proposals put to the vote to be presented as clearly as possible to avoid any possible error, particularly on the part of new members. She had voted against Mrs. Warzazi's proposal because she considered that the communications under review contained elements which might be important and that if the Sub-Commission considered that some expressions were unsuitable they could ask for them to be deleted.

58. Mr. van BOVEN said that if there had been a consensus within the Sub-Commission to postpone the communications concerning Bangladesh until the following year, he would have joined that consensus. As he had already said, he considered that the quality of the dialogue with Governments should be improved. Governments were able to participate in the proceedings of the Commission on Human Rights and that participation was a major factor for the continuation of the dialogue. Such a dialogue was impossible in the Sub-Commission, as Governments were not present when questions concerning them were considered; consequently, notwithstanding Mr. Yimer's interpretation he considered that it would be desirable, as Mr. Chernichenko and Mr. Eide had observed, for the Sub-Commission to consider the question of how it could improve its procedures for dialogue with the Governments concerned. That was why he had abstained in the vote on the proposal to keep the communications pending until the following year.

59. Mr. CHERNICHENKO said that he had abstained in the first two votes. In order to adopt a different approach, a discussion would have had to take place and some decisions taken to overcome the shortcomings in the Sub-Commission's procedure, particularly regarding the question of the admissibility of communications. Considerable attention had already been focused on that problem and various opinions had been expressed. He considered that, when the consideration of communications had been completed, the Sub-Commission would have to revert to that issue and to take a decision which would simplify its subsequent work.

60. Mr. AL KHASAWNEH said that he had voted in favour of Mrs. Warzazi's proposal. He respected Ms. Palley's opinion that the victims of violations of human rights could not be expected to use moderate language. However, the previous year, when the Sub-Commission had decided to keep the consideration of communications concerning Bangladesh pending until the current year, it had done so mainly because the use of the word "miscreant" in the reply by the Bangladesh Government had given rise to objections from many experts. The Sub-Commission should apply the same rules to Governments as to the authors of communications.

61. Mr. VARELA QUIROS said that he had voted against Mrs. Warzazi's proposal because he considered that the Working Group should have decided whether the communications under review were admissible or not on the basis of the language employed therein. Since he had the impression that his previous statement had not been properly interpreted, he wished to explain that he had merely meant to say that, if a problem of language occurred, when the secretariat wrote to the authors to acknowledge receipt of the communications, it could indicate that the language used was inappropriate, and remind them of the existence of the relevant provisions in order to ensure that such lapses did not recur. As Ms. Palley had observed, communications were occasionally sent by people who were unaware of the relevant provisions. At no time had he meant that it was for the secretariat to discharge the responsibilities of the Sub-Commission's Working Group on Communications.

The meeting rose at 1.10 p.m.