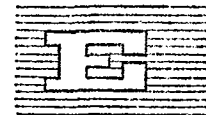


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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 46th MEETING ^{*/}
(First part)

Held at the Palais des Nations, Geneva,
on Thursday, 3 March 1983, at 3 p.m.

Chairman: Mr. OTUNNU (Uganda)

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Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories (continued)

^{*/} The second part of the summary record of the meeting will be issued as document E/CN.4/1983/SR.46/Add.1.

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The meeting was called to order at 3.05 p.m.

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

1. Mrs. TIRONA (Philippines), speaking in exercise of the right of reply, recalled the comments which her delegation had already made on various agenda items, and which had a direct bearing on the issues raised by the representative of Ireland in his statement on the human rights situation in the Philippines, namely, economic and social deprivation, particularly in rural areas, the curtailment of trade union activities, illegal arrests, torture and disappearances and violations of human rights by security forces and paramilitary troops.
2. The economic indicators for her country published by the World Bank for 1981 confirmed the priority given to the development of rural areas. The current "National Livelihood Programme" addressed itself to the basic needs of the rural population and formed part of the human settlements programme, whose success had been noted by the international community.
3. Filipinos had the right to speak, to be heard and to make known what they believed to be legitimate grievances but they had, of course, to yield to the requirements of order and justice. The exercise of a right must not disturb the peace of the community or tend towards anarchy, nor might the rights of others be violated. Citizens had both rights and obligations whose purpose was to promote the common good. It was for that reason that the 1973 Constitution contained not only a bill of rights, but also a bill of the duties and obligations of citizens.
4. In addition to freedom of speech, her countrymen enjoyed the right to legitimate dissent and the right to form associations, including trade unions. Those rights were guaranteed by the Constitution, and her Government respected them in letter and spirit. There was no need to harass or to repress, but authors of criminal acts had to be punished according to the Constitution and the provisions guaranteeing due process of law.
5. With regard to the law enforcement agencies and those responsible for maintaining order, they were expected to set an example to the rest of the population, and she could assure the Commission that any abuses by such agencies would be dealt with severely under the laws and regulations in force. Her country had subscribed to the Code of Conduct for Law Enforcement Officials and had undertaken to respect the Declaration on the Protection of all Persons from Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
6. She reaffirmed that the principle of the primacy of the law was an essential element in a viable democracy. If her Government was to allow social activists to take the law into their own hands, the time would come when the country would be a prey to civil disorder as in other parts of the world.
7. Her country believed in social justice and was seeking to narrow the gap between rich and poor, but it could not condone violence and destruction on the pretext of speeding up the pace of change. Democracy was the rule of reason and reason must be allowed to prevail.

8. Mr. POUYOUROS (Cyprus), speaking in exercise of the right of reply, said that he regretted that the observer for Turkey had broached the issue of human rights violations in Cyprus by recourse to further falsehoods in order to justify the continuing perpetration of so many crimes against Cypriots, nine years after the Turkish invasion. If telling the truth about Turkish illegal actions in his country did not make the dialogue between the communities easier, a matter which the Turkish representative had regretted, it was the fault of the delegation which had raised the problem and not that of the victims.

9. Nowhere in the records of international organizations were complaints to be found about alleged violations of human rights by the authorities of Cyprus. On the contrary, all the records reflected complaints by his Government against Turkey. Those complaints had moreover led to the condemnation of Turkey in resolutions which that country continued to ignore.

10. He recalled the conclusions which the European Commission of Human Rights had reached on the subject, which would have silenced any self-respecting country.

11. There was really no need to rebut all the Turkish lies about Cyprus. Bodies such as the General Assembly, the Security Council and the Summit Meetings of Heads of State of the Non-Aligned Movement had repeatedly condemned the Turkish invasion as a flagrant violation of human rights in his country by Turkey. No amount of misquotation or quotation out of context of statements in the Security Council could alter the facts in any way whatever. The victims had no connection with the disappearance of hundreds of persons who had been alive long after the coup d'état, and who had been made prisoners of the Turkish army in Cyprus and in Turkey.

12. It was quite clear that the inability of the observer for Turkey to prove that Turkey was not responsible for the violations of human rights in Cyprus led him to claim that the violations of the human rights of the Turkish Cypriot minority, which were fabrications, constituted a legal and moral justification for Turkey's sustained and systematic gross violation of the rights of Cypriots. Turkey distorted the facts and propounded false allegations to justify the invasion and occupation for nine years of 40 per cent of the territory of Cyprus. But by what right did Turkey act in that way? How could it force one third of the population to give up its possessions, and how could it build a wall of shame over hundreds of kilometres long to prevent people from returning home? If that was a peace operation, he was sure that no members of the Commission would wish it to happen in their country on any pretext whatever.

13. Turkey was said to have invaded Cyprus to put its house in order. Could such an argument be believed from a country which had been under martial law for so many years, which continually denied its own citizens the enjoyment of their fundamental rights and where people even died of torture? Turkey should, first of all, heed the United Nations resolutions on Cyprus and put its own house in order before making accusations against an independent State Member of the United Nations in order to justify its crimes.

14. Fortunately, the world was moving towards co-operation and understanding, towards unity, peace, freedom and justice. Like all aggressors, Turkey did not care for a world that encouraged international law and human rights rather than the law of the jungle. A despicable system of colonization and the forcible uprooting of thousands of his fellow countrymen were the fine results of a so-called peace operation.

15. The observer for Turkey had virtually asked the Commission to thank his country for having invaded Cyprus and for continuing its unlawful occupation of part of Cypriot territory. Cyprus, which had been the victim of the worst form of aggression known to history, was struggling and holding high the banner of human rights and fundamental freedoms. It expected other peace-loving countries to lead humanity in its march forward for the freedom of all peoples to put an end to all crimes of aggression and all forms of foreign domination, and to punish and deter aggressors and not thank them for continuing, nine years after the invasion, practices which tarnished the image of an era of developing human rights.

16. Mr. FAJARDO-MALDONADO (Observer for Guatemala) reminded the Commission of the commitment entered into by the present Government of his country to guarantee the enjoyment and the exercise of human rights and fundamental freedoms at the national level, and to co-operate closely with bodies responsible for ensuring the protection of those rights and freedoms at the international level. His Government was firmly resolved to satisfy the needs of a people eager for peace, reform, economic and social progress and the institutionalization of a political, democratic and representative system. It also wished to restore its national identity to Guatemala, promote reconciliation, eliminate causes of dissatisfaction and frustration, strengthen the links between the various social groups and be able to provide all citizens with a framework in which each person could satisfy aspirations for peace in freedom, dignity and social justice.

17. To give effect to those commitments, it had drawn up the Fundamental Statute on Government, under which respect for human rights was one of the fundamental principles of Guatemala's domestic organization and of foreign relations. It had drawn up measures to: disband the paramilitary groups, dismiss 200 members of the national police, 85 of whom had been brought before the courts for having performed various criminal acts; institute legal proceedings against officials of the former regime who were suspected of offences; promulgate a new code of military conduct; establish at national police headquarters a special unit responsible for receiving reports about disappearances so that investigations could be made and those responsible for criminal acts prosecuted; establish the Council of State which would represent all sectors of the population, including, for the first time in the history of Guatemala, the various indigenous ethnic groups (20 members out of 60) to encourage them to participate in the political decision-making machinery; devise new strategies for reactivating agrarian reform and carry out programmes of assistance to displaced peasants.

18. At the international level, his Government had invited the Inter-American Commission on Human Rights to make a first hand investigation of the national situation and the human rights situation in Guatemala from 20 to 26 September 1982. It had co-operated fully with the Inter-American Commission and had given effect to all its recommendations. It was also holding a constructive dialogue and co-operating on a permanent basis with the United Nations Centre for Human Rights in an atmosphere of mutual confidence. It had supplied all the information in its possession on missing persons and was endeavouring to ease the task of the Working Group on Enforced or Involuntary Disappearances. With regard to Commission resolution 1982/31, it should be stated once again that his Government was willing to receive a special rapporteur appointed by the Commission, having the necessary qualifications to ensure that an impartial, honest and objective report would be prepared on the situation in his country. Circumstances beyond the control of his Government had so far held up the appointment and reference should be made in that connection to the note by the Chairman of the Commission (E/CN.4/1983/43). The appointment should be made as soon as possible, to enable

the Commission to have a reliable report before it and not just harmful documentary material from groups who were seeking to mislead international public opinion. The special rapporteur would be appointed in conformity with Commission resolution 1982/31, independently of any initiative or pressure unconnected with the Commission's decision.

19. His Government had also invited the Special Rapporteur on summary or arbitrary executions to visit Guatemala so that he might prepare an objective report and it was gratified to learn that he had accepted that invitation. Similarly, it had asked the Office of the United Nations High Commissioner for Refugees to help it in its humanitarian task of voluntarily repatriating Guatemalans who had been obliged by terrorist violence to seek asylum in Mexico. It had also initiated a dialogue with the International Committee of the Red Cross in connection with its help in looking after civilians living in the area of hostilities. Finally, it had invited the former President of the Republic of Venezuela, Mr. Carlos Andrés Pérez to visit Guatemala shortly.

20. The international press, though often influenced by opposition groups unwilling to recognize the progress achieved, had reported the substantial changes which had taken place in the country, including measures adopted by the Government to promote national recovery. All the same, it was regrettable that in human rights issues, there was still a tendency to give undiscerning credence to the unofficial reports of political organizations.

21. At a previous meeting, he had been astonished to hear a representative express the wish that the international community should intervene in Guatemala in order to assist the population, whereas the same representative protested at any interference from abroad in the internal affairs of other countries. Guatemala was a responsible country and, as such, ready to discharge its obligations. It might be appropriate to apply Article 2, paragraph 7 of the Charter of the United Nations more strictly.

22. It must be obvious that the population of his country, which was made up of various ethnic groups, formed an entity and that discrimination of any kind had always been prohibited. That was why one could not claim to speak on behalf of the indigenous population alone. Some sought to make international public opinion believe in the existence of a racial conflict in order to sow the seeds of discord among the population of Guatemala for ends which need not be evoked in the Commission.

23. His Government had initiated procedures to restore constitutional normality to the country. A new electoral law, a law on political parties and civic committees, and a law on the registration of citizens were about to be promulgated. Elections would then be held for a National Constituent Assembly and, finally, general elections for the Presidency of the Republic, the National Congress and for other elective functions, and power would be handed over to the person freely and democratically elected by the people of Guatemala and by all political groups wishing to participate in the electoral process.

24. His delegation fully subscribed to the comments made by the Under-Secretary-General in his introductory statement on the need to work out appropriate means and act immediately in the event of problems of human rights and, if measures were adopted within the framework of the United Nations, be fully aware of the nature of the Organization, which was basically an institution for co-operation and whose methods were discussion, persuasion and conciliation. It was within that context that his Government perceived the functions of the Commission and that was why it categorically rejected the charges made by certain groups to the Commission, especially as they contributed nothing to settling the serious problems confronting them. His delegation hoped that his Government's policy of co-operation with the international humanitarian bodies, in the present instance the Commission, would be duly appreciated and would make a contribution to the Commission's difficult task.

25. Mr. ZORIN (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said he thought that, in his statement, the representative of the United States had unceremoniously intervened in the internal affairs of Poland and the Soviet Union, and had interpreted history in his own fashion. He therefore felt it necessary to set the historical facts in their true light. The Poles had first fought alongside the Russians against tsarism, and immediately after the great socialist October revolution, in which, moreover, Polish workers had participated, Poland had gained its independence, which was not to the liking of the United States since it then took action against the Soviet Union. Later, by refusing to conclude a defence agreement with the Soviet Union, the Western countries had condemned Poland to fascist occupation. The victory of the Polish and Russian combatants had fortunately made it possible to restore the independence of Poland, where hundreds of Soviet soldiers had met their death fighting for its liberation. During that time, the United States had contributed to the protection of human rights by dropping atomic bombs on Hiroshima and Nagasaki.

26. The Polish delegation had already replied to the fallacious assertions as to what had happened in its country. The United States had advanced an artificial argument and given a biased interpretation of the past and the present. His delegation was also bound to reject the fabrications by the United States. Instead of taking note of the improvement of the situation in Poland, on which the whole world, including Western countries, was agreed, the United States delegation claimed that it had deteriorated. In fact, from the point of view of the interests of the United States, the situation in Poland had deteriorated.

27. The United States representative criticized the draft resolution on Poland for not being firm enough. Starting with its preamble, however, it gave an erroneous and hostile assessment of the acts of the Polish Government. Operative paragraph 4 referred to matters which were within the exclusive competence of the Polish Government. To suggest, therefore, that the draft resolution did not meddle in the internal affairs of Poland was gratuitous and absurd. The United States statement would, however, deceive no one and the draft resolution was unacceptable for a sovereign State.

28. Mr. LOVO CASTELAR (Observer for El Salvador) drew attention to the establishment in his country, of a "Peace Commission" whose principal task was to review the legislation on political offences, recommend solutions for the problems of the civilian population in areas where there was fighting, devise measures to improve the working of the Judiciary and encourage participation in elections, access to the media and freedom of association and expression. At the central-American level, El Salvador had associated itself with a proposal to organize a conference of all the Ministers of Foreign Affairs of the region, to discuss the control of armaments, the suspension of the traffic in arms, the introduction of political pluralism in each country and the quest for economic stability and integration. The efforts to achieve peace in central America would certainly be stimulated by the visit of Pope John Paul II, whom the Catholic peoples of the region would welcome joyfully.

29. Commenting on the draft resolutions concerning his country, he considered that draft resolution E/CN.4/1983/L.48 had an unfortunate political character which reflected the interventionist policy of France and Mexico in central America. France, which maintained the last colonial bastion existing on the American continent, affirmed that it was in favour of peace while supporting terrorist groups and selling arms. As for Mexico, it had made the mistake of aligning itself with European powers against a small Latin-American brother people. Draft resolution E/CN.4/1983/L.18, presented by Canada, also contained unacceptable language and concepts, but there were some positive elements in it, which reflected a desire to move in the direction of more balanced proposals.

30. In the debate on El Salvador, some delegations had shown genuine humanitarian concern, but others had clearly been motivated by political considerations, and had used offensive language which was out of place in the United Nations. Those delegations had disregarded the will of the Government of El Salvador to guarantee full respect for individual and social rights. He also rejected the arrogance of some, who posed as experts on the situation in his country, whereas their mistakes were gross and ludicrous.

31. The representative of Nicaragua had spoken in the context of a type of political solution which was not relevant in El Salvador; he would do better to use his influence with the authorities of his country to ensure that they adopted the requisite measures to combat the arms traffic to El Salvador, which was jeopardizing the relations between the two countries and central-American brotherhood. With reference to the Salvadorian fishermen who had been captured and had then disappeared in Nicaragua, about whom the representative of that country had spoken, his Government had sent a reply explaining that members of the fishermen's families had stated that they were prisoners at Fort Covotepe in the town of Masava, and giving their names and numbers. He would like the Chairman of the Commission on Human Rights to take action in order to help to secure the release of those persons.

32. He would answer the Ukrainian delegation, which had spoken of the economic and social situation in El Salvador, by saying that the effects of the measures adopted to improve that situation were not short-term ones, especially as El Salvador, like all developing countries, was affected by the recession and the world crisis. Unhappily, the guerillas took advantage of that situation to stir up an ideological conflict which played into the hands of foreign interests.

33. His Government had granted all the facilities necessary for an expert committee to investigate the subject of the death of the Dutch reporters, mentioned by the representative of the Netherlands. The conclusions of the Committee were reflected in Mr. Ridruejo's report (E/CN.4/1983/20). It appeared that the reporters had lost their lives in a clash between the guerilla fighters accompanying them and a military patrol, and that there was nothing to suggest that it had been a premeditated act. His Government had sent information concerning that distressing affair to the United Nations Centre for Human Rights.

34. The remarks by the representative of Cuba were an accurate reflection of the interventionist policy practised by his Government, especially in Africa, in the service of the superpower on which it was totally dependent. That representative professed to defend human rights whereas, in his country, a ferocious dictatorship had existed for over 20 years. It had been described to the Commission by the poet and former political prisoner, Armando Valladares, who had been held in custody for 22 years for the crime of opinion.

35. Mr. SZELEI (Observer for Hungary) said he deeply regretted that certain Western delegations, motivated by political considerations, were seeking to introduce a propaganda machine for the Commission to interfere in the internal affairs of Poland. The Commission should not let itself be drawn into such interference by those who nourished the illusory hope of impeding inevitable historical changes. In that respect the presentation of the report contained in document E/CN.4/1983/18 was regrettable; it was the outcome of an illegal decision taken at the previous session of the Commission and his delegation considered the document to be non-existent.

36. The constitutional authorities of the People's Republic of Poland had taken steps to restore national constitutional order which were in complete conformity with the international obligations assumed by that country, as its representative at the Commission had demonstrated, by describing the facts in detail and by submitting a well reasoned statement. The attempts made by certain Western delegations to manipulate the Commission were liable to detract from its integrity and credibility. Those attempts fell outside the Commission's mandate, as the representative of Poland had demonstrated in a well supported legal analysis; they violated the standards and rules of contemporary international law, and they diverted attention from massive violations of human rights. His delegation strongly rejected those attempts, and it wished to express his Government's support for the Government and people of Poland in the efforts which they were making to solve their problems by themselves.

37. He would like to associate himself with the remarks made by the representative of the Soviet Union at the 42nd meeting on the importance which the Commission should attach to questions of unemployment and the denial of the right to work, as part of its consideration of item 12; the Commission should take effective steps without delay to combat those phenomena. He rejected the allegations made by the representative of United States of America concerning his country; such allegations distorted the facts and had no place in the discussion.

38. Mr. BEHREND (Federal Republic of Germany) said it was legally indefensible to claim that a critical appraisal of the human rights situation in a given country constituted interference in the internal affairs of that country, and to discredit such an appraisal by presenting it as a political campaign directed against that country was a poor defence. The credibility of the Commission's work was determined by its willingness to deal with violations of human rights wherever they occurred, irrespective of whether they were committed by Governments or by groups wishing to bring about or prevent change. In that connection, a very promising new method consisted in studying the phenomena on a world-wide basis, to determine the causes and to propose practical solutions. The establishment of the Working Group on Enforced or Involuntary Disappearances was a good example in that respect.

39. The appointment of the Special Rapporteur on human rights and mass exoduses had been another excellent initiative in that direction; his delegation would like to stress the usefulness of the study by Prince Sadruddin Aga Khan (E/CN.4/1503). His Government wished particularly to emphasize the idea that massive flows of refugees might endanger the stability of whole regions, and thus pose a threat to peace. The 44 sponsors of General Assembly resolution 37/121, adopted without a vote, had felt that such a threat had to be faced by preventive diplomacy aimed at improving co-operation between States. The Commission had also tackled the important question of summary executions, the number of which was increasing in various parts of the world. The Special Rapporteur, Mr. Wako, had devoted a very conscientious study to the subject (E/CN.4/1983/16), the contents of which led one to hope that his mandate would be extended by a year. The phenomenon-oriented approach which his delegation found useful should clearly not exclude the traditional method of studying situations on a country-by-country basis.

40. The report of the Special Envoy (E/CN.4/1983/22) showed that in Bolivia, the new Government had shown its respect for human rights, after a period of massive violations. It was also welcome news that Bolivia had acceded to the two international covenants. His delegation considered that the study of that situation should be ended, as the Special Envoy had suggested, and that the Bolivian Government should receive the advisory services and other forms of assistance which it had requested.

41. It was regrettable that the Commission was unable to review the situation in Guatemala on the basis of a study by a special rapporteur, as requested in resolution 1982/31. It was to be hoped that the difficulties which had arisen in that respect would be overcome, especially since the Guatemalan Government had expressed its willingness to co-operate with a special rapporteur. In that country, the responsibility for massive violations, particularly of the right to life, must be attributed not only to the Government, but also to the guerrillas. Since March 1982, the new Government had striven to improve the human rights situation, in very difficult circumstances, but as yet the improvements remained very limited in nature. The Commission should therefore continue its examination of that situation next year, on the basis of a thorough study prepared by a special rapporteur.

42. Mr. Pastor Ridruejo's thorough and balanced report on the situation in El Salvador (E/CN.4/1983/20) showed that, in the period under review, the number of killings had dropped to about half of what it had been in 1981, yet the situation remained serious, and violations of civil and political rights by members of the State

apparatus and by groups of the extreme right and of the extreme left continued to be very disturbing. Mr. Ridruejo had pointed out that the judiciary was unable to cope with the situation, and called for considerable improvement. It was also disturbing that the systematic attacks on the country's economy by the guerrilla forces were compromising the future enjoyment of economic and social rights. The Salvadorian Government had, however, shown increasing concern about the protection of human rights; it was to be hoped that its concern would be speedily reflected in positive action. His delegation supported the five recommendations made to the Salvadorian Government (E/CN.4/1983/20).

43. The study by the Special Rapporteur on the situation in Chile (E/CN.4/1983/9) had had once again to be drawn up on the basis of secondary sources of information. His country deplored the continuing restrictions on the enjoyment of human rights in Chile, and it appealed to the Chilean Government to end all the abuses, especially torture, ill-treatment of prisoners and illegal arrests noted in the report. In spite of some hopeful signs, such as the establishment of a commission to review cases of political exiles, the slowness of the return to normal in Chile was disappointing. The Chilean Government should reconsider its refusal to co-operate with the Commission; on the other hand, the Commission should employ other means to secure the co-operation of the Chilean authorities, and the situation in that country should not form a separate agenda item.

44. His country had been one of the sponsors of draft resolution E/CN.4/1983/L.37, concerning the human rights situation in Poland, and had been guided by the principles of the Charter of the United Nations and the Universal Declaration of Human Rights, which called upon all signatory States to be vigilant with regard to violations of human rights. Mr. Gobbi's useful report (E/CN.4/1983/18) was inevitably preliminary in character, particularly as the Polish Government had refused to co-operate in that task. Nevertheless, the contents of that report, the communications from non-governmental organizations, and the discussion which had taken place at ILO - to which the United Kingdom representative had referred - provided sufficient evidence of systematic violations of human rights in Poland. It was true that almost all the detainees had been released, but martial law was only suspended, and many restrictive measures arising out of it had been embodied in legislation. Many rights, and especially trade union rights, were severely restricted. The report on Poland should therefore be brought up to date and completed for the Commission's fortieth session. The Federal Republic of Germany had followed with sympathy the emergence of a mass movement, that of the trade union Solidarity which, while accepting the social system and the alliances of Poland, would enable socialism to satisfy the aspirations of Polish workers. The crushing of Solidarity had profoundly alienated the vast majority of Poles from their Government. In that connection, it was disturbing that the Union of Polish Writers was still suspended, and that General Jaruzelski had again complained, a few days previously, of the opposition of scientists and artists. The Federal Republic of Germany hoped that the Polish Government would initiate a dialogue and seek a national consensus which would be necessary for the full restoration of human rights.

45. In Iran, serious violations were still occurring. It was true that the Mujahedeen were engaged in a civil war and had assassinated many people, but the documents concerning the Baha'is showed that the latter were persecuted, not for criminal offences, but simply for their religious beliefs. The Government of Iran had, however, expressed its willingness to receive a representative of the Secretary-General in order to discuss human rights problems, and the Imam Khomeiny had made an important statement

on 15 December 1982 on respect for human rights in Iran. Unfortunately, many Iranians had still been executed after that date, and the judicial procedures did not always provide sufficient protection for the rights of accused persons. His delegation appealed particularly to the Iranian Government to apply the principles of due process of law in all criminal proceedings.

46. Information had been received that more and more people were being deprived of freedom of movement and residence simply because they had tried to defend human rights. In the Soviet Union in particular, persons who had criticized the authorities, especially members of the "Helsinki Group", had been imprisoned and exiled in violation of article 13 of the Universal Declaration and article 12 of the International Covenant on Civil and Political Rights. Having regard to the extent of the violations of human rights with which the Commission had to deal under item 12, he would like it to devote more time in future to that very important item.

47. Mrs. KSENTINI (Observer for Algeria) noted that the situation remained particularly critical in El Salvador and Guatemala, where the denial of economic, social and cultural rights was compounded by violence which rendered the living conditions of the population intolerable.

48. The report on the situation in El Salvador (E/CN.4/1983/20) led to the conclusion that there had been no improvement, civil and political rights and the right to life continuing to be systematically violated. According to the most credible sources, 5,500 persons had been killed in 1982, which placed the number of victims for the past three years at between 35,000 and 38,000; the situation of the steadily growing number of refugees was very precarious, and people continued to disappear.

49. In Guatemala, 1982 had seen a fresh outbreak of violence and oppression. Terror, arbitrary arrests, involuntary disappearances and assassinations by paramilitary groups which operated with complete impunity were the daily lot of Guatemalans, who were obliged to seek refuge en masse in neighbouring countries. Oppression in Guatemala was a matter for particular concern because it was based mainly on racial considerations; the international press had on several occasions in the past year recorded massacres of the inhabitants of Indian villages.

50. The situation in those two countries was conducive to foreign penetration and military intervention. Everyone was aware that the zionist entity was taking advantage of the situation to infiltrate Latin America; responsible for the massacres of Sabra and Chatila, it was certainly not shocked by the genocide of Indians in Guatemala or by the bombings of Salvadorian villages, and had provided considerable military support to both regimes.

51. The international community, which was convinced that armed conflict was not the solution, continued to appeal for a political settlement. For example, the General Assembly had reiterated its appeal to the Government and the political forces in El Salvador to seek a comprehensive solution by joint negotiations and the Ministers for Foreign Affairs of the movement of non-aligned countries, meeting recently at Managua, had expressed support for a negotiated solution in which all parties would participate, including the Revolutionary Democratic Front. The Governments of El Salvador and Guatemala persisted none the less in their refusal to negotiate a

political settlement, relying on support of all kinds which some States continued to provide, in defiance of resolution 37/185 in which the General Assembly reiterated its appeal to all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any kind of military assistance. The Commission on Human Rights should reiterate that appeal.

52. Her delegation noted with satisfaction that there had been a distinct improvement in the situation in Bolivia. Several factors, especially the willingness of the new Government to guarantee the protection of human rights, gave rise to optimism. There had been a series of measures which had already given very positive results.

53. As no serious violation of human rights had been recorded since his last stay in Bolivia, in November 1982, the Special Envoy had concluded in his report (E/CN.4/1983/22) that consideration of the case of Bolivia should be regarded as concluded, an opinion which was shared by her delegation.

54. Mr. THUONG (Observer for Viet Nam) said he saw in the constitution of a new democratic Government in Bolivia hope of a change for the better, of which the Commission should take note. It should encourage that process, which had begun so well with the extradition of the war criminal Klaus Barbie.

55. In spite of his desire not to offend anyone, Mr. Pastor Ridruejo had been compelled to conclude in his report (E/CN.4/1983/20) that the majority of cases of violations of the right to life and to the security of the person in El Salvador were due to actions by members of the State apparatus and groups of the extreme right; the guerrilla forces only attacked "public and private property". Oppression in that country, as elsewhere, provoked legitimate resistance.

56. The testimony of human rights commissions, religious institutions and social organs with various leanings, recorded in the document on Guatemala (E/CN.4/1983/47), gave a tragic view of the situation. The oppression mainly affected the indigenous population, which was the least able to defend itself, and that justified the conclusion reached by many organizations that a veritable policy of genocide was being pursued. Moreover, terror had become institutionalized: the state of siege guaranteed the immunity of the armed forces and police, and the emergency courts ordered summary executions and more or less disguised liquidations.

57. It was clear that the dictatorial regimes in El Salvador and Guatemala had come to power and were being kept there thanks to the support of the CIA and United States transnational corporations and, frequently, the more or less overt support of the United States Government. Washington provided the Salvadorian Government with substantial material and financial assistance, sent so-called American advisers to participate from time to time in operations against the population which was shot down by sophisticated weapons manufactured in the United States. The White House was at the moment contemplating increasing its aid, which would seem to justify the views of those who feared that the United States was moving in the direction of a second Viet Nam.

58. In Guatemala, President Reagan had recently offered his support to the genocidal regime of the dictator, Rios Montt. The international community should demand an end to the massive violations of human rights in El Salvador and Guatemala, doing its utmost to halt the violations perpetrated by the United States of the Salvadorian and Guatemalan peoples' right to self-determination.

59. His delegation was certainly not opposed to the recommendations of the Special Rapporteur on El Salvador (E/CN.4/1983/20), but thought that the international community should bring its main effort to bear on the cessation of any imperialist interference and on the peaceful settlement of the conflict between the political forces representing the people. The alleged reforms by the regime could in no case be effective and were merely diversionary manoeuvres instigated under the protection of the United States.

60. The international community should continue studying the human rights situation in Guatemala, which was inseparable from the rights of the Guatemalan people to determine freely its future without any external interference. The possibility of instructing a special committee or a special rapporteur to collect evidence and report to the Commission at its next session should be studied seriously.

61. Faithful to its policy of solidarity with all peoples struggling for the triumph of human rights, and primarily the right to self-determination, his country gave its unswerving support to the struggle of the Salvadorian people against neo-colonialism, under the leadership of the Revolutionary Democratic Front and the Farabundo Marti National Liberation Front.

62. Starting from that principle, his delegation considered that the situation in Poland did not meet any of the criteria laid down by the United Nations to warrant examination, and should therefore never have been an item on the Commission's agenda. The proclamation of martial law was an act of internal sovereignty; it was perfectly compatible with the Constitution and was applied with the total co-operation of the juridical institutions. The Polish Government had not only complied with the obligations which it had assumed by acceding to the International Covenant on Civil and Political Rights, but it had moreover continued its co-operation with the Secretary-General of the United Nations when it had decided to derogate temporarily from certain provisions. By considering the human rights situation in Poland, at the request of Western delegations, the Commission was departing from its mandate and from the principle of non-interference in the internal affairs of the State, enshrined in the Charter of the United Nations.

63. The manoeuvres of certain Western powers should be condemned, starting with the United States of America, which was attempting to use the so-called question of human rights in Poland for political ends and thus divert the Commission from the consideration of the very real and urgent problems represented by the attacks perpetrated with the more or less direct participation of the United States against the peoples of Palestine, southern Africa, Latin America, the Caribbean and the Gulf region, who were struggling to achieve their right to self-determination.

64. Racial discrimination and segregation, the setting up of reservations where Indians were confined in a state of misery, arbitrary expulsions of those Indians in order to take possession of sub-soil resources, 2 million homeless persons and

of 13 million unemployed in the richest State in the capitalist world, all meant that the human rights situation in the United States was hardly brilliant. One was amazed at the hypocrisy and cynicism of the so-called defenders of human rights who, on one hand obliged their allies to take economic sanctions and engage in other forms of victimization against Poland and, on the other hand, prevented them from taking justifiable sanctions against the Zionism and racism condemned as genocide by the entire international community.

65. Draft resolution E/CN.4/1983/L.37 deliberately distorted the true situation in Poland, sought to dictate rules of behaviour to the Polish Government and constituted inadmissible interference in the internal affairs of an independent and sovereign State. It created a very dangerous precedent that could only damage the Commission's prestige. His delegation hoped that the delegations of developing countries which were members of the Commission would vote in a way that would safeguard the principles of the Charter of the United Nations and the interests of all independent and sovereign States.

66. Mr. MATTERN (Observer for the German Democratic Republic) drew the Commission's attention to a violation of human rights which he regarded as extremely serious, namely, the denial of the right to work, which had been violated in many capitalist countries by massive unemployment and short-time working.

67. In January, the United States had reached a record level of unemployment, affecting 10.4 per cent of the active population; national minorities, particularly Indians, were hit hardest and almost 50 per cent of young Afro-Americans were without work. Other capitalist countries which claimed to be exemplary as regards human rights also had record levels of unemployment. Freedom and respect for human rights could not exist without respect for the right to work.

68. The denial of the right to work was inevitably connected with the denial of numerous civil and political rights as well as economic, social and cultural rights. Furthermore, unemployment had serious psychological consequences and was responsible for an increase in the crime rate, alcoholism and drug-taking.

69. Turning to the human rights situation in El Salvador (E/CN.4/1983/20), he stressed that the right to life was totally disregarded by the Salvadorian regime, which was massacring the civilian population. World public opinion unreservedly condemned the torture, the cruel treatment and the reign of terror, the disappearance of persons and the massive repression of all efforts to secure freedom which constituted the situation in that country. His country stood firmly with the people of El Salvador in its struggle for the restoration of democratic rights and fundamental freedoms.

70. His delegation, which was deeply attached to the principle of non-interference in the affairs of sovereign States, rejected the report on the situation in Poland (E/CN.4/1983/18). For the same reasons, it was strongly opposed to draft resolution E/CN.4/1983/L.37, which proved once again that certain Western States were seeking to induce the Commission on Human Rights to interfere in the internal affairs of a sovereign socialist State.

71. His country, which was closely linked by friendship and co-operation with the People's Republic of Poland, could not remain indifferent to the accusations and defamation to which it was subjected. Both countries, which were allied through

the Warsaw Treaty, had a common responsibility for the maintenance of peace and security in Europe. As General Jaruzelski had emphasized in a speech delivered on 11 December 1982, it had been necessary to proclaim martial law a year earlier to save the socialist State and the country's economy. Poland had only exercised its sovereign and inalienable right to take steps which were in conformity with the Constitution and aimed at neutralizing forces whose subversive activities had created a risk of civil war in Poland and thus of destabilization throughout Europe.

72. As the First Secretary of the Polish United Workers' Party had also explained, the emergency laws had been very little used. Had there not been repeated provocation, the martial law could have been suspended much earlier, and today there only remained measures which directly defended the vital interests of the State, protected the economy and guaranteed the personal security of citizens. His delegation considered that any action aimed at putting pressure on Poland and interfering with its internal affairs was incompatible with the spirit and the letter of the Charter of the United Nations, the Final Act of Helsinki and the basic rules of international law. The intensified manoeuvres of certain foreign circles to stir up tension inside Poland, to sabotage the Government's protective measures and to impede the gradual stabilization of the economic situation, could only be intended to poison the political atmosphere of the continent and to complicate relations between East and West. Socialist Poland could rely on the moral, political and economic support of the German Democratic Republic.

73. Miss SINEGIORGIS (Observer for Ethiopia) referred to the report on human rights and massive exoduses (E/CN.4/1503 and E/CN.4/1983/33) and said that among the greatest tragedies of the century were the massive exoduses of populations which, for climatic, economic, social, political and other reasons had to leave the country to which they were attached not only by economic and material interests but also and, above all, by emotional and psychological links.

74. Populations which were rightly jealous of their territory did not hesitate to shed their blood to protect their frontiers and thus preserve their identity. They therefore deserved the utmost compassion when, because of natural or man-made events, they were forced to leave their country. Psychological torment was then added to their physical suffering. It was deplorable that such tragic situations had often given rise to political or some other form of exploitation.

75. Displacements of populations dated back to biblical times and had assumed different dimensions and forms depending upon the period. Immediately after the war, for example, a solution to the refugee problem had been thought by many to be essential for the maintenance of world peace. The refugees had also been regarded as an important asset, at a time when countries in Europe needed manpower for reconstruction and to make good the population deficit caused by the war. Other countries needed additional manpower for economic development and to offset the lack of immigrants during the war years. Governments were also motivated by a desire to relieve human suffering and to reduce political tension; all those factors had helped to lessen the tragedy of the 20 million refugees of that time.

76. The problem, nowadays essentially an African one, had become more complex and required detailed and objective analysis. The only radical solution to any problem whatever was to tackle the root causes. Thus, after the war, activities on behalf of refugees had produced results because they had been accompanied by a genuine desire to lessen human suffering and to relax political tensions and because the principal countries contributing to the international relief fund at the time had also been the main countries of asylum. It was therefore in their interest to do everything possible to solve the problem. At the present time, the situation was quite different. Studying the causes of the massive exoduses would without any doubt help in the quest for a solution. There was no doubt that in the majority of cases, war was the main cause, to which should be added racism, racial discrimination, apartheid, colonialism, acts of aggression of all kinds and subversion against States which had chosen their own political system. There were, however, other causes, including economic disparities and crises, the ever-widening economic and technological gap between developing and developed countries, disparities and imbalances in assistance, the vicious circle of the need for assistance, the ecological deterioration and natural disasters such as drought.

77. It was particularly important to know whether the cause of the exodus was economic or climatic and to make a distinction between political and economic refugees. Without underestimating the value of emergency relief activities, it had to be realized that a genuine development strategy was needed to produce a lasting solution to the problem. As matters stood, however, even the level of emergency relief was inadequate and millions of people throughout the whole world were anxiously awaiting international assistance without which each day that passed brought them nearer to certain death.

78. It was to be hoped that the Commission would have the time to make a thorough study of a problem which was so complex and multifaceted. Her delegation felt that the Commission should keep the question before it, but that the analytical study of the problem should be entrusted to the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees.

79. Her delegation had studied with interest the report on summary or arbitrary executions (E/CN.4/1983/16). Such practices were inexplicable when under-development, malnutrition, natural disasters already accounted for so many victims. Her delegation realized how important it was to find ways of eliminating that barbarous practice. The Commission would never arrive at a solution that did not take into account differences between political systems, levels of development, cultures and systems of values. A case-by-case analysis of situations was to be recommended, without prejudice or passion, which would create an atmosphere of trust between countries and a readiness to co-operate.

80. In the opinion of her delegation, the non-governmental organizations which made an invaluable contribution to the work of the Commission should refrain from using that agenda item as a pretext for polemics and indictments of a political nature. Attacks against particular countries were generally motivated by the political course they had chosen for their development. Non-governmental organizations should exercise restraint and should on no occasion restrict their concern for human rights to a specific group, a particular nation, a single State or group of States.

81. Miss PANTOJA CRESPO (Observer for Peru) noted with regret that the most elementary human rights, such as the right to life, freedom of expression, religious liberty, and so on, were being violated throughout the world. It was also regrettable that violations of human rights were judged according to differing criteria, when those rights which were universal in character should not be dependent on fluctuations in the interests of some.
82. The situation in Bolivia was extremely encouraging. In his study of that country (E/CN.4/1983/22), the Special Envoy of the Commission, Mr. Gros Espiell, had emphasized a number of principles which applied not only to Bolivia but to others in the same situation. He had in particular stressed that it was necessary to create and develop the basic political, economic, social, cultural and juridical factors which were essential for the respect for rights and freedoms in the pluralist framework of a State based on law. Peru welcomed the positive developments in Bolivia, a country with which it had been closely linked for a long time and which was a party to the Cartagena Agreement or Andean Pact. As of now, all the countries that were parties to that Agreement had democratic regimes, to which the international community should give its support.
83. Her country was a sponsor of the draft resolution designed to conclude the study of the human rights situation in Bolivia. In the light of the Special Envoy's report and the statement by Mr. Roncal, the Bolivian Minister of the Interior, her delegation hoped that that draft resolution would be adopted by consensus.
84. Mr. ABBY (Observer for Somalia) noted that in his study on human rights and mass exoduses (E/CN.4/1503) Prince Sadruddin Aga Khan had shown the full extent of the phenomenon of mass exoduses and had discussed its causes and effects, taking into account systems of international law, the economic differences between North and South and development problems. The Special Rapporteur had also stressed that that phenomenon might endanger international peace and security. The study should help the Commission to take the steps that were necessary to eliminate the problem of mass exoduses. His country could support the Special Rapporteur's recommendations, provided that there was no overlapping with the activities of other United Nations bodies.
85. Mr. KHERAD (Observer for Afghanistan) said that human rights problems were among the most important issues of the present age. A set of standards and principles had been established in contemporary international law to consolidate those rights and freedoms. Those standards and principles had first of all been incorporated into the Charter of the United Nations (Article 1, paragraph 3, in particular) and in the Universal Declaration of Human Rights, which had reflected for the first time the concept of the indivisibility of all the components of fundamental freedoms and rights, and had subsequently been amplified and developed in several international instruments on human rights.
86. At the present time in particular, the International Covenants on human rights constituted a comprehensive legal basis, differing from the Universal Declaration in the legal obligations which they imposed on States parties and in their broader definition of rights and freedoms. The elaboration of international instruments in that sphere had thus moved forward within the context of a system of international co-operation based on the Charter of the United Nations and on universally recognized principles and standards of international law.

87. For millions of people, however, those standards and principles were not always respected even in countries that claimed to be champions of human rights, but where the violation of all the rights of the non-white population or of national minorities was an everyday occurrence.

88. Thanks to the support provided mainly by United States imperialism, bloodthirsty and reactionary dictatorships in El Salvador, Chile, Guatemala and elsewhere pursued a policy of genocide, massacred millions of their compatriots, and deprived them of their most elementary right, the right to life. The human rights of millions of people had been and were still being flouted systematically by the policy of imperialist, Zionist and racist aggression and by the policy of apartheid. The heritage of colonial exploitation, underdevelopment, the consequences of imperialist wars and the policies of interference in the internal affairs of other countries were holding up the development of many peoples. While professing to be champions of human rights, the imperialists recognized the bloodthirsty Pol Pot clique, responsible for the death of 3 million people, as the representative of the Kampuchean people, and were continuing to support all those guilty of genocide, who were thus able to pursue their policy of brutal repression. Their aggression, their threats of recourse to force in order to defend what they claimed to be their "vital interests", and their interference in the internal affairs of independent States, including Afghanistan, were not only a gross violation of human rights, but also a threat to the peace and security of mankind.

89. The undeclared war of imperialism and reaction against Afghanistan, through the intermediary of neighbouring countries on whose territory a network of military camps and instruction centres had been set up for the purpose of training terrorists to prevent the revolution from being consolidated, was a striking example of international terrorism. The war was part of the extensive counter-attack by international imperialism against all peace-loving forces and the independent States of Asia, Africa and Latin America which had embarked on the road to freedom, progress and peace.

90. The diabolical activities of United States imperialism and its accomplices and their attempts to interfere in the affairs of some countries, including Poland, were a game which was dangerous for world peace and security. Peace was, however, an urgent need, which was entirely compatible with the vital interests for the development of human civilization. A new world war would be an unspeakable calamity as there would no longer be any place for discussions on human rights and fundamental freedoms.

91. Human rights could not be achieved in a world of hostility and violence and if an atmosphere of peace and understanding between peoples did not prevail. The sustained development of international co-operation could not be dissociated from the cessation of violations of human rights and it was a vital aspect of the co-operation between States.

92. Furthermore, it was for States to guarantee the rights and freedoms of individuals coming within their jurisdiction by adopting effective legislative and other measures, by applying the principles set out in the international instruments relating to human rights and by taking account of the relations between human rights, peace and economic, social and cultural development.

93. After bringing the Amin regime to an end, the Democratic Republic of Afghanistan had enacted a series of humanitarian measures, including the abolition of all inhuman and anti-democratic laws, as well as arbitrary arrest, persecution and searches, making provision for the right to life and security for everyone and guaranteeing the rights and freedoms of Afghan citizens, in accordance with chapter II of the Fundamental Principles and the legislation of Afghanistan. His Government considered that respect for rights and fundamental freedoms required the adoption of strong measures to ensure the right of everyone to live in peace, namely halting the arms race, confidence-building in international relations, using scientific and technical progress in the service of peace, achieving economic, social and cultural rights, restructuring international economic relations and establishing a New International Economic Order, enhancing the effectiveness of international instruments relating to human rights and guaranteeing the realization of human rights.

94. Those were the factors that had to be kept constantly in mind if the strengthening of friendly relations and the promotion of international co-operation in the sphere of human rights were to be achieved, in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international instruments.

95. Mr. EWERLOF (Observer for Sweden) considered that by virtue of belonging to the United Nations and in the light of the Universal Declaration of Human Rights and other international legal instruments, all States had an obligation to promote and protect human rights. In the United Nations system, it was the Commission's task to promote respect for those rights by analysing situations that disclosed patterns of violations in order to reveal the causes and to find ways and means of eliminating them. His Government fully supported such activities.

96. In his report on summary or arbitrary executions (E/CN.4/1983/16), the Special Rapporteur pointed out that at least 2 million persons were said to have been victims of such executions in the past 15 years. In preparing the report, he had adopted a completely impartial method which should encourage member States to co-operate with him. He recommended that the international community should adopt as a measure of urgency effective measures for setting up a mechanism which would permit speedy reaction to threatened or imminent summary or arbitrary executions. His delegation was confident that the Commission would respond positively to the recommendations of the Special Rapporteur and that it would extend his mandate for another year.

97. The Commission also dealt with the human rights situation in specific countries. In Europe, where human rights gave rise to concern, the situation in Poland had taken a turn for the worse in December 1981, and the suspension of martial law had not produced much improvement. It was regrettable that the Polish authorities had not co-operated with the Commission, which would have to continue reviewing the human rights situation in that country. In the Soviet Union, human rights activists had been persecuted and imprisoned. It was also unfortunate that the situation of the Soviet Jews seemed to be deteriorating: only a very few had received permission recently to join their families in Israel.

98. The situation in Central America was also a matter for concern. The tension would be considerably less if all trafficking in arms and military assistance ceased and if the peoples of the region were able to decide on their own destiny without

external interference. In his report on the human rights situation in El Salvador (E/CN.4/1983/20), the Special Representative of the Commission stressed that the restoration of peace was a prerequisite in order to ensure respect for civil, political, economic, social and cultural rights and, to that end, all the political forces in the country should participate in the search for a solution. The Salvadorian Government was largely responsible for the existing situation of massive violations of human rights which had continued in 1982.

99. It was regrettable that largely because of the lack of co-operation by the Guatemalan Government, it had not been possible to appoint a special rapporteur, as requested by the Commission. His Government had been appalled by the military attacks on rural and Indian populations resulting in the massacre of innocent victims.

100. With regard to Chile, it was also regrettable that the Special Rapporteur of the human rights situation in that country had been unable to report an improvement, that the Chilean Government persisted in its refusal to co-operate with the Special Rapporteur and that it had not heeded any of the recommendations of the international community. It even seemed that the repressive system imposed by the former military junta, particularly the practice of torture, had been institutionalized by the present regime. Trade-union rights continued to be flouted, and the Chilean Government had not thrown any light on the fate of those who had disappeared. The study of the human rights situation in Chile should therefore be continued and the mandate of the Special Rapporteur extended.

101. The conflict in Afghanistan had led to massacres of the civilian population and the human rights situation in that country did not appear to be improving. The situation in other countries, such as Iran, continued to be extremely disquieting. He could not conclude without mentioning South Africa, where the abhorrent policy of apartheid had been applied for years and where the denial of human rights provided the very foundation of its society.

102. Mr. GALERO RODRIGUEZ (Brazil) said he found that the number of questions broached under agenda item 12 excessive and the subjects dealt with too varied. Thus, the Commission had never thoroughly considered the report by Prince Sadruddin Aga Khan (E/CN.4/1503) on human rights and mass exoduses, and it was to be hoped that in future it would be able to organize its work more effectively.

103. His delegation was not entirely satisfied with the report on summary or arbitrary executions (E/CN.4/1983/16). The Special Rapporteur had left too many questions unanswered, and had taken up questions which did not entirely come within the scope of the study with which the Commission had entrusted him the previous year. In view of the very limited time that had been available to him, the blame lay not with him but with the Commission, which had allowed too little time.

104. With regard to the collection of information, the Special Rapporteur had felt that, under his terms of reference (Commission resolution 1982/29), he should take into account only information communicated to him by Governments, specialized agencies, intergovernmental institutions and non-governmental organizations. Non-governmental organizations, however, often supplied information which had simply been published in the press. Why should the Special Rapporteur attach more importance to such information than to other material brought to his notice although not by non-governmental organizations? It seemed that the Special Rapporteur interpreted his terms of reference too narrowly in that respect.

105. Furthermore, information had been appraised incorrectly. Paragraph 134 of the report stated that the death penalty for ordinary offences had been abolished in Brazil in 1979, whereas in fact it had been the death penalty in general that had been abolished. The same paragraph stated that there had been "an upsurge in deliberate killings of arrested criminal suspects by the police". Exactly how was "upsurge" defined and what was meant by "deliberate"? Such allegations should be checked. The figure of 300 suspects, who had allegedly died in armed conflict with the police early in 1981 in Sao Paulo, had also not been proved. There was some inconsistency between that paragraph and paragraph 88, since the former stated that "the victims appeared to have been killed after being taken into custody by the police", whereas the latter said: "in many cases it was alleged that the victims had been killed after being taken into custody by the police". Such imprecise information should not have been included in the report.

106. Out of the 39 countries with which the Special Rapporteur had been in touch, 18 had not supplied any information because of the date set for them by the Special Rapporteur. Why were those countries mentioned? When Prince Sadruddin Aga Khan had presented his report on human rights and mass exoduses (E/CN.4/1503), he had annexed examples relating to certain countries which he had to withdraw subsequently in view of the very strong reactions provoked by his initiative.

107. With regard to the definition of basic concepts, chapter VI of the report (E/CN.4/1983/16) included many question marks and the Special Rapporteur himself stressed that that aspect of the question required more thorough study. It had, in the meanwhile, been difficult for him to make useful recommendations. Some of his conclusions (paras. 219, 220 and 223) were relevant, but they did not constitute an adequate basis for measures at the international level because they were based on statistics which were too vague. It seemed equally premature to set up a monitoring mechanism (para. 226) as a preventive measure. The educational effort recommended in paragraph 229 might be worth while. But the idea, put forward in the same paragraph, of launching a campaign to create a world opinion against summary or arbitrary executions was more debatable, in that it was not necessarily desirable to launch campaigns against States Members of the United Nations.

108. He hoped that the mandate of the Special Rapporteur would be extended so that he would be able to submit a more satisfactory report the following year.

[The second part of the summary record of the meeting was issued as document E/CN.4/1983/SR.46/Add.1]