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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE FIRST PART* OF THE 51st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 6 March 1989, at 3 p.m.

Chairman: Mr. BOSSUYT (Belgium)

later: Mr. QIAN Jiadong (China)

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* The summary record of the second part of the meeting appears as document E/CN.4/1989/SR.51/Add.1.

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The meeting was called to order at 3.15 p.m.

QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (continued) (E/CN.4/1989/7 and 72; E/CN.4/1989/NGO/9, 20, 29, 45, 58 and 60; A/43/624 and Corr.1)

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.4/1989/23-27, 58, 64 and 71; E/CN.4/1989/NGO/1, 5-7, 10, 31, 47, 54, 57, 61 and 62; A/43/624 and Corr.1, 630, 705, 736, 742 and 743), INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued) (E/CN.4/1989/28)

1. Mr. STANEVSKI (Union of Soviet Socialist Republics) expressed satisfaction at the fact that recently adopted resolutions submitted by the African States were in keeping with the goal of resolving the conflict in southern Africa. He believed that supporting their efforts was a moral duty of all groups of States in view of the challenge which apartheid represented for the world community, the Commission, and the common understanding of the dignity and rights of man.
2. There was a broader understanding of the unacceptability of the violations of human rights in the Israeli-occupied Arab territories. His delegation paid tribute to the flexibility shown by the PLO and the Arab countries by expanding the sphere of agreement in the Commission. Their contribution to the political dialogue being conducted at the current session had been decisive. It was correct to say that a number of Western countries appeared to be moving in the right direction, although if the Western group was taken as a whole, that movement was generally still insufficient and contradictory. In any event, the important point was that a dialogue was being conducted for the purpose of achieving a political settlement of the conflict in the Middle East. That settlement would be in the interests of the individual, protecting those rights which were no less essential to the Arab people of Palestine than to any other group.
3. There was a common thread linking groups of countries with regard to the situation in Chile. He reiterated the position of the four socialist countries expressed in their joint statement that the flagrant and mass violations committed in Chile continued to make it necessary for the Commission and its Special Rapporteur to keep the question under careful study.
4. The discussion of issues connected with the situation in Afghanistan were more constructive than previously, although his delegation did not find it entirely satisfactory. Whether the current Government of the Republic of Afghanistan was to the liking of a particular group or not, it was a reality that was based on sufficiently broad social forces and a governmental structure. It was operating in accordance with a democratic Constitution and pursuing a policy of peace in the country, proposing a political dialogue with the armed opposition. The Republic of Afghanistan was a fully fledged Member of the United Nations and had co-operated loyally with the Commission, a fact mentioned by the Special Rapporteur himself. It was the Commission's duty to speak out in favour of halting the bloodshed and to facilitate the full implementation of the Geneva Agreements by all parties.

5. His delegation would like to see a business-like discussion on the question of Cyprus. It welcomed the efforts made to develop a dialogue between the parties concerned, in particular between the two communities living on the island. His Government's view of a settlement of the Cyprus question that would also make it possible to improve the situation of human rights was set forth in its statement of 22 January 1986.

6. It had not yet become generally understood that the implementation of the International Covenants on Human Rights was connected with the struggle against the human rights violations in any part of the world. However, when whole groups of countries, as at the current session, spoke out clearly in favour of the universalization of the Covenants, that added appreciably to the community of approaches of members of the Commission in the field of human rights.

7. A no less positive factor was the clear recognition at the current session by many States of their obligation to respect the civil and political rights as well as the social, economic and cultural rights of the individual. From the standpoint of human rights, economic growth had value only when it was accompanied by the development of the social sphere, thereby freeing the individual from social ills imposed on him such as extreme poverty or homelessness. The increasing attention given by the majority of countries to that humanitarian issue could only be welcomed.

8. In his delegation's opinion, there must be an ethical consensus in the Commission with regard to the unacceptability of terrorism, torture, the use by dictatorships of any kind of paramilitary formations, such as the "death squads" in El Salvador, the unanimous rejection of genocide and mass punishment, the condemnation of mercenaries, the prevention of the use of scientific and technological achievements to the detriment of the individual, and the protection of the individual's health and the environment. Those were human rights issues of the current era and the Commission must tackle them energetically.

9. He wished to refer to the responsibility borne for flagrant and mass human rights violations not only by those who carried them out, but also by their political leaders. They were all carriers of the ills that poisoned the lives and destroyed the future of many persons, and the time was perhaps not too distant when the Commission would be able to refer to them by name.

10. The main question was how to make the Commission more effective in the fight against human rights violations. Much had been said about the implementation of international standards; that was an important point and could be improved in many respects. The first step was to put one's own house in order. It was necessary to bring one's national legislation into accordance with world standards, to narrow the gap between legislation and practice, and to move towards greater democracy. Democratization was the only firm guarantee for the civil, political and social protection of the individual.

11. His own country was starting to put its house in order. After the great French Revolution, proclaiming the civil and political rights of the citizen, the greater October Revolution had put forward the slogan of the genuine equality, freedom, and socio-economic protection of the individual. Soviet society had travelled a considerable distance and had achieved the social

protection of the individual. Its achievements were well known and no one should think that his country was concentrating on its own shortcomings because of some weakness. Self-criticism was a normal condition of a developed society, a manifestation of its strength and inherent need for improvement.

12. His country was well aware that many of its shortcomings were the results of artificial and unconstitutional restrictions on freedom, and flagrant and mass violations of human rights during the period of Stalinism. The creation of guarantees against a repetition of such a phenomenon was one of the main aspects of the political reform carried out in the USSR. Much was being done to prevent a return to Stalinism. Thus, an entire area of power was to be transferred to the elected bodies - the Soviets of People's Deputies. The Soviets would be placed above all State institutions and no single important State decision would be taken behind their backs. The most important development, however, was probably the broad nation-wide discussion of the dark role played by the Stalinist cult and its terrible consequences. That was also a safeguard against violations of human rights.

13. His country did not conceal its ills, on the contrary it revealed them. It had problems with the economy, with the environment and with public health, all of which had an effect on human rights. Previously his country had lived peacefully with those problems, pretending that they did not exist. It no longer wished to live that way and was trying to resolve the problems, to improve the situation of the individual, and to develop collective law.

14. His delegation did not fear criticism at the current session of the Commission. It was sufficient to read any Soviet newspaper or watch any Soviet television programme to realize the important role played by glasnost and self-analysis in the efforts being made by his country to overcome its shortcomings. However, while it did not fear criticism, the Soviet Union would like criticism to be objective and business-like.

15. An example was the talk about the situation in Nagorno Karabakh. A special situation had undoubtedly arisen there and his Government had informed the Secretary-General about it. A number of persons from the Karabakh Committee had been arrested. Various views concerning their arrest were being expressed in the Soviet information media, within the framework of the socialist pluralism of ideas. However, the persons arrested were accused not of political crimes but of organizing violent activities, such as driving people from their homes, robbery and arson. It was up to the court to decide regarding those accusations.

16. One of the bases for co-operation in the Commission was the adoption of an objective approach. His delegation could not agree with attempts to divide groups into those with a backward approach and others with an avant-garde approach. The time had come to stop throwing stones. All members were able to do so since no State could claim perfection in the field of human rights.

17. To protect the individual by promoting confrontation between States was an inappropriate humanitarian policy, which frequently resulted in an increase in tension, reduced the rights of masses of people and lowered the level of humanity in politics and in relations between States. It might be appropriate to consider ways of avoiding confrontation in the work of the Commission, without reducing its concern for the protection of human rights.

18. Every group in the Commission had its own special approach to the question of the rights and freedoms of the individual. In his opinion, all the energy used in confrontation was being drawn from the energy of one's own conviction that one was right and that one held the truth. However, delegations must get along together and find a working method that would prevent the Commission from becoming an exclusive club belonging to one particular group.

19. His delegation was not appealing for pontification with regard to the human rights situation in each country. It was referring to the need for a serious business-like attitude in the Commission for co-operation between States in the struggle to prevent human rights violations in any part of the world. There was great potential in the Commission in that regard.

20. His delegation would report back to Moscow about all the aspects of the Commission's activities that could help to improve his country's legislation in the field of human rights. For that purpose, it had met with the representatives of non-governmental organizations, which it regarded as a powerful source of ideas for the legal protection of human rights and with which it wished to co-operate more closely.

21. There was a significant common denominator in the field of human rights: the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the other standard-setting instruments. His delegation was convinced that the implementation of their provisions was a burning requirement of the times, a requirement flowing from the common destiny of countries and peoples belonging to a single human family, irrespective of socio-economic or other differences.

22. Mr. WALTERS (United States of America) said that human rights and fundamental freedoms limited the power and authority of the State, in relation to the individual. When a State transgressed those limits, it was the right and duty of the world community to call attention to such abuses. Thus, since his Government was firmly convinced that the system of apartheid in South Africa was an unacceptable infringement of basic human rights and fundamental freedoms, a member of his delegation had discussed the topic at some length in the Commission.

23. The Ramiz Alia régime in Albania had toned down some of the most repressive aspects of totalitarian rule, but Albania remained one of the world's most closed and most restrictive societies. The Sigurimi - Albania's pervasive security service - maintained rigid control over the people by means of an extensive network of informers. As for the Albanian courts, a defendant accused of any political crime had virtually no chance of acquittal. Conviction on vaguely-defined charges could lead to lengthy imprisonment and even execution.

24. Governments were free to pursue their own domestic policies, provided that they conformed to the international community's well-established standards relating to human rights and fundamental freedoms. Despite the Albanian régime's consistent refusal to provide information or access to concerned non-Albanian observers, including denials of the Commission's request for information pursuant to Economic and Social Council resolution 1503 (XLVIII), it was clear that the Albanian Government violated

the human rights of its citizens both consistently and pervasively. In his Government's view, that pattern of gross disregard for human rights had earned Albania the explicit condemnation of the world community.

25. In January 1989, Romania had declared that it would not be bound by certain provisions of the concluding document of the recent review session associated with the Conference on Security and Co-operation in Europe, a statement which had placed Romania well outside the established European consensus on human rights. It was hardly surprising, therefore, that there were no basic freedoms in Romania. Freedom of speech did not exist and guarantees of freedom of assembly were ignored. The practice of religion was severely controlled and the ability of ethnic minorities to act on and express their own cultural values was being steadily eroded. Party bosses largely ignored the wishes of the people, who were tightly regimented and effectively debarred from participation in their government.

26. Romania's self-defeating social and economic policies had evoked ominous spectres of hunger and want. The Government's draconian restrictions on imports had sharply reduced living standards and were closely associated with widespread shortages of food, household energy, medicine and other essentials. The recently expanded programme of development had already displaced large numbers of city dwellers. If fully carried out in coming years, those bureaucratic edicts would lead to the demolition of thousands of traditional villages, many of which had served for centuries as favourite habitats for ethnic minorities. Thus would numerous unique cultures be sacrificed on the altar of agricultural efficiency and improved rural services.

27. Czechoslovakia had consistently failed to respect its international obligations relating to human rights. Its Government continued to imprison and prosecute citizens for peaceful dissent and imposed severe limitations on the freedom of religion and on nearly all forms of cultural and political expression. In January, only hours after a representative of Czechoslovakia had indicated his country's consent to the concluding document of the review session associated with the Conference on Security and Co-operation in Europe, Czechoslovak police had used truncheons, water cannon and tear gas in central Prague to disrupt a peaceful gathering. Vaclav Havel, the famous playwright, was among those arrested and had later been sentenced to nine months' imprisonment.

28. Reporting on the conviction of Mr. Havel and his companions, Czechoslovak media had sought to blame internal unrest on external causes, condemning the well-justified international outcry as "outside intervention in the internal affairs of a sovereign State". That regressive rhetoric was incompatible with Czechoslovakia's obligations under the Universal Declaration of Human Rights and other United Nations instruments. His Government urged the Government of Czechoslovakia to abandon its confrontational practices and join in the general movement towards dialogue and reconciliation.

29. Bulgaria continued to be a tightly controlled society in which the State routinely harassed human rights advocates and suppressed any dissent or opposition. The Bulgarian Government had denied that it was seeking to compel citizens of Turkish descent to adopt Slavic identities and traditions, but it enforced multiple restrictions which could hardly have other aims. It had closed mosques and prohibited certain Islamic practices. In addition, public use of the Turkish language had been severely curtailed.

30. The German Democratic Republic deployed an exceptionally efficient and pervasive security apparatus which maintained tight control over its people. The régime continued to restrict fundamental freedoms of speech, press, religion, assembly and movement and to detain and harass citizens and groups that conducted public demonstrations associated with the free exercise of their political and religious rights. Nevertheless, there had been some improvement with regard to human contacts. Foreign travel had increased substantially over the past three years; further, legal emigration to the Federal Republic of Germany and West Berlin had risen to over 30,000 in 1988, compared with less than 13,000 in 1987.

31. In Poland, all independent social and political associations had been registered under the law. Even more importantly, the Polish Government had initiated a new dialogue with the opposition, including Solidarity. Poland held great potential for further progress towards increased democracy and greater respect for human rights and his delegation wished that conceivably historic process every possible success.

32. In Hungary, there had been very substantial progress. The Hungarian Government had recognized that human rights and fundamental freedoms were common to all mankind and had rejected the idea that socialist States must differ from free-enterprise nations in relation to those rights and freedoms. In that connection, Hungarian officials were preparing a new constitution, taking account of the experience and practice of a wide range of other countries.

33. The Hungarian Parliament had recently approved a new law on peaceful assembly as well as a new law on association which permitted the establishment of multiple political parties, independent trade unions and other organizations not affiliated to the State. A new electoral law was to provide for a much simplified nominating process and for multiple candidates representing several parties. Hungary's new statute on the freedom to form economic associations allowed a private individual to employ as many as 500 persons. Furthermore, it permitted foreign-owned enterprises to operate in Hungary. Hungarian officials were currently preparing new laws on strikes, the freedom to leave the country and return, the freedom of religion, the freedom of expression and opinion, a civilian alternative to military service, judicial review of legislative acts, and the rights of nationalities and minorities.

34. His Government welcomed the changes that had occurred in the Soviet Union in the past few years and hoped that those advances would be broadened and made a permanent part of the structure of Soviet Government and society. An increasing number of Soviet citizens were no longer afraid to speak out frankly and openly. Many manuscripts that had been kept "in the drawer" for years were being published and sold.

35. In January 1988, the USSR's Supreme Soviet had promulgated regulations making it more difficult to confine individuals in psychiatric institutions against their will. It was to be hoped that those regulations would be scrupulously respected and that the Soviet authorities would take steps to release all those currently confined in psychiatric hospitals for political reasons.

36. Unfortunately, however, that tolerant atmosphere did not prevail throughout the USSR with regard to public dissent. In December 1988, a significant number of Armenian activists had been arrested and later charged with "organizing or actively participating in group actions disrupting public order". In January 1989, the Georgian activist Ulambegashvili had been sentenced to one and a half years in a strict-régime camp, as a punishment for similar political activities.

37. Arrests and convictions for activities that were clearly religious appeared to have ended in late 1986. New regulations on religion had been drafted and their implementation would afford believers considerably more freedom for the religious education of children, charitable work and evangelization outside of church premises. Nevertheless, believers continued to have difficulty in obtaining permission to open churches, and the police still broke up peaceful prayer meetings conducted outside of church premises. Moreover, approximately 4 million members of the Ukrainian Catholic church were still unable to practise their religion legally.

38. In the Baltic region, the right of the peoples of Estonia, Latvia and Lithuania to rule themselves and determine their own destinies had not been honoured for almost half a century. His delegation hoped that recent signs of administrative flexibility on the part of Soviet authorities would lead to true self-determination for the peoples of the Baltic States.

39. At recent meetings of international bodies concerned with human rights and fundamental freedoms, Soviet representatives had become considerably more outspoken in their advocacy of individual human rights, especially those of a civil and political nature. Improvements in bilateral relations had also contributed to enhancing opportunities for the delegations of the United States and the USSR to pursue common goals. Those trends were healthy and constructive and his delegation hoped that the possibilities for co-operation along such lines would continue to expand and deepen.

40. His Government believed that the achievement of a just and lasting settlement in Cyprus would advance the cause of human rights in that country. It strongly supported the Secretary-General's efforts towards such a settlement and called on all parties to give him their full co-operation.

41. In Cuba, the entire legal framework of the country had been twisted to the rulers' whims. Civil and political rights had to all intents and purposes been abolished. Because of strong international pressure, however, the Government of that country had made certain cosmetic changes and had demonstrated its apparent willingness to co-operate with international bodies. Nevertheless, its treatment of those who spoke out against it would be the true test of its intentions, a test which it had failed in the recent past.

42. The fact that the Cuban Government had released a small number of political prisoners was ironic in itself since, until then, it had claimed that there were no political prisoners in Cuba. His delegation wondered how many more "non-existent" political prisoners the Cuban Government would see fit to set free in 1989.

43. The Commission had a solemn duty to the victims of human rights abuses in Cuba. The process of international scrutiny of the Cuban Government's record could be ended only when Cuba truly honoured the human rights and fundamental freedoms of all its citizens. The Commission's direct involvement must and would continue; there was no alternative.

44. The Sandinist Government in Nicaragua had turned its legal system, mass organizations and armed forces into instruments of repression, and the human rights situation in that country was among the worst in Latin America. His delegation called upon the Government of Nicaragua to adopt democratic practices, as it had promised in the Esquipulas Agreement. Only a democratic, pluralistic government in Managua could provide adequate security guarantees for Nicaragua's neighbours.

45. The United States remained concerned about the situation of human rights in El Salvador. The insurgents should cease their attacks on the democratically elected Government, renounce violence and participate in the dynamic political process currently under way. For its part, the Government of El Salvador should endeavour to implement the recommendations of the Special Rapporteur (E/CN.4/1989/23, chap. VIII).

46. The Commission's resolution on Chile should be a balanced and fair one and should take account of the fact that the overall situation in that country had greatly improved, while noting that certain problems associated with the insufficient protection of human rights remained. The Chilean plebiscite of 5 October 1988 had been a major step forward and had established the basis for presidential elections. Since a democratically elected Government would provide the best assurance of respect for human rights, the Commission should take careful note of the opening of the Chilean electoral process.

47. The United States set a high priority on the human rights and welfare of the people of East Timor, and welcomed the recent decision of the Indonesian Government to facilitate access to the province. His delegation believed that the discussions between Indonesia and Portugal, under the auspices of the Secretary-General, were the best way for the two Governments to resolve their differences over East Timor.

48. In August and September 1988, millions of Burmese had joined in spontaneous, non-violent demonstrations throughout Burma and had called for an end to decades of arbitrary and repressive government. The régime had responded with large-scale, indiscriminate killings, and many students had fled to border areas. In late 1988, there had been numerous reports about the ill-treatment of returning students. Although the Burmese Government had stated its intention to hold a free and fair election after which it would turn over power to an elected civilian Government, it had refused to set a date for the election and had restricted political activity.

49. Despite the cessation of hostilities in the Gulf, the situation of human rights in Iran had not improved. In recent months, there had been hundreds of political executions. The political opposition in Iran continued to be subjected to arbitrary detention and torture, and had been denied the freedoms of speech, press and association. Although the situation of the Bahá'ís had improved somewhat in 1988, the future of the Bahá'í minority remained precarious. Jews, Armenian Christians and Zoroastrians had also suffered discrimination. However, the most telling index of human rights in Iran was

the leadership's call for the death of the author Salman Rushdie, a direct assault on the fundamental human right of freedom of expression. The offer of blood money made that heinous affront all the more repugnant.

50. Ever since 1984, the Government of Iran had refused to co-operate with the Special Rapporteur appointed to investigate human rights abuses in that country. Iran had the dubious distinction of being the only Government to persist in such a refusal, and his delegation called upon the Government of Iran to adhere to the well-established standards for behaviour as a responsible and civilized member of the international community.

51. The situation of human rights in Iraq also required attention. Despite the cease-fire, political and individual rights continued to be sharply limited, and the news media remained subject to censorship. According to reliable reports, the Iraqi authorities, particularly the security police, made use of both physical and psychological torture. In 1988, the Iraqi armed forces had moved to crush a long-standing Kurdish rebellion, a campaign that had reportedly resulted in the deaths of approximately 8,000 persons, including civilians. Following Iraq's indiscriminate use of chemical weapons against civilians and guerrillas, 60,000 Kurds had fled across the border into Turkey. Forty thousand had remained there.

52. Despite the withdrawal of Soviet forces from Afghanistan, there was overwhelming evidence of ongoing, massive violations of human rights carried out by the Kabul authorities, including political killings, disappearances, torture, summary executions, arbitrary arrests and imprisonment under unacceptable conditions. Millions of mines, designed to kill and maim, had been planted indiscriminately throughout the country. Those mines prevented over 5 million Afghan refugees from returning to their homes. The Commission must continue to focus attention on human rights abuses in Afghanistan in order to demonstrate to the Kabul authorities that the withdrawal of the Soviet troops had not diminished the world community's level of involvement and concern.

53. Mr. STRASSERA (Argentina) said that his delegation had carefully examined the Secretary-General's report on the question of human rights in Cyprus (E/CN.4/1989/28), and hoped that the two sides would achieve a negotiated settlement of all aspects of the Cyprus problem by 1 June 1989. An essential aspect of the Secretary-General's good-offices mission involved the human rights of the Cypriot population, and his delegation welcomed the fact that the talks had included questions relating to the freedom of movement, freedom of settlement and the right to property of all Cypriots. It supported the noble humanitarian task being carried out by the Committee on Missing Persons in Cyprus, and commended the activities of the United Nations Peace-keeping Force in Cyprus.

54. Mr. COSTA LOBO (Portugal) said that the objective of the Commission was not to pass judgement on specific situations but to contribute to their improvement. If the countries currently under consideration accepted that approach, they might be more willing to co-operate. In that regard, his delegation called upon the Government of Albania, which had systematically refused to co-operate with the Commission, to reconsider its attitude.

55. The resolution of armed conflicts did not always lead to the improvement of human rights. Despite the cease-fire between Iran and Iraq, mass executions and other serious human rights violations continued to take place in Iran, and the human rights of the Kurdish population had been grossly violated in Iraq. Recent reports concerning the abuse of the human rights of children were particularly disturbing.

56. In some situations, human rights violations were the inevitable consequence of the social system. The typical example was South Africa, where the social structure was based on the system of apartheid. In other countries, human rights violations were committed in such a systematic way that they seemed to be a basic element of the régime. Thus the "systematization programme" of the Government of Romania and its lack of respect for the cultural identity of certain ethnic groups had brought great suffering to a large part of its population.

57. If the denial of the right to self-determination to a population of a certain territory was always a source of violations of other human rights, the situation was even more disturbing when the territory was occupied by a country whose shortcomings in the field of human rights were well known. That was the case of East Timor, which was currently under Indonesian occupation. Portugal had specific historical and legal responsibilities which imposed on it the obligation of making special efforts to improve the human rights of the people of East Timor. The eloquent statement which an East Timorese had made before the Commission on behalf of the Anti-Slavery Society should be regarded as only one example of the hundreds or thousands of similar statements which could be produced by other East Timorese victims of human rights violations.

58. In countries or regions devastated by civil wars or terrorist activities, the obligation to respect human rights applied to Governments as well as to groups outside governmental control. In particular, Governments had the obligation to punish individuals responsible for atrocities or other forms of human rights violations. His Government expressed its deep sympathy and support for countries, such as Guatamala, Honduras, Peru and Colombia, which were confronted with terrorism, internal struggles or political instability. His delegation was particularly concerned at the human rights situation in El Salvador, Haiti, Burma, Syria, Burundi and Somalia.

59. While information regarding detentions, disappearances and miscarriages of justice in Chile continued to be distressing, the recent positive developments in that country had been encouraging, and his delegation hoped that the progress which had been achieved so far would be consolidated.

60. Mr. RICHTER (German Democratic Republic) said that, despite the international community's efforts to find a solution to the question of Cyprus, hardly any progress had been made. The commendable initiatives of the Secretary-General had foundered as a result of the intransigence of one of the parties to the conflict. As a result, gross and flagrant violations of the human rights of a large portion of the Cypriot population had continued unabated. Thousands of Cypriots had been forcibly deprived of their property, driven from their places of residence and subjected to restrictions on their freedom of movement. The Commission should spare no efforts to halt the flagrant violation of the Cypriot people's right to self-determination, and should demand the unqualified implementation of its resolution 1987/50.

61. His delegation called for the withdrawal of all foreign troops from Cyprus and the dismantling of military bases on that island. A representative conference on the question of Cyprus, under United Nations auspices, would help the Cypriot people to build its life in peace and independence and would enhance security and confidence in the eastern Mediterranean. Even before such a conference, efforts should be made to prevent interference in the internal affairs of Cyprus and to halt any action which could have adverse consequences for a peaceful settlement. It was also imperative to create the necessary conditions for the voluntary return of refugees to their homes and to ensure full respect for the human rights and fundamental freedoms of all Cypriots. Finally, steps must be taken to trace and account for all missing persons.

62. Mr. RAM BHAGAT (India) said that, in three recent elections, the people of Sri Lanka had voted to end civil strife, and it was high time that recalcitrant political and militant groups entered the democratic mainstream. Apart from the elections, one significant development which had not received sufficient attention was the voluntary return of about 40,000 refugees to Sri Lanka from India. His delegation hoped that the re-establishment of order in the northern part of Sri Lanka would encourage more refugees to return home.

63. Since the signing of the agreement of July 1987 between India and Sri Lanka, both Governments had made determined efforts to establish peace and normality and promote the human rights of all the communities in Sri Lanka. The agreement had facilitated the adoption of legislation aimed at redressing fundamental Tamil grievances and resolving the ethnic conflict. His Government regretted that extremist elements in Sri Lanka sought to obstruct the implementation of the agreement through their acts of terrorism and violence.

64. The Provincial Council of the north and the east faced many challenges to its efforts to restore law and order, conduct a civilian administration, resettle displaced persons, overcome financial difficulties and reconstruct and rehabilitate a heavily damaged infrastructure. The future of peace in north and east Sri Lanka would depend on the outcome of that unique experiment and on the ability of the Provincial Council to combat successfully the terrorist groups trying to undermine it.

65. India had consistently supported the peace process in Sri Lanka and the presence of the Indian Peace-Keeping Force (IPKF) in that country was evidence of its commitment. A propaganda campaign had been mounted against IPKF, however, but those who criticized it failed to condemn terrorist atrocities, thus damaging their own credibility and harming the cause of the Tamil people. A case in point was the appeal made to the Commission by the World Federation of Tamils.

66. Unsubstantiated allegations with regard to the effect on civilians of the IPKF operation were a deliberate attempt to divert attention from the cynical tactics of the Tamil Tigers, which were designed to maximize civilian suffering with total disregard for human rights. IPKF, on the other hand, had used minimum force in order to limit the number of civilian casualties, suffering heavy losses itself as a result. Any complaints about the behaviour of IPKF troops were thoroughly investigated and most charges had been found to be baseless. If necessary, exemplary punishments were imposed.

67. The most durable guarantee of human rights for the people of the northern and eastern provinces of Sri Lanka lay in the full restoration of the democratic process. It was to be hoped that terrorist groups would renounce their activities and join that process without further delay.

68. Mr. Qian Jiadong (China) took the Chair.

69. Mrs. ILIC (Yugoslavia) said that in the general climate of détente, negotiated solutions were being sought to the most crucial contemporary issues, multilateralism was being revived and there was an improvement in the human rights situation in general. In that connection, the recent meeting of the Conference on European Security and Co-operation, held at Vienna, had made an important contribution to the overall improvement of the international climate and to the promotion of international co-operation. Of particular value was the section of the Final Document dealing with the promotion and protection of human rights such as, religious rights and freedoms, freedom of movement of peoples and ideas across borders, the abolition of the death penalty and the rights of migrant workers. Furthermore, the States parties had agreed to protect and promote the interests of national minorities in their territories.

70. Yugoslavia, as a multinational, multiconfessional and multilingual State, attached great importance not only to the principle of equality of rights and non-discrimination for all, but also to measures designed to promote and protect the rights of national, ethnic, linguistic and other minorities. It strongly opposed any administrative or other measure adversely affecting the rights of such minorities or likely to result in their disappearance. Implementation of the Final Document and completion of the draft declaration on the rights of minorities would undoubtedly help to promote and protect those rights, thereby contributing to co-operation and peace not only in Europe, but throughout the world.

71. She expressed concern, however, at the intention of some European Governments to reintroduce entry visas for nationals of other European States, which might impede the free flow of peoples across borders and thus run counter to the recommendations of the Conference on European Security and Co-operation.

72. In the absence of politicization and confrontation, successful efforts could be made to reduce human rights violations throughout the world. With regard to the deteriorating situation in the developing countries, the international community should help to resolve the crisis of underdevelopment and debt. More equitable international economic relations and more effective use of resources in the developing countries would help to establish a firm basis for the enjoyment of economic, social, cultural, political and civil rights and freedoms for all, thereby enhancing prospects for world peace and security.

73. Yugoslavia would be acting as host to the Summit Meeting of Heads of State or Government of the non-aligned countries in September 1989. She was confident that the issue of human rights would be thoroughly reviewed on that occasion and a contribution made to the search for solutions.

74. Mr. MEZZALAMA (Italy) said that the area covered by agenda item 12 represented a testing ground for the Commission, enabling it to ascertain the extent to which it was possible to make an objective analysis of the human rights situations in individual countries. As far as his Government was concerned, such situations should be considered on the basis of universally recognized, collectively enhanced principles developed during the course of an historical process. In that connection, he underlined the valuable contribution that could be made to the efforts of Governments and United Nations bodies in the promotion of human rights, by public opinion, the mass media and non-governmental organizations.

75. The Latin American countries provided an illustration of the light and shade in the human rights situation in general. He welcomed recent events in Paraguay, for example, and the fact that the Chilean people had regained the right to democracy. It was regrettable, however, that the situation remained unsatisfactory in Haiti, and that it was still proving difficult to re-establish normal conditions in El Salvador. As far as Guatemala was concerned, the Government's commitment to respect for human rights would be rendered more effective if more extensive advisory services were offered by the Commission.

76. With regard to Africa as a whole, the economic situation should not provide an excuse for the denial of civil and political rights, but should underline the interrelated nature of all human rights. Accordingly, an integrated approach should be adopted to the promotion and protection of rights and fundamental freedoms. His own Government would continue to provide assistance, taking account of the political, economic and social characteristics of each specific case. A fair and peaceful solution to the frequent internal conflicts that occurred in Africa could only be achieved, however, if the human rights of all were recognized without distinction.

77. Emphasizing the plight of the people of southern Lebanon, he welcomed the discussion of the human rights situation in the occupied Arab territories and the clear response it had evoked in the international community.

78. It was regrettable that the end to the hostilities between Iran and Iraq had not yet led to the re-establishment of safe living conditions in those two countries. His Government supported the activities of the Special Representative dealing with the situation in Iran and urged the Iranian Government to allow him access to the country since only in that way could he assess properly the information he had received.

79. With regard to Afghanistan, the Special Rapporteur had played a highly important role and the renewal of his mandate would contribute to the successful transition of that country towards a state of law, freely determined by the Afghan people. As far as South-East Asia was concerned, political developments in Kampuchea suggested that freedom and sovereignty might be re-established in the near future. The current process of normalization under way in Burma was not altogether reassuring, however, in the light of the tragic developments there. It was also regrettable that the situation in East Timor remained unresolved, and it was to be hoped that a solution could be found, guaranteeing the legitimate interests of all those concerned.

80. In the Eastern European countries, the general reforming trend and gradual development of relations between the citizen and the authorities had provided considerable impetus with regard to human rights. The picture was not consistently encouraging, however. While significant progress had been made in Poland and Hungary, for example, recent developments in Romania and Czechoslovakia had been a cause for considerable concern.

81. With regard to the question of minorities, it was to be hoped that the constructive approach adopted by Bulgaria, following its understanding with Turkey, would be reflected in a spirit of friendship between the two countries.

82. As far as Cyprus was concerned, he hoped that the inter-communal dialogue initiated under the aegis of the Secretary-General would lead to a solution mutually beneficial to both sides.

83. Lastly, he warned against the politicization of discussions in the Commission. If political interests were allowed to intervene, the protection of human rights would suffer.

84. Mr. CASTRIOTO DE AZAMBUJA (Brazil) said he wondered whether the obstacles faced by the Commission in dealing with alleged human rights violations in specific countries were an inevitable consequence of the nature of the subject matter, or whether they could be avoided by a more careful choice of options. If the latter were the case, the Commission should consider what means were available to it to minimize such obstacles.

85. As for the undesirability of mixing politics and human rights concerns, the Commission's work should be based exclusively on ethical and humanitarian considerations. Too great an intrusion of politics could harm the Commission's credibility and, therefore, the effectiveness of its work.

86. The Commission must be perceived to act consistently in a fair and constructive manner, following well-established and transparent procedures. It should avoid arbitrariness in both the confidential and the public procedures. If it were dissatisfied with the mechanisms available, it should not hesitate to establish new ones, striking a careful balance between the need to adapt and the need to preserve the indispensable parameters of its activities.

87. Commending the report on the human rights situation in Afghanistan, he reaffirmed his Government's support for the efforts to achieve a peaceful settlement in that country, and said that the recommendations of the Special Rapporteur could be instrumental in that regard.

88. It was apparent from the report on the situation in Chile that the Special Rapporteur had received considerable co-operation from the Government and that, notwithstanding the persistence of some negative effects, there had been important progress in both the human rights situation and in the normalization of Chilean democratic institutions. Given the long-standing links of friendship and co-operation between Brazil and Chile, his delegation hoped that the draft resolution on the subject would be adopted by consensus.

89. With regard to El Salvador, he welcomed the authorities' co-operation with the Commission and the Government's continued commitment to respect for human rights. There was, still cause for concern, however, and he hoped that the co-operation of all parties would make improvements possible in the very near future. His Government had actively supported the efforts towards consolidation of the regional peace process, of which the promotion of respect for human rights was a part.

90. There had been significant advances in the relationship between Iran and the Commission. His delegation believed that the dialogue between the Special Representative and the Iranian Government was a very positive development, and strongly encouraged both to continue exploring new areas of understanding.

91. One of the most significant factors in the promotion of human rights was a free flow of information from independent sources, facilitated by the co-operation of Governments with the United Nations and with the international community in general. A lack of information was a matter for concern, as in the case of East Timor, for example.

92. His delegation welcomed the report of the Special Rapporteur on summary or arbitrary executions. The few allegations presented to the Brazilian authorities were being carefully examined with a view to clarification. He endorsed the clear-cut conceptual distinction drawn by the Special Rapporteur between the various types of communications he received in the exercise of his mandate. It was essential to distinguish between allegations of summary or arbitrary executions stricto sensu and allegations of incidents resulting from the action of groups or individuals not under governmental control.

93. Mr. Bossuyt (Belgium) resumed the Chair.

94. Mr. RAMLAWI (Observer for Palestine), speaking in exercise of the right of reply, said that, in a statement by the representative of Israel, it had been asserted that the Israeli army had been acting in self-defence in the occupied Palestinian and Arab territories. He doubted whether killing unarmed civilians or preventing them from donating blood to help the wounded, or besieging towns could be described as self-defence. By definition, self-defence was action taken by an army under attack in its own territory. It could not be used to describe the activities of an occupying force. Israel had been pursuing such practices for many years. He was convinced that its assertions fooled nobody and that the Commission itself had no illusions about Israel's activities.

95. Mr. STIGLICH (Peru), speaking in exercise of the right of reply, said that some misunderstanding seemed to have arisen in connection with the statements by certain non-governmental organizations in respect of Peru; perhaps, therefore, some factual clarification was required. Peru had a democratic Government mandated by free elections. It enjoyed political pluralism, which meant that any political ideology could be voiced, and machinery for popular participation existed. All civic and political rights were respected, with specific legal remedies to defend them. There was due separation of powers, and complete freedom of expression throughout the national territory.

96. The forthcoming local and provincial elections throughout the country, and the presidential elections to be held in 1990, testified to the democratic process - a process which the terrorist movement Sendero luminoso (Shining path) was doing its utmost to impede. Since the advent of terrorism in 1980, thousands of innocent people had been killed, and the damage done to the economic infrastructure had been estimated at more than 60 per cent of the country's external debt. Although some excesses were inevitable in the response to terrorism, all incidents were investigated and any persons found culpable were punished by the courts; there had never been any policy of State terrorism.

97. His delegation had contacted the World Council of Churches, which had acknowledged and apologized for an error in a statement made by its Observer to the Commission at its current session; contrary to what the speaker had said, General Assembly resolution 2114 A (XXI) made no reference to Peru, which had never been the subject of such a resolution.

98. Mr. EL-HAJJE (Observer for Lebanon), speaking in exercise of the right of reply, said it was difficult to see how the Observer for Israel, speaking at the previous meeting, could try to justify Israel's occupation of parts of southern Lebanon on the pretext of Lebanon's internal difficulties. Israel's action was in violation not only of international law, which did not allow the forces of one country to occupy another because of the latter's domestic problems, but also of the Geneva Conventions of 1949.

99. Mr. VARGAS (Observer for Nicaragua), speaking in exercise of the right of reply, said that his delegation was concerned about the human rights situation in the United States of America, which was the worst country in the world for crime and corruption, as was shown by the alarming FBI statistics on the number and frequency of robberies, rapes, murders and other offences.

100. Likewise disquieting was the United States' failure to comply with the terms of international instruments which it had signed. An example at the global level was its failure to observe the ruling by the International Court of Justice of 26 June 1986 concerning an offence against Nicaragua; at the regional level, it had acted against the interests of Argentina during the Malvinas conflict in 1983, a breach of the Treaty of Reciprocal Assistance; and at the domestic level, the United States Supreme Court had ruled against the Government for having violated the Black Mountains Treaty of 1868 - an instance of that Government's disregard of its ethnic minority citizens. The United States also continued to occupy Puerto Rico illegally.

101. The situation in Nicaragua had been examined by various international bodies, all of which had concluded that the Nicaraguan Government showed due respect for its citizens' human rights and complied with all the international instruments, at the global and inter-American levels, to which it was a party. The United States, however, had not ratified one such instrument; it should strive to rectify its own shortcomings before presuming to lecture others.

102. Mr. WIRYONO (Observer for Indonesia), speaking in exercise of the right of reply, said that Portugal, by abandoning East Timor in 1975 at the height of the civil war it had instigated, had forfeited any moral or legal right to be the administering Power of East Timor, whose people had already exercised their legitimate right to self-determination by deciding to integrate with Indonesia - a decision recognized by an overwhelming majority of the region's countries.

103. The Chief Minister of the Northern Territory of Australia, on a visit to East Timor in November 1988, had stated to the press that he had found no sign of repression, starvation or restriction on freedom, and was unable to take seriously suggestions of recent atrocities, since news of any major outrage could scarcely have been concealed from the travellers who visited Dili in their thousands every year. Since 1 January 1989, the province of East Timor had had the same status as Indonesia's other provinces.

104. The pastoral note of Monsignor Belo of 5 December 1988, referred to by certain non-governmental organizations, had been quoted out of context. A number of arrests had indeed been made, since a conspiracy to incite disturbances by members of the so-called St. Anthony Foundation - an organization banned by the Roman Catholic Church - had been uncovered and the security services had taken precautionary measures.

105. Less than 200 people had been questioned; of that number, only eight had been detained - a list of the names was available from his delegation - and only two of them had been brought to trial, one having been sentenced to seven months' imprisonment and the other to six months' imprisonment, the pretrial detention period being included. It was clear, therefore, that due process of law had been observed.

106. Mr. ROA KOURI (Cuba), speaking in exercise of the right of reply, said that the statement made to the Commission by the representative of the United States was like the tales told to frighten children. He had painted a lurid picture of horrors throughout the world, omitting, of course, any reference to those of Israel or those perpetrated by his own authorities, such as the exploitation of the North American Indians or the discrimination against blacks and Hispanics, including harsh sentencing and ill-treatment in prisons.

107. The chief purpose of his statement had clearly been to attack the socialist countries, especially Cuba. In that regard, it must again be pointed out that in Cuba there were no political prisoners; all those allegedly imprisoned on such grounds had in fact been found guilty on evidence of offences under the Criminal Code. Less than 100 such persons were currently detained; as for not having released them all, Cuba was as entitled as any other nation to seclude convicted murderers and terrorists from the public at large.

108. The Commission was surely unmoved by such verbal aggression, especially from the representative of a country which used mercenaries and measures such as economic blockade against others. The international community would be more impressed if the United States abandoned such practices, conformed to the provisions of international human rights instruments and opened the doors of its prisons to a visiting group from the Commission.

109. Mr. COYOTE PATAL (Observer for Guatemala) said that he was a legitimate representative of the Cackchiquel people, one of Guatemala's largest ethnic groups, and an elected representative of the Department of Chimaltenango, one of those most affected by the violence of 1981, 1982 and 1983; members of his family had, in fact, been the victims of an indiscriminate guerrilla attack on a neighbourhood cafeteria. Despite that experience, he had never lost faith in peaceful efforts to assert social and economic rights through dialogue and political participation; the way was through persuasion and trust in freely elected representatives, not through coercion and intimidation.

110. As a result of the struggle for civil and political rights, there were currently nine deputies from indigenous groups in the Congress of the Republic, which had organized a Commission of Indigenous Communities, of which he was currently the Chairman. That body had drafted three new decrees, relating to assistance for widows and orphans of the violence, the nationality rights of the children of Guatemalan refugees in Mexico, and the projected establishment of a Mayan-language academy to safeguard the country's cultural heritage of indigenous tongues. For the first time in the country's history, indigenous Governors had been appointed to three Departments.

111. Although such advances might seem inadequate to extremists, it would be unjust not to acknowledge them or the conscientious effort made through political, legal and open measures. Most importantly, the success had been achieved by the indigenous peoples' own efforts, not through paternalism. The peoples in question wished to be masters of their own destiny, while eschewing confrontation. It was hoped that the Commission would appreciate their efforts and support the consolidation of the democratic process taking place in Guatemala.

112. Mr. MARKIDES (Cyprus), speaking in exercise of the right of reply, said that the Observer for Turkey, speaking at the previous meeting, had sought to divert attention from the real violations of the human rights of the people of Cyprus. He had ignored Turkey's invasion of Cyprus in 1974, its continued military occupation of 37 per cent of Cyprus territory and its expulsion of some 82 per cent of the population of that area, and, indeed, all the gross violations of human rights for which the Council of Europe had found Turkey responsible.

113. His allegations were, in fact, designed to excuse him for not replying to the charges of his Government's violations of human rights. It was not true that there had ever been any separate representation of the two communities of the Republic of Cyprus in any United Nations forum; indeed, the Security Council had strongly condemned, by its resolutions 541 (1983) and 550 (1984), the purported secession of part of the Republic of Cyprus.

114. It was not true either that Turkish Cypriots had been suffering prior to the 1974 invasion; for eight years before that event there had been no serious intercommunal incident. As stated in a report by the then Secretary-General on 10 June 1965 (S/6426), the Turkish Cypriot leaders had adhered to a rigid stand against any measures which might have involved having members of the two communities living and working together, or which might have placed Turkish Cypriots in situations where they would have had to acknowledge the authority of government agents. There had been a seemingly deliberate policy of self-segregation by the Turkish Cypriots.

115. The transfer of settlers to Cyprus and the prevention of the return of refugees - which the Observer for Turkey had not mentioned - violated the Geneva Conventions of 12 August 1949. The Turkish Cypriots themselves had been oppressed by the settlers, as could be seen from incidents reported in the Turkish Cypriot media daily for the past 10 years, and had become a minority even in the occupied area. The Secretary-General had reiterated his concern to the Security Council and had again urged that nothing should be done to change the demographic composition of the island; he had also appealed for the withdrawal of Turkish troops.

116. There were some very recent examples of the way in which the Turkish leadership, pursuing a deliberate policy of self-segregation, was preventing the restoration of genuine contact between Turkish and Greek Cypriots. One was the cancellation of an art exhibition organized by members of both communities under United Nations sponsorship, a cancellation that had been condemned by Turkish Cypriot artists and leaders. It was hoped that the weight of international opinion would lead Turkey to desist from such a policy, which was a clear anachronism.

117. The Government of Cyprus stood for a just, viable and lasting solution which would safeguard the human rights and fundamental freedoms of Greek and Turkish Cypriots alike, and reiterated its support for the Secretary-General's good-offices mission. His delegation's previous statement contained further replies to allegations of the sort made by the Observer for Turkey.

The summary record of the second part of the meeting appears
as document E/CN.4/1989/SR.51/Add.1.