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SUMMARY RECORD OF THE SECOND PART* OF THE 49th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 3 March 1989, at 6.15 p.m.

<u>Chairman:</u>	Mr. BOSSUYT	(Belgium)
later:	Mr. ZELLER	(Mexico)
	Mr. QIAN	(China)

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* / The summary record of the first part of the meeting appears as document E/CN.4/1989/SR.49.

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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, 62 and 66; 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. KAMAL (Observer for Bahrain) said that Israeli acts of terrorism, which had given rise to indignation throughout the civilized world, had consistently jeopardized the security and stability of the Middle East. Those acts of terrorism, the pattern of which had been set by the blowing-up of the King David Hotel at Jerusalem and the assassination of Count Bernadotte, the United Nations mediator, had continued with the massacre at Deir Yassin and, more recently, the carnage at the Sabra and Shatila refugee camps. It was ironical that the terrorists responsible for those inhuman acts now held positions of authority and all opponents of their policies were being accused of supporting terrorism. Every day brought new reports of terrorist activities, such as the assassination of Abu Jihad at Tunis and Naji al-Ali at London, in which the Israeli Government and Mossad were undeniably involved, in spite of Israel's repeated attempts to deceive international public opinion by emphasizing the so-called "humanitarian" nature of its practices which, in actual fact, constituted flagrant violations of human rights.

2. Israel had invaded Lebanon in 1982, in violation of the principles of the United Nations and international law, in the mistaken belief that it would be able to overcome national resistance to Israeli occupation. Israel's continued occupation of South Lebanon, its repeated violations of Lebanese sovereignty and its murderous raids on Palestinian refugee camps illustrated its total disregard of human rights and international conventions, as well as its defiance of the international will, as expressed in Security Council resolutions 508 (1982) and 509 (1982), which called for the withdrawal of Israeli forces from Lebanese territory and respect for Lebanon's sovereignty, territorial integrity and political independence. Israel's pretext for its acts of aggression and its continued occupation of South Lebanon and the Syrian Golan were unacceptable to the international community.

3. Since the Commission's adoption of resolution 1988/66, South Lebanon had remained at the mercy of the Israeli occupation forces and the so-called "South Lebanon Army", controlled and financed by the Israeli Government. The practices of those armed forces, which violated the Charter of the United Nations, the principles of international law, the Universal Declaration of Human Rights, the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the Fourth Hague Convention of 1907, were exemplified by: (1) the blockade of Lebanese villages, the burning of crops, the uprooting of trees and the demolition of houses, with a view to forcing the population to submit to Israeli rule through its puppet, the South Lebanon Army; (2) the ban on visits to the villages of Khiyam and Marjayoun by the International Committee of the Red Cross, in order to prevent the latter from reporting on the inhuman conditions in the detention centres in which Israel was holding Lebanese hostages as a means to intimidate and blackmail the local

population; (3) the expulsion of Lebanese citizens from their lands and homes on the pretext of protecting the security of Israel and its armed forces; (4) the confinement of Lebanese citizens in Israeli prisons or military detention centres pending trial under Israeli law; (5) the erection of fences to isolate many villages, and the harassment of their population through the burning of houses and the destruction and pillage of property.

4. A United States State Department report on Israeli violations of human rights had been criticized in Israel where the killing of women and children, the use of fragmentation bombs and the demolition of houses, schools and places of worship were not regarded as acts of terrorism but merely as acts of legitimate self-defence in which all the countries of the world must concur on pain of being accused of anti-Semitism. Israeli terror squads had not hesitated to assassinate persons advocating peace in Lebanon, Palestine and other countries of the world. The Commission on Human Rights should issue a full report on Israel's terrorist activities, particularly its repeated attacks on Lebanon and its attempts to perpetuate the internal strife and instability in that country as a pretext for the continued occupation of areas of Lebanese territory. The destruction of villages, the expulsion of their population and the establishment of the Nazi-type Ansar concentration camps in South Lebanon, in which Lebanese citizens were being subjected to inhuman treatment, were clear examples of the most atrocious forms of contemporary Israeli terrorism. As recently as 2 March, Israel had attacked a children's school at Aley in Lebanon. If that had happened at a school in Israel, many States claiming to protect human rights would have expressed indignation. So far, no protest had been heard from any of those States. Israel's repeated violations of human rights should not go unpunished. Civilized societies and international organizations had condemned all forms of terrorism, including State terrorism. That condemnation should also apply to Israeli practices in Palestine, the Golan and Lebanon.

5. Miss HAMADAH (League of Arab States) said that, for almost 10 years, Israel had been occupying a substantial part of South Lebanon, the population of which, amounting to more than 300,000 persons, was being denied its most fundamental right to a peaceful existence. That occupation constituted a flagrant violation of the sovereignty and independence of Lebanon, which was a member State of the United Nations, and a breach of the obligation of all member States, under the Charter, to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any other State. The Security Council had adopted resolution 425 (1978), calling for Israel's immediate and unconditional withdrawal from occupied Lebanese territory. That demand had been reiterated in Security Council resolution 509 (1982) when, in an endeavour to expand the area under occupation, Israeli military forces had reached the heart of the capital, Beirut. However, neither of those resolutions had been heeded by Israel, which had continued to occupy Lebanese territory, as well as parts of the Syrian Golan and Palestine which it had occupied in 1967, in total disregard of international condemnation and in breach of international law which Israel itself had undertaken to respect when it became a member of the United Nations in 1948.

6. Israel was also violating international humanitarian law, as embodied in the Hague Conventions, particularly the Fourth Convention of 1907, and the Third and Fourth Geneva Conventions of 1949. Reports received from

South Lebanon clearly indicated that those Conventions were being violated on a daily basis by the Israeli occupation forces and their local allies, as could be seen from the latest detailed report of the International Committee of the Red Cross and the report of Amnesty International for 1988.

7. The confinement of civilians, without charge or trial, for months or years in detention centres in Israel or at Marjayoun and Khiyam, which no one was allowed to visit, was a frequent occurrence in occupied South Lebanon. The places of detention at which many citizens were being held were unknown to their families and even to representatives of the International Committee of the Red Cross. The names of hundreds of such detainees would be made available to the members of the Commission.

8. In addition to arrests and detentions, the Israeli occupation authorities were bringing psychological and material pressure to bear on the civilian population with a view to forcing them to co-operate and facilitate the task of the occupying forces. Furthermore, the occupying authorities were endeavouring to depopulate South Lebanon by expelling its inhabitants to other areas and forbidding their return. For example, since the beginning of last month, Israel had expelled at least 50 persons from the village of Shebaa, including five schoolteachers and a headmaster. From 1 to 25 January of the present year, at least 80 persons had been expelled from various other villages in South Lebanon, as could be seen from a list showing the names of those persons, the names of their villages and the dates of their expulsion. The evident purpose of those expulsions was to replace the population with Jewish settlers who had recently arrived, or were expected to arrive, in Israel.

9. Israel had also established a so-called "security zone" in South Lebanon, in which groups willing to co-operate with it were provided with equipment, weapons and money. Those groups, which called themselves the "South Lebanon Army", did not hesitate to arrest and detain citizens who were frequently tortured, ill-treated and even killed during interrogation, in the presence of members of the Israeli occupation forces, with a view to extracting information from them, as had been affirmed on page 308 of the Amnesty International report. Whenever the Israeli forces in South Lebanon suspected that citizens were resisting their occupation, they demolished the houses of the suspects and destroyed or confiscated the produce of their land, which constituted their sole means of support. Some citizens opposed to the occupation had been transported to Israel for trial, under Israeli law, before military courts and some Palestinians had also been transported from the occupied territories to Lebanon.

10. At every session since 1985, the Commission had condemned Israeli violations of human rights in South Lebanon. The League of Arab States hoped that those Israeli practices would again be condemned during the present session and that the States which were providing Israel with political, economic and military support would be called upon to bring pressure to bear on Israel to refrain from its practices and comply with the Security Council resolutions calling for its immediate withdrawal from South Lebanon and respect for the sovereignty and independence of that Arab country.

11. Mrs. NUÑEZ DE ESCORCIA (Observer for Nicaragua) said that July 1989 would mark the tenth anniversary of the Nicaraguan revolution as well as of an unjust and cruel war that had caused more than 50,000 victims.

12. As the members of the Commission were aware, Nicaragua had served as a laboratory for experiments in the doctrine of the "low-intensity war" in which an irregular force had been organized and financed from abroad in order to destroy the country by using methods such as raids on peasant co-operatives, ambushing civilian vehicles, use of anti-tank and anti-personnel mines, kidnapping, sexual violation, extra-judicial execution, torture and mutilation.

13. The death squads of the contra were not a thing of the past, and it was wrong to believe that the war was over. Although in 1988 the fighting between the Army and the contra had diminished because the Government was discontinuing offensive operations in the context of the Accords signed by the Central American Presidents in August 1987, the attacks on the civilian population had not diminished: in 1988 there had been 1,078 kidnappings, 257 killings, 234 casualties and 10 attacks against co-operatives.

14. In the context of the Esquipulas Accords, the International Verification and Follow-Up Commission had concluded that in the case of Nicaragua, positive steps had been taken towards a democratic process. Although the Accords had met obstacles of all kinds, the will of the Central American leaders to achieve peace in the region had led to a pledge to elaborate, within 90 days, a joint plan for the demobilization, repatriation and voluntary relocation in Nicaragua or in third countries of the members of the contra and their relatives. That new initiative for achieving peace and strengthening the process of democratization begun on 19 July 1979 gave cause for optimism. The democracy to be constructed would mean not only the holding of periodic elections, but the construction of a society where respect for human rights would be reflected in improved health, education, work and opportunities to participate directly in decision-making.

15. Nicaragua had not only been defending itself militarily, but had sponsored actions and measures for national reconciliation, such as the amnesty which since 1983 had led 5,121 persons to lay down their arms and return, and a repatriation programme in the framework of the Tripartite Agreements with UNHCR and the Governments of Honduras and Costa Rica, under which 15,860 Nicaraguans had returned. Pardons had been extended to 2,192 former Somocist guards, and a further 1,700 former guards would shortly be pardoned and released from prison. Measures would be taken to release contras serving sentences or awaiting trial for involvement in criminal actions who, according to a recent International Committee of the Red Cross census taken at the request of the Nicaraguan Government, numbered 1,488, not many thousands as erroneously stated in the Commission. The former guards and those granted an amnesty would have the opportunity to secure land thereby increasing the number of private producers who were developing more than 85 per cent of the land.

16. Similarly, on 22 February 1989, the national dialogue had been resumed with the 14 opposition parties and political groups existing in Nicaragua in order to create the conditions necessary for their participation in the next elections which the President of Nicaragua had announced at the recent El Salvador meeting and which the Government was prepared to bring forward

to February 1990. The elections would be observed at all stages by representatives of the Secretaries-General of the United Nations and the Organization of American States. Moreover, the National Reconciliation Commission, chaired by Miguel Obando y Bravo, had resumed its activities.

17. Her Government wanted peace and would continue seeking dialogue, negotiation and the peaceful settlement of disputes. It refused to accept external recipes for democratization and outside interference on the pretext of monitoring human rights; such a task was for the international bodies established for that specific purpose. Consequently, President Ortega had reaffirmed in El Salvador that Nicaragua maintained an open-door policy for all intergovernmental and non-governmental human rights bodies wishing to verify respect for human rights. In conclusion, she paid a tribute to the work of the Commission and said that her Government would continue to co-operate with all institutions and mechanisms involved in the protection of human rights, as it had done since July 1979.

18. Turning to agenda item 12 (a), she said that Turkish troops occupying approximately 37 per cent of the territory of Cyprus were violating that people's right to self-determination, despite the resolutions of the General Assembly, Security Council and Commission demanding an end to the occupation. The invaders had attempted to give a semblance of legality to the violations establishing a pseudo-State, whose validity had been questioned by the Security Council. In view of the untiring efforts of the Government of Cyprus to achieve a just solution to the problem, it was important that the Commission should come out in favour of the restoration of human rights and fundamental freedoms of the Cypriot people as a prerequisite for resolving the problem of Cyprus. Negotiations must be based on international law and take into account, inter alia, the provisions of the human rights instruments, the withdrawal of the troops occupying Cyprus, the departure of the Turkish settlers who arrived after the island had been occupied, the return of the refugees to their homes in freedom and the guarantee of their right to freedom of movement. Nicaragua reiterated its support to the Government and people of Cyprus in their struggle for peace and territorial integrity.

19. Mr. PHEKO (Observer, Pan Africanist Congress of Azania) said that his organization opposed colonialism wherever it appeared and in all its forms and it supported the right to self-determination of all peoples.

20. The current situation in South Africa was not an accident of history. It had been deliberately created by the Power which had colonized the country. South Africa, the darkest chapter of British colonial history in Africa, could not remain a colony in the last decade of the twentieth century, in violation of the norms of jus cogens. Attempted perpetual colonialism by the United Kingdom in Rhodesia had been brought to book, and the attempt to perpetuate colonialism in Azania must be brought to book by destroying settler apartheid South Africa.

21. With Namibia on the verge of national independence, views were being heard and peddled to the effect that Namibia was the last bastion of colonialism in Africa. Those fallacious views were motivated by a desperate attempt to make South Africa a perpetual colony and deny the dispossessed and betrayed people of Azania their fundamental right to self-determination.

22. After fierce wars of resistance, the United Kingdom had seized his country and usurped its sovereignty by colonization. The four British colonies of the Cape, Natal, Transvaal and Orange Free State had been encouraged to form the "Union of South Africa", and the British Parliament had passed the Union of South Africa Act 1909, giving political power to the minority settlers. The indigenous Africans, the owners of the country, had been excluded and reduced to mere spectators. As soon as the minority settlers had been given political power, they had embarked upon turning the country into a white-man's country.

23. Azania was not a terra nullius and therefore a res nullius when it was colonized. The United Kingdom had never had any right to auction Azania's land to anyone. In any event, as lawyers and historians had noted, South Africa had been formed to be able to deal with the colour question as a whole and to maintain peaceful conditions through some form of federation.

24. There was an erroneous view prevalent that because South Africa had been a member of the League of Nations, it was an independent State. That was not correct. Article 2 of the Covenant of the League of Nations stipulated that any fully self-governing State, dominion or colony could become a member. Membership of the League of Nations did not imply statehood for a colony. South Africa's membership in the League of Nations in 1919 and the United Nations in 1945 was therefore not a process of decolonization, which would have involved restoring land and sovereignty and granting the right of self-determination to the African people.

25. Mr. HUSLID (Observer for Norway) said that the objective of ending the many cases of human rights violations and preventing new ones from occurring was well served by the mechanism of special rapporteurs to investigate the human rights situation in specific countries. That mechanism not only made possible in-depth investigations but contributed to raising international awareness and creating global pressure on the Governments in question.

26. However, his delegation noted an increasing reluctance to use country rapporteurs, and it seemed that the other countries in a region took a position of defending or protecting a country that was brought into question. That was most unfortunate, since the Commission's goal was to alleviate and improve the situation of people rather than to find comfortable solutions for régimes which were at fault.

27. The vicious circle of violence in the Arab/Israel conflict must be broken and negotiations for a durable, just and peaceful settlement initiated as soon as possible. The events of 1988, including the PLO's acceptance of the State of Israel, its recognition of Security Council resolutions 242 (1967) and 338 (1974), while stressing the legitimate rights of the Palestinians and its renunciation of terrorism, had created radically new opportunities, which the parties involved should seize to move the peace process forward.

28. The plebiscite in Chile on 5 October 1988 had been a welcome step in the direction of restoring full democratic rights in that country. However, it was a matter of concern that the régime, through clandestine squads linked to members of the security forces, was still using such methods as detention, torture and harassment vis-à-vis some members of the political opposition, the judiciary still did not guarantee proper trials, and trade unions and

political parties continued to have difficulties in defending their rights. His Government considered that the international community and the Commission needed to follow closely developments, which it hoped would result in democratically-conducted elections in 1989.

29. In El Salvador the number and seriousness of human rights violations continued to be disquieting. The Government's policy of respect for human rights had unfortunately not produced the effects hoped for. In that connection, the recent bombing of Fenastras offices in San Salvador set back the efforts to develop a trade-union system which could support proper respect for human rights and freedoms. The Commission therefore needed to extend the mandate of the Special Representative and to continue monitoring the human rights situation in El Salvador. His delegation also urged the Government of El Salvador to take steps to implement the Special Representative's recommendations.

30. In Guatemala, while the Government's efforts to guarantee the protection of human rights deserved firm support, his delegation was concerned about conditions that seemed to place severe limitations on consolidating the process of democracy and restoration of human rights in that country. It hoped that the forthcoming meeting of the Guatemala Reconciliation Commission would allow all the parties concerned to participate in it and would lead to a positive evolution in the human rights situation in Guatemala.

31. Many aspects of the human rights situation in Cuba, such as the lack of independence of the judiciary and the legal restrictions on the freedom of expression, association and religion showed that there was a need for the Commission to continue to observe the situation. His delegation hoped that the Government of Cuba would continue to co-operate with the Commission; it was important that the integrity of the persons testifying before the mission should be fully respected by the Cuban authorities.

32. Concerning Afghanistan, Norway welcomed as a positive development the withdrawal of the Soviet forces, but remained deeply concerned about the continuation of the armed conflict. It was important that the international community should continue to follow events in Afghanistan during a period of political change. His delegation urged all the parties involved to begin working for a comprehensive political settlement.

33. His delegation was deeply concerned at reports on Iraq before the Commission that spoke of disappearances, summary executions and torture, even of children. Norway urged the Government of Iraq to take measures to clarify those reports and to prevent further violations from occurring. The Norwegian Government was also deeply concerned by the reports of extensive Iraqi use of chemical weapons in 1988, and in particular by the plight of the thousands who had had to flee their country. It strongly urged the Government of Iraq to permit the safe return of all Iraqi citizens.

34. The entire international community had been greatly relieved at the cessation of hostilities between Iran and Iraq and had hoped that the cease-fire would allow the two Governments to give positive attention to their human rights problems. He urged both countries to take immediate and determined steps to that end and immediately to release and repatriate prisoners of war in accordance with the Third Geneva Convention.

35. The human rights situation in Iran continued to give rise to serious concern. The gravest cases of human rights violations referred to in the report of the Special Representative involved a wave of summary executions in the second half of 1988, as also reported by the Special Rapporteur on summary or arbitrary executions. It had been alleged that many of those executed had been serving prison terms for several years and had then had their sentences changed to the death penalty. That was a clear contravention of the International Covenant on Civil and Political Rights, to which that country was a party, and the allegations warranted detailed investigation. His Government again strongly urged the Government of Iran to extend full co-operation to the Special Representative, to permit him to visit Iran and to respond to his requests for information on all aspects of the human rights situation of concern.

36. The international community had lately witnessed a clear improvement of the human rights situation of several East European countries. There was increasing tolerance towards opposition groups and greater possibilities for expressing divergent opinions in speech and writing. That favourable development, notably in the Soviet Union, deserved positive attention. However, the situation in some Eastern European countries remained highly unsatisfactory. Norway was especially concerned at the situation of the ethnic minorities in Romania. The human rights situation in that country should be investigated by the Commission with a view to bringing about changes and full respect for human rights in that country.

37. Mrs. LIMA (Observer for Angola) stated that it would be erroneous to speak of human rights without first speaking of the self-determination and independence of peoples, the cornerstone of all individual or collective rights. To deny the right of peoples to self-determination and independence would be to reject the legitimacy of dozens of sovereign States that had acceded to independence and the efforts of the international community to improve relations between peoples and nations.

38. The persistence of bastions of colonialism showed that millions of human beings continued to be deprived of their rights through discriminatory practices that led to regional and even international instability.

39. However, the international situation offered a glimmer of hope for detente and peace. The substantial changes currently taking place in the political situation in south-west Africa was the result of the change in the correlation of forces in favour of the peoples of the region who were struggling against the racist Pretoria régime. The military defeats imposed by the Angolan army and the intensification of the liberation struggles of the peoples of Namibia and South Africa, together with the military defeat of the racist South Africans at Kuito Kuanavale, had led the Pretoria Government to negotiate with the Governments of Angola and Cuba.

40. Throughout that process, the Governments of Angola and Cuba had showed their sincerity and good faith; that spirit would be maintained throughout the implementation of the Tripartite Accords of 22 December 1988, and had been reflected in the goodwill gesture of withdrawing 3,000 Cuban internationalists between 10 and 15 January 1989. The response of the racist Pretoria régime had been to invade the People's Republic of Angola on 8 February 1989 in a flagrant violation of the spirit and letter of the Tripartite Accords. Her

delegation denounced the bellicose spirit of the racist régime of Pretoria and urged the international community to take steps to preserve the Tripartite Accords and to demand not only an end to apartheid, but an end to the acts of aggression and destabilization against the front-line States, and especially the People's Republic of Angola.

41. Human rights continued to be violated in South Africa. The arbitrary imprisonment, torture, deprivation of fundamental freedoms, assassinations and rigged verdicts exemplified the repression to which the South African people were subjected. Her delegation demanded that Pretoria should release all political prisoners, in particular Nelson Mandela. It requested the allies of the Pretoria régime to stop collaborating with it and to implement forthwith the comprehensive and mandatory sanctions long requested by the international community.

42. With regard to Namibia, she was confident that the strict implementation of Security Council resolution 435 (1978), which would lead Namibia to independence, would open a new page in the life of the Namibian people.

43. Angola wished once again to express its support for the Maubere people of East Timor, who had long been struggling for the exercise of their right to self-determination and independence, and for their revolutionary vanguard, the FRETILIN. He urged the Secretary-General and the parties involved in the conflict to endeavour to find a just and lasting solution to the question of East Timor.

44. Her delegation wished to encourage the Government of Cyprus to continue its efforts to achieve a negotiated solution and in that connection, it welcomed the good offices mission of the Secretary-General of the United Nations for the promotion of a just and durable solution to the problem of Cyprus on the basis of respect for human rights and the relevant United Nations resolutions.

45. In conclusion, she joined her country's voice to those demanding the unconditional withdrawal of Israel from all the Palestinian and Arab territories it was occupying illegally, condemned the inhuman acts against the Arab peoples and endorsed the international demand for the holding of a peace conference on the Middle East. Her country had recognized the State of Palestine and hoped that other countries would do so.

46. Mr. Qian (China) took the Chair.

47. Mr. van SCHAIK (Observer for the Netherlands) said that even if a State was not a party to the human rights instruments, it must still follow the dictates of the Universal Declaration of Human Rights, as that instrument was generally accepted as international customary law. By virtue of the Charter of the United Nations, human rights were universal in nature, and States could not invoke non-interference in internal affairs when human rights were being violated.

48. Apart from the United Nations and other guardians of human rights, such as regional organizations with their own human rights instruments, it was for every individual to monitor the human rights record of Governments, either alone or in association with others. In that connection, a positive role was

played by the non-governmental organizations, including trade unions, and other specific interest groups. One organization, the International Commission of Jurists, had recently been awarded the prestigious Erasmus prize for its thorough and impartial findings on human rights issues. Parliaments and a free, uncensored press also had an important role to play. However, it was sad to note that the Commission heard little from local institutions or associations as they might be forbidden altogether or prevented from expressing themselves freely.

49. The negative impact of armed conflict on the enjoyment of human rights was clear, and his delegation welcomed the current peace negotiations being undertaken in the Middle East and Central America, the agreement on Namibia, the withdrawal of Soviet troops from Afghanistan, and recent developments concerning Cambodia.

50. Turning to specific issues, he said the situation of human rights in Romania was of concern to his Government in the light of continuous reports of large-scale human rights violations and displacements of rural populations against their will. The Commission would be well advised to keep the situation in that country under close scrutiny. In Czechoslovakia, the attitude of the authorities with regard to freedom of expression and the right to gather peacefully were being violated despite Czechoslovakia's obligations resulting from the CSCE Agreements, the Universal Declaration and the International Covenants. The fate of well-known author Havel and others recently arrested and sentenced served as illustrations. Because of the unwillingness of the authorities in Albania, to co-operate with the United Nations, his delegation supported initiatives in the Commission to bring the human rights situation in that country to the urgent attention of the United Nations.

51. The Foreign Minister of Spain, speaking on behalf of the European Community, had already stated the concern felt over the deteriorating human rights conditions in the occupied territories. It was his delegation's view that Israel should apply in full the provisions of the Fourth Geneva Convention, the Universal Declaration and the International Covenants, without allowing security considerations to serve as an excuse for an "à la carte" approach to those instruments. His delegation hoped that a political solution would be found for the Middle East question, based on the right of all States in the region, including Israel, to exist within secure and recognized borders and on the Palestinian right to self-determination.

52. The human rights situation in the Islamic Republic of Iran remained of great concern to the Netherlands Government. The long list of names contained in the report of persons allegedly executed was appalling. His delegation fully shared the conclusions of the Special Representative as set out in paragraph 77 of his report (E/CN.4/1989/26).

53. That country's spiritual leader had exported the terror abroad by "condemning to death" the British writer Salman Rushdie for the publication of his views on Islam in a literary form. The Netherlands Government would like to urge the Iranian leaders to withdraw their death threats against Mr. Rushdie.

54. Concerning Afghanistan, his Government welcomed the complete withdrawal of Soviet troops, which it hoped would contribute to the full enjoyment of human rights in that country. The Special Rapporteur on the human rights situation in Afghanistan was correct in stating that the right to self-determination must be considered as an inalienable right of the Afghan people as a whole. All concerned should co-operate in order to facilitate the establishment of a representative Government and create conditions for the return of all refugees. That also implied that the mines should be cleared immediately in all areas where they had been laid.

55. Continuing allegations of torture and ill-treatment of prisoners in Afghanistan remained a cause of great concern to his Government, and the situation regarding economic and social rights was equally alarming. The repatriation of the Afghan refugees and the reintegration of internally displaced persons as well as the reconstruction of Afghanistan presented a major national and international challenge.

56. Reports on arbitrary executions, torture and arbitrary arrests and detention in Burma, mostly attributed to the armed forces, had shocked public opinion and the Commission should pay serious attention to the situation in that country.

57. Apart from other reports, the wounding of a Netherlands national by police gunfire in Lhasa on Human Rights Day, 10 December 1988, had not failed to sharpen public awareness in the Netherlands over certain human rights aspects of the situation in Tibet. His delegation hoped that full attention would be given to that question.

58. In South Africa the cycle of violence and polarization had not stopped, and repressive measures remained in force. The Netherlands position on the abhorrent system of apartheid had been made clear on many occasions. Political prisoners, starting with Nelson Mandela, should all be released, and a pluralistic, non-discriminatory democracy should be installed in South Africa.

59. Extremely severe human suffering in several places in the Horn of Africa has not only prompted a strong and broad-based humanitarian assistance response from many sources, including his country, but had also created an acute awareness of the serious human rights violations that were among the root causes of the situation. The persistence of internal conflicts and the resulting hardship and loss of human life in northern Somalia, northern Ethiopia and southern Sudan illustrated that the Governments in question needed immediately to give much higher priority and much more serious attention to saving the lives of many hundreds of thousands of people.

60. There had been substantial progress towards the establishment of democracy in a number of States in Latin America. In some countries, however, the human rights situation continued to cause concern. His delegation noted that the plebiscite in which the majority of the Chilean people had voted against a continuation of the régime of General Pinochet was an important step towards democratization. It hoped that the Chilean people would be able to elect freely a parliament and a president within the established time-frame, and it urged the Government of Chile to enter into an effective dialogue with the democratic opposition. The report of the Special Rapporteur (E/CN.4/1989/7) contained some serious allegations that must be addressed by the Government of Chile.

61. The human rights situation in Nicaragua continued to give rise to concern. His delegation hoped that the promise of President Ortega, made in the framework of the Esquipulas peace process, to hold elections within a year would indeed result in democracy and respect for fundamental freedoms in that country.

62. Regrettably, the human rights situation in El Salvador, after some years of gradual improvement, had taken a turn for the worse. The increased violence, both from the extreme right and from the armed opposition, and the apparent failure of the Salvadorian authorities to address human rights violations properly, continued to be a cause for serious concern.

63. In many ways the present session of the Commission had come to a crossroads. The Commission would soon have to decide whether to limit its actions to abstract or general issues and pious declarations of intent in the field of promotion of human rights or to expand its scope of action to include assertive positions in the field of protection of human rights, i.e. by responding adequately to urgent situations of human rights violations. In making their choice, members determined whether the session would go down in history as one of the best or as one of the least promising of the 1980s.

64. Mr. OMAR (Observer for the Libyan Arab Jamahiriya) said that the note from the Lebanese Mission dated 17 February 1989 (E/CN.4/1989/71) gave numerous examples of the repressive practices which the aggressive Zionist entity had pursued in South Lebanon since the adoption of Commission resolution 1988/66 on 10 March 1988. Those practices constituted flagrant violations of the Charter of the United Nations, the basic principles of international law, the Universal Declaration of Human Rights, the Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War and the Fourth Hague Convention of 1907.

65. In fact, Lebanese citizens living in South Lebanon, which comprised 12 per cent of the country's population, were being expelled from the so-called "security zone" without having committed any offence other than their refusal to accept the subservient administration that the occupying authorities were endeavouring to establish. The Christian Science Monitor had published numerous reports describing the expulsion of members of the local population. Those expulsions, which mainly involved women and children, had been deplored by a spokesman of the United Nations forces, who had also expressed the view that the Israeli authorities, as the occupying Power exercising full control, could not claim that the South Lebanon Army bore sole responsibility for the expulsions. As a further flagrant violation of human rights, the note from the Lebanese Mission had also referred to the fact that agents of the Zionist intelligence services had arrested Lebanese citizens suspected of resisting the occupation and had taken them to prisons in occupied Palestine.

66. He commended the heroic manner in which the Lebanese people were resisting the invading forces and their agents. His country had condemned the arrest of the Lebanese citizen Suha Fawwaz Bishara and had appealed to the International Committee of the Red Cross to intervene to ensure that the proceedings against her were conducted by the competent Lebanese authorities. However, the Zionists had prevented that International Committee from fulfilling its mission. Since the adoption of Commission resolution 1988/66,

the Lebanese Mission had sent to the Secretary-General of the United Nations more than 30 notes concerning acts of aggression and violations of human rights by the Zionist forces. Neither the Lebanese people nor the Lebanese authorities wanted a Zionist presence in their territory. They believed that an early withdrawal and a deployment of United Nations forces on the internationally recognized border would greatly improve the prospects for a solution to the serious problems that Lebanon was facing. In view of the flagrant violations that were being committed in South Lebanon, the Commission should urge the Security Council to take measures to implement its resolution 425 (1978).

67. Mr. KERKINOS (Observer for Greece), referring to the human rights situation in Cyprus, said that despite developments that had given rise to hopes, the violations of the Cypriot people's basic human rights and fundamental freedoms continued. Fifteen years after the invasion, Turkish troops continued to occupy almost 40 per cent of Cypriot territory, in flagrant violation of General Assembly and Security Council resolutions and the findings of the European Commission of Human Rights and the Commission itself. Two hundred thousand Greek Cypriots continued to remain refugees in their own country and were denied the right to return to their homes and property, despite the appeals in Commission resolution 1987/50 and other resolutions for the full restoration of all human rights to the population of Cyprus, particularly the refugees.

68. Another development that caused great concern was Turkey's attempt to alter the demographic structure of the areas it occupied through the massive transfer of settlers from eastern Turkey, who now outnumbered the Turkish Cypriots themselves. Clashes had even been reported between the Turkish Cypriots and the settlers, who had founded their own political party. The influx of a large number of settlers clearly had negative implications for the future of the Greek Cypriots as well as the Turkish Cypriots.

69. The report of the Secretary-General to the Commission (E/CN.4/1989/28) indicated a number of 639 Greek Cypriots enclaved in the Karpassia Peninsula, compared with 20,000 Greek Cypriots enclaved in that same area after the Turkish invasion. The only possible explanation for the reduction in number was systematic harassment by the occupying force simply drove people away.

70. In conclusion, he strongly appealed to the Commission to do everything possible to ensure the effective implementation of its resolutions in order to end, once and for all, the violations of human rights in Cyprus.

71. Mr. TUKA (Observer for Czechoslovakia) said that the human rights situation in Chile continued to be a matter of serious concern. Since the last session of the Commission, there had been a number of significant developments in the country. The Chilean people, in a plebiscite, had firmly rejected the Fascist totalitarian dictatorship that ever since its illegal seizure of power had severely oppressed and crushed the resistance of its own people. Nevertheless, the undemocratic Constitution and state of emergency imposed by the Fascists remained in force and power was still in the hands of a Fascist junta. The available information showed that, despite certain reforms, the country still lacked the political and legal structures needed to guarantee unhindered exercise of human rights and freedoms. There persisted mass and gross violations of the right to life, to physical and moral

inviolability, political freedom, the right to a fair trial and procedural safeguards, as well as the right of assembly and demonstration. Concrete evidence in that regard was provided in the report of the Special Rapporteur (E/CN.4/1989/7).

72. Although his delegation detected a tendency by the Special Rapporteur to overestimate the significance of the recent reforms and of co-operation by the Chilean Government with the United Nations, it felt that the report was on the whole a valuable source of information and it supported the proposal to extend the Special Rapporteur's mandate for another year. The Chilean people needed effective international support with a view to the earliest possible restoration of true democracy in the country. His delegation was convinced that the international community, and the Commission in particular, must further intensify pressure on the Chilean Government, demanding an immediate end to gross and mass violations of human rights. It hoped that the Commission would take appropriate decisions to that effect.

73. Mr. GLAIEL (Observer for the Syrian Arab Republic) said that the repressive practices that the Zionists were pursuing in the occupied Arab territories were no different from those that were being employed against the population of South Lebanon, which had become a symbol of steadfast resistance and sacrifice. The so-called "security zone", which the Zionists had established after being compelled to withdraw from most of the areas occupied during their invasion of Lebanon in 1982, constituted a bridgehead which the "South Lebanon Army" was able to use to interfere in Lebanese affairs for the benefit of the Israeli occupation forces. International conventions were being violated every day. Innocent citizens, and particularly teachers and educated persons, had been taken from their homes and villages and expelled from that zone. The Israeli occupation authorities had also abducted Lebanese citizens and taken them inside the zone or to Israel, where they had been subjected to torture on various charges. Defenders of human rights were aware of the fact that a large number of young persons had been arrested and confined in detention centres at Khiyam and Marjayoun, where they were not allowed to receive visits by their families or even by delegates of the Red Cross. Farmland was also being used for the construction of military roads, airports and barracks and its crops, which constituted the population's sole means of livelihood, had been destroyed during search operations. Large areas of land had been fenced off and made inaccessible to their rightful owners with a view to furthering Zionist expansionist schemes.

74. The international information media and even a United States report on the human rights situation, had provided numerous details concerning those flagrant violations of articles 33 and 147 of the Fourth Geneva Convention, which strictly prohibited collective punishment, pillage and reprisals and designated acts of murder, torture and inhuman treatment, including exile, as war crimes. Over the years, Israel had continued to consolidate and gradually expand its occupation of South Lebanon, with the full knowledge of so-called defenders of human rights who were providing it with material and moral support, as well as sophisticated weaponry with which it was killing innocent persons. If those defenders of human rights had been sincere in their humanitarian intentions, Israel would have been compelled long ago to bow to the international will and to endeavour to promote rather than obstruct peace initiatives. The United Nations archives were full of information, resolutions and declarations concerning Israeli practices. However, there was

a requirement for action to deter and punish the aggressor and enable peoples to exercise their natural rights, as embodied in international conventions and resolutions.

75. With regard to the human rights situation in Cyprus, the Secretary-General's report (E/CN.4/1989/28) submitted in accordance with Commission resolution 1988/105, in which reference was made to meetings between the leaders of the two parties and their agreement to seek a negotiated solution to all aspects of the problem of Cyprus by 1 June 1989, gave cause to hope that a peaceful and equitable solution might be within reach. He welcomed the fact that matters of concern to the Commission, such as the right of the Cypriot population to freedom of movement, freedom of residence and ownership of property, had been discussed during the meetings of the two leaders and formed an integral part of the Secretary-General's good offices. He reaffirmed his country's support for the resolutions of the Security Council and the Commission on Human Rights and the declarations of the Non-Aligned Movement, which called for respect for the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus. The inclusion of that question on the agenda of the General Assembly and the Commission on Human Rights year after year would not solve the problem. The only way to guarantee equality among all the inhabitants of the island in regard to the enjoyment of their fundamental legitimate rights lay in the good intentions that had been expressed by the two parties, as indicated in the Secretary-General's report.

76. Mr. WALKER (Observer for Australia) expressed his country's support for the work of the Commission and its special representatives and rapporteurs and hope that all countries would extend full co-operation to them. Their reports should be reviewed as the basis for remedial action rather than as criticisms to be resisted. Country examinations should be extended on a strictly human rights basis; political considerations must not be permitted to become a determining factor. It was quite clear that there were country human rights situations worthy of consideration that were not yet on the Commission's agenda. There had been notable advances in the human rights field in 1988, in particular the accords negotiated in the Vienna Conference on Security and Co-operation in Europe. There had also been greater willingness by the Soviet Union to increase the freedoms enjoyed by its citizens. His delegation hoped that such a positive trend would be maintained, and it looked to the extension of personal freedoms for the people of the Baltic States.

77. In other areas of the world the picture had not been so encouraging. Despite the cessation of hostilities in the Gulf War, there was evidence of continuing and widespread human rights violations in both Iran and Iraq. In particular, Australia was concerned at the apparent campaign of summary executions which had been under way in Iran since mid-1988 and the persecution of minority groups such as members of the Bahá'í faith. Despite the Iranian Government's explicit commitment to co-operate, the Commission's Special Representative had not been allowed to visit the country. Australia once again called upon Iran to put that commitment into effect. Of equal concern were consistent reports of human rights abuses in Iraq. The Kurdish population appeared to have been singled out, but Arabs and Turcomans had also been subject to abuses. The reported use of chemical weapons was especially disturbing.

78. The Australian Government welcomed the withdrawal of Soviet troops from Afghanistan. However, it recognized that in order to end the suffering of the Afghan people and restore respect for their human rights, it would be necessary for all factions involved in the Afghan dispute to co-operate peacefully in the reconstruction and rehabilitation of that country. Australia was gratified to note the continued access to Afghanistan by the Special Rapporteur and hoped access would again prove possible in the year to come.

79. In Chile, real progress had been made towards the restoration of democracy. At the same time, the Special Rapporteur had recorded evidence of recent disappearances, restrictions on freedom of expression and disregard for the judiciary by certain State agencies. It would therefore be appropriate to maintain the mandate of the Special Rapporteur until the process of return to democracy was completed.

80. There appeared to have been a deterioration in the human rights situation in El Salvador during the previous year. The Special Rapporteur's report indicated a reversal from the previous downward trend in disappearances and politically-motivated killings, and there had been reports of the resurgence of "death squad" activities. His Government therefore believed that the mandate of the Special Rapporteur for El Salvador should be maintained.

81. Australia welcomed recent indications of progress on human rights in Cuba, including the announcement by President Castro that all remaining political prisoners would be released. It was to be hoped that the Government's willingness to improve the protection of human rights would continue. To that end, it would be appropriate for the Commission to maintain its scrutiny. Reports of the situation in Guatemala had suggested a resurgence in the level of serious human rights abuse. In view of the deteriorating situation, Australia considered that the Commission should continue to give attention to human rights in Guatemala.

82. It was also worth considering whether closer attention should be given to the human rights situation in Colombia. Reliable reports had documented a high level of abuses such as political killings and disappearances, against a backdrop of violence involving governmental forces, death squads, guerrilla groups and powerful criminals associated with drug trafficking. Australia appreciated the difficulties facing the Colombian authorities, but deplored the situation of escalating violence.

83. The Australian Government was deeply concerned that institutionalized racial discrimination remained in force in South Africa and Namibia despite the universal condemnation of international opinion. To preserve the apartheid system the South African Government sanctioned detention without trial, brutal police conduct and manipulation of the judicial system. It was also significant that South Africa had in 1988 registered the highest number of judicial executions in the world; the international community was entitled to question the apparent racial bias in the imposition of the death penalty.

84. Australia was also deeply concerned at the increasing level of violence in the territories occupied by Israel. The Australian Government condemned the use of plastic and live bullets against Palestinian demonstrators, as well as the detention without trial of over 5,000 Palestinians, deportations and

the destruction of property. Australia regretted the suffering of innocent civilians and called on Israel to desist from policies which were clearly causing growing frustration and antagonism in the territories. The continuing violence underlined the urgent need for a settlement of the dispute, based on Israel's right to exist within secure and recognized boundaries and the right of the Palestinian people to self-determination, including a separate State.

85. In Eastern Europe the picture was mixed. In Hungary and Poland the trend in human rights was towards improvement, while in Romania the Government's programme known as systematization had involved forced relocation and cultural assimilation and had resulted in many thousands seeking asylum in other countries.

86. The human rights situation in Turkey had been the focus of international attention in 1988, following reports by Amnesty International of serious abuses. Australia was concerned about those reports, and welcomed the dialogue it had recently held with the Government of Turkey on the situation. It commended the willingness of the Turkish Government to co-operate with the Special Rapporteur on Torture and to enter into dialogue on such issues with other Governments.

87. In the Philippines, reports of human rights violations continued against a background of conflict between the New People's Army, the Armed Forces of the Philippines and non-governmental groups. In the past year, the scope of the problem had widened to include disappearances and attacks against human rights workers, trade unionists and members of legal left-wing organizations, as well as suspected insurgents and Government officials. The escalation of abuses must be stopped. The Australian Government welcomed recent steps to improve the situation and hoped that the incidents of abuse would not undermine the important advances made by President Aquino's Government.

88. In Sri Lanka, the violent methods of various groups seeking political change had provoked harsh responses resulting in a high toll of civilian casualties. Australia hoped that all the parties involved would make use of available democratic and consultative processes to return Sri Lanka to stability and normality.

89. In Burma, 1988 had been marked by violence and bloodshed. Fortunately, violent confrontation between official forces and groups demanding change had abated. Australia welcomed the Burmese Government's announced intention to accede to legitimate popular aspirations for the introduction of democracy and hoped that the recent commencement of election preparations would be followed by early progress towards the establishment of constitutional and legal guarantees for the protection of human rights.

90. In Fiji, despite the lifting of the Internal Security Decree, the long-term future of democratic rights and freedoms remained a matter of concern. His Government hoped that the interim Government of Fiji would ensure that the new Constitution would reflect democratic values and be broadly acceptable to all sections of the community.

91. As for Australia, it was prepared to discuss human rights problems within the country, openly and frankly. It had made clear in the presentation of its fifth periodic report under the Convention on the Elimination of Racial

Discrimination and in statements to the Working Group on Indigenous Populations, the General Assembly and numerous domestic venues that it was deeply concerned over the inequalities affecting the lives of Australia's Aboriginal and Torres Strait Islander people and other groups of disadvantaged Australians and was taking steps to rectify such conditions. In October 1987, the Government had appointed a Royal Commission of Enquiry into the problem of Aboriginal deaths in custody, an issue which had attracted considerable attention world-wide, in particular from Amnesty International. Following presentation of the Commission's interim report, the Australian Government had convened an urgent meeting of Federal and State ministers with responsibility for Aboriginal affairs to discuss the implementation of the main recommendations, a number of which, including the establishment of additional alternative facilities to police cells, the expansion of community justice schemes and the decriminalization of drunkenness, would be implemented immediately.

92. In conclusion, he restated his Government's support for the work of the Commission.

93. Mr. EL-TURABI (Observer for the Sudan) said that the Sudanese, a peace-loving people with a time-honoured cultural heritage, had been in the forefront of the national liberation struggle in Africa and had bravely defended their independence and freedom. Democracy had been established in the Sudan after a hard struggle to overthrow a ruthless régime which, like its predecessor in the 1960s, had been removed by the people's determination to reject any foreign influence or repressive régime on Sudanese soil. Accordingly, the Sudanese people felt great sadness whenever its present régime came under attack, since such attacks were regarded as a denial of its natural right to freedom. Although mistakes had undeniably been made in the Sudan, they could be discussed freely and rectified through the political parties, the press, the free trade unions and the independent judiciary. The Sudan had nothing to hide and was open to all persons seeking to establish the true facts. Its commitment to the protection of human rights, in association with non-governmental organizations, was undeniable, as could be seen from the Special Rapporteur's report on the Sudan under agenda item 12 (E/CN.4/1989/25) and also from the information published by Amnesty International on the subject of the arbitrary execution of civilians at Wau from August to September 1987. His country had also received a mission from the Anti-Slavery Association, which had been provided with every facility to investigate accusations concerning the existence of some forms of slavery in the Sudan. The Secretariat was well aware that the President of the Anti-Slavery Association had expressed full satisfaction with the results achieved by the mission.

94. His country therefore hoped that organizations and Governments would pay no heed to the lies and misleading propaganda that had been circulating since the democratic transformation in the Sudan. It was generally acknowledged that the allegations made against the Sudan related to the war that was being waged in the southern region, where a complex situation had been inherited as a result of British colonial policies that had regarded the African negro population of southern Sudan as different from the northern population, and therefore requiring different approaches in regard to cultural and economic development. However, no such development had taken place, as had been admitted in a letter written by the British Administrative Secretary in the Sudan shortly before independence, which he quoted.

95. During the transitional period following the overthrow of the dictatorial régime, there had been a general desire to establish a dialogue with the rebel movement. The elected Government had made approaches to that end in May, June and August of 1985 and the Prime Minister had met the rebel leader at Addis Ababa in July 1986. The Government had also embarked on further initiatives in August 1986 and April 1987, in 1988 through the Ethiopian President, and again in 1988 through a joint peace commission consisting of Muslim and Christian leaders. All the political parties had put forward proposals, the most recent of which, submitted by the Democratic Unionist Party, was currently under discussion. Peace initiatives had also been undertaken by the President of Uganda, the former President of Nigeria and many friendly States and organizations. However, the rebel movement had persistently rejected dialogue unless all its demands and conditions were met, which was obviously unrealistic. The only response to those peace initiatives had been further acts of violence, attacks on towns, the murder of innocent persons and attempts to starve the southern population. In August 1986, the movement had shot down a civil aircraft, killing all its passengers. Another civil aircraft had been shot down in 1987 and a relief train on its way to Wau had been blown up.

96. With regard to the incident at Wau, to which reference had been made in the report, it should be noted that the innocent persons who had been killed during the exchange of fire between the army and rebel forces that had infiltrated the town were not all from one tribe but from a wide variety of tribes which had sought refuge in the town as a result of the war. In view of the strong tribal traditions and animosities in southern Sudan, where weapons were easy to obtain due to the unstable conditions in the surrounding region, the problem could be solved only through the establishment of security, which could be achieved only by bringing the parties to the negotiating table, which the Sudanese Government was endeavouring to do.

97. It was not only at Wau that innocent persons had been killed. Members of the Firtit tribes had been attacked repeatedly by the rebels. During an attack on the village of Bari, 64 persons had been killed and 32 abducted, including schoolgirls who had later been released after six months of captivity. During an attack on the village of Busailiya, rebel forces had killed and captured 150 persons, some of whom had been forced to carry military equipment. At the village of Deim Zubeir, 200 persons had been killed, in addition to considerable damage to property. The worst attack was that on the Bagadi area to the south of Wau, where women were raped and elderly persons and children killed and mutilated. In spite of the famine with which hundreds of thousands of southerners were faced, the rebel forces were preventing the arrival of relief supplies from international organizations, including the International Committee of the Red Cross, by threatening to shoot down aircraft and blow up trains. However, the Government and people of the Sudan were opposed to the war and would diligently continue their endeavours to achieve peace.

98. Mr. DOLGU (Observer for Romania), speaking in exercise of the right of reply, expressed regret that a neutral country such as Sweden was leading a hostile campaign against the right of the people of another country to choose and freely develop their economic and social system. Sweden appeared to be completely unaware of the changes that had taken place in Romania, its policy

in the economic and social area and the people's efforts to bring the country out of the backward state in which it had found itself after the Second World War and centuries of foreign domination.

99. Sweden appeared dissatisfied that there were no conflicts in Romania and sought an explanation in the area of human rights. Its appeal to bring pressure to bear against Romania indicated that its conception of international relations dated from the Cold War. It sought to impose its own model of political and economic organization on another country, whereas single models, like gunboat diplomacy, were a thing of the past.

100. His delegation had already spoken on the question of national minorities in a previous statement. However, he wished to give some clarifications concerning the development process in the country. The intense industrialization process of recent years had caused flows of population from the countryside towards the cities. Since the Government did not wish the villages to become gradually empty, it had launched development projects to allow villagers to enjoy general conditions that were as close as possible to those offered by the cities. In no way did that process affect citizens' rights. Those who wished to stay in the villages could do so, and there would be no villages destroyed or populations displaced. All historical and cultural monuments would be protected.

101. A similar phenomenon was occurring in other countries, under the guise of urban development. The difference was that Romania spoke openly of the objectives it was seeking and society itself had engaged in that process.

102. It was deeply regrettable that certain newspapers persisted in distorting the situation to deceive public opinion and that certain representatives had been taken in by the campaign waged by groups hostile to his country. People of good faith who had visited Romania recently, including a delegation from the European Parliament, had confirmed the foregoing remarks.

103. Mr. ALFONSO MARTINEZ (Cuba), speaking in exercise of the right of reply, said that during the debate some representatives of observer States had seen fit to make references to the human rights situation in Cuba. Had his delegation been present when the remarks had been made, it would have pointed out that taking the floor with regard to Cuba under item 12 was inconsistent with Commission procedure as established at the beginning of the current session. Concerning the statement by the representative of Australia that President Castro would be releasing all political prisoners, the use of that and similar terms was inappropriate. If, by the term "political prisoners", the representative had meant persons punished for crimes of opinion, there was no such category in Cuba. Persons in prison were there for crimes against the revolution or against the security and integrity of the State, not because of their thoughts, and they were serving sentences handed down by independent courts with full jurisdiction over actions, not thoughts. During future discussions of texts referring to political prisoners, his delegation would be proposing initiatives in that connection. Regarding the Commission's continued monitoring of the situation in Cuba, he would like to know the Australian delegation's thoughts on whether the Commission should establish a mechanism to monitor the situation in Australia.

104. Concerning the statement by the representative of Norway, four points needed to be raised. First, to say that the human rights situation in Cuba had been subject to investigation indicated an insufficient analysis of the report on the mission to Cuba (E/CN.4/1988/106). As had been explained ad nauseam in the debate, the purpose of the mission had not been to investigate but to observe. Second, it was quite surprising that a representative of a State Member of the United Nations would arrogate to himself the right to say whether the rule of law existed in another State Member. No mechanism in the United Nations could question the legal system of a State Member. It was for each State to interpret the rule of law, provided the system itself did not enshrine human rights violations, as in the case of South Africa. Without a diversity of legal systems, the United Nations would have no meaning. Third, regarding the Commission's continued observation of the situation in Cuba, he wondered whether, like the representative of Australia, the representative of Norway did not feel that a mechanism for observing the human rights situation in Norway was necessary, perhaps in connection with indigenous populations. Fourth, the remarks that persons testifying before the mission must have their integrity fully respected seemed to indicate that the contrary was true. He would therefore conclude his intervention with a paraphrase, namely that it was important for indigenous rights to be fully respected by the Norwegian authorities.

105. Mr. RAVEN (United Kingdom of Great Britain and Northern Ireland), speaking in exercise of the right of reply, noted that the representative of the Pan Africanist Congress had spoken of the history of decolonization in Africa and his country's role in it. In his delegation's view, the United Kingdom record on decolonization was second to none. Whatever interpretation was given to the past, the United Kingdom, as it had explained in the debate on items 6, 7, 16 and 17 was looking both to the present and the future in its sincere attempts to secure the independence of Namibia and the immediate abolition of the abhorrent system of apartheid.

The meeting rose at 9.25 p.m.