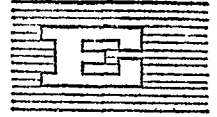


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COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva, on
Monday, 20 February 1984, at 10 a.m.

Chairman: Mr. KOOLJMANS (Netherlands)

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GE.84-15316

The meeting was called to order at 10.30 a.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

- (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; THE RIGHT TO DEVELOPMENT
- (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
- (c) THE RIGHT OF POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE REALIZATION OF HUMAN RIGHTS (agenda item 8)

(continued) (E/CN.4/1984/12, 12/Add.1, 13, 13/Corr.1 and 2, and 14; E/CN.4/1984/NGO/4 and 19; E/CN.4/Sub.2/1983/24, 24/Add.1/Rev.1 and 24/Add.2)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 18) (continued) (E/CN.4/1984/23 and 39; A/36/441 and Add.1 and 2; A/37/407 and Add.1; A/C.3/35/L.75)

1. Mrs. ROUSSO-LENOIR (International Federation of Human Rights) said that her organization, which shared the deep concern expressed by the Commission in resolution 1983/16 about the precarious world food situation, was disturbed by the deterioration of that situation in certain parts of the world where the existence of armed conflicts, whether national or international, was causing the destruction of resources and the means of agricultural production.
2. In resolution 1983/17 the Commission had emphasized the importance of the strictest compliance by States parties with their obligations under the International Covenants on Human Rights. Armed conflicts often called for the implementation of article 4 of the International Covenant on Civil and Political Rights concerning emergency situations, but derogations from that article were authorized within a specific juridical framework and should not be inconsistent with other obligations deriving from international law.
3. Recalling that the Commission, by resolution 1983/15, had reiterated the need to create, at the national and international levels, conditions for the full promotion and protection of human rights of individuals and peoples, her organization stressed the complementarity of the system of protection established by the International Covenants on Human Rights and the conventions and protocols of humanitarian law, and expressed its conviction that respect for humanitarian rules and principles in any situation of armed conflict was a significant contribution to a return to peace - the prior condition for the exercise of rights. Although the present discussion concerned the enjoyment of economic, social and cultural rights, it was above all essential that the very survival of populations should not be jeopardized.

4. At a time when rejection of the right of peoples to self-determination was causing situations of conflict, the defence of the fundamental principles set forth in the international instruments on human rights must be constantly bolstered, regardless of the situation. Her organization accordingly called on the Commission to encourage States to ratify the two Additional Protocols to the Geneva Conventions and requested it to devote attention to respect for human rights in times of armed conflict: firstly, the article 1 common to all the Geneva Conventions imposed on the signatory States the obligation to guarantee collectively the implementation of the Conventions, and secondly for cases not provided for under prevailing law, the human person was still under the safeguard of the peremptory norms represented by the principles of humanity and the demands of the public conscience.

5. Mr. AGUIRRE-GALLARDO (Observer for Panama), referring to agenda item 18, said that his delegation was extremely satisfied with the Secretary-General's report on the status of the International Covenants on Human Rights (E/CN.4/1984/39). His country, which was a signatory to all the international instruments concerning human rights, reaffirmed that every member of the international community had an obligation not only to sign and ratify the Covenants, but also to give effect to them. The Panamanian Government and people attached great importance to the obligations assumed under the Covenants, as was testified to by the periodic reports which his Government submitted to the Human Rights Committee and to the Committee on the Elimination of Racial Discrimination.

6. Turning to agenda item 8, he emphasized the importance of popular participation for the purposes of the full realization of the right to development. In that connection, he welcomed the Secretary-General's preliminary report on the right to popular participation in its various forms as an important factor in the full realization of all human rights (E/CN.4/1984/12). His country's leaders had always endeavoured to guarantee the full participation of the Panamanian people in usufructuary rights and wealth, as well as the utilization of national resources in the general interest. For example, the Panamanian Constitution provided for popular participation and action by all sectors of the population in improving that process. The population participated in the implementation of projects in the fields of health, education, housing, labour and culture, which were aimed, inter alia, at improving its living conditions. And it was popular participation in particular which served as a framework for the exercise by every Panamanian of the right to development.

7. As every delegation had pointed out, there was an external factor connected with the right to development: that factor was the fair and balanced participation of every country in the system of international economic relations. His country was therefore endeavouring to achieve more just participation in international trade in order to obtain the resources which would enable it to launch programmes meeting the needs of its population. The establishment of a new international economic order must be delayed no longer.

8. The right to development was thus of very special significance for his country, which welcomed the establishment of the Working Group of Governmental Experts on the subject. Man himself was undeniably the first and final beneficiary of the right to development, but he in turn must grant the benefit of that right to peoples and nations. Since it was still an open question whether the State or the entities created in conformity with the right to association could claim that right for their own benefit, account must be taken, when considering that right, of the fact that although a public or private collective entity could at any given moment be the instrument for man's fulfilment, the subject and the beneficiary of any development project was still man himself, who must be at the centre of any development policy. In that way, the State continued to be the guarantor of the realization of all human rights in its territory, including the right to development. The State was the instrument which individuals made use of in order to set in motion the necessary mechanisms for the exercise of the right to development. That idea was very clearly reflected in the twelfth preambular paragraph of the draft declaration on the right to development drawn up by the Working Group of Governmental Experts (E/CN.4/1984/13 para. 9).

9. All that went to show that the State should be provided with international instruments which enabled it more easily to acquire, in the interests of its inhabitants, the means of ensuring that the latter enjoyed progress and well-being. Most assuredly, every man needed and was entitled to the means of self-development. Every State, within an international community composed of interdependent countries, had the right to obtain the means which would enable its citizens to advance along the path of progress, with respect for the principles of the Charter of Economic Rights and Duties of States and international law in general. A declaration on the right to development should enable countries to acquire those means, in a spirit of justice and equity, and to defend the means they already possessed.

10. His delegation would continue to contribute to the work on the right to development in order that there might finally be submitted to the General Assembly a declaration which, once adopted, would be a historic landmark.

11. Mr. DOWEK (Observer for Israel), speaking in exercise of the right of reply, said that he did not wish to imitate the harsh language used by certain delegations. However, he did wish to say to the delegation of the Libyan Arab Jamahiriya, a country which had one of the most gruesome records with respect to human rights violations and international terrorism, that the insults which it had directed at Israel, the Israeli people and himself were, coming from such accusers, a compliment. He quoted a passage in the World Human Rights Guide, recently published in London concerning the Libyan Arab Jamahiriya: that book described the liquidation of the enemies of the Government in power, both within that country and abroad, the arrest and frequent summary execution of religious dissidents, acts of torture, trials in camera before people's courts and the erosion of safeguards for the defence. But had not Colonel Qadhafi said: "It is a matter of honour to gaoil or liquidate the enemies of the authorities"?

12. As for the Syrian Arab Republic, which presented itself as a righteous defender of the cause of human rights, he referred the Commission to the report which Amnesty International had addressed to the Syrian Government concerning the horrendous violations of human rights recently committed in that country and to which he would revert later. In addition, he read out an extract from the preface to a 400-page book in Arabic recently published by the Muslim Brotherhood under the title The Tragedy of Hamat, which referred to the massacre of 15,000 to 20,000 men, women and children, the destruction of buildings and even religious and historic sites, the arrest of thousands of people, and the exile to which so many persons had had to resort because of the machinations of the forces of the tyrant Assad in February 1982.

13. Mrs. ABDALLA (Syrian Arab Republic), speaking on a point of order, asked the Chairman to request the delegation of the Zionist entity to refrain from attacking a Head of State.

14. The CHAIRMAN requested the observer for Israel to exercise courtesy.

15. Mr. DOWEK (Observer for Israel) said that he had simply been quoting the book in question.

16. As for the insults proffered by the USSR delegation, a country where there were innumerable violations of human rights, he recalled what Lenin had said about persecutors of the Jews: "Shame on accursed tsarism which tortured and persecuted Jews. Shame on those who foment hatred towards the Jews". He also recalled that that same eminent and wise statesman had said: "Liberty is precious - so precious that it must be rationed". His successors had taken his words literally and had not only rationed liberty ruthlessly but had in many cases suppressed it altogether, thus depriving millions of the most basic human rights in the USSR and in the occupied territories.

17. Mr. SCHIFTER (United States of America), speaking in exercise of the right of reply, referred to the statistical data on the economic situation in the USSR and in the United States which the Soviet delegation had furnished at the 17th meeting. First of all, in reply to that delegation's scornful remarks, he explained that his country had never claimed to be perfect. In the United States, problems were freely discussed in an effort to find solutions to them, solutions which had been not unsuccessful in recent times. If economic conditions in the United States were so bad as they had been described, why were thousands of immigrants, both legally and illegally, entering that country every week? Why was the number of illegal immigrants greater than the total population of Switzerland? Why did millions of people throughout the world, including the USSR, dream about living in the United States?

18. By the same token, why did people by the droves want to leave the country which had once been known as the "workers' paradise"? Why was it necessary to place all possible obstacles, legal and physical, in their way in order to prevent them from leaving that paradise and its subsidiary paradises? Why was it necessary to fence those countries in with barbed wire, walls and moats, and to place watchtowers and self-activating guns along the border?

19. During consideration of the right to development, reference had often been made to food and the importance of solving the problem of hunger. In that respect, he noted that there was a country in the world which had a large, experienced peasantry, arable land of outstanding quality, and a technological capability which had taken some of its nationals into outer space. However, the crops in that country were not sufficient to feed the population. Could it be that those experienced farmers had lost their skill? Not at all, for when they were working on their own private plots, they proved that they could produce satisfactory crops. However, the rest of the time, on the collective farms they seemed to find it difficult to develop sufficient enthusiasm about their tasks. The question that arose was: did not a system of food production which robbed a farmer of his incentive to produce violate the right to development of the people of that country?

20. His delegation accepted argumentation and would even accept polemics, but it considered outright fabrications unacceptable. For example, it could not accept the Cuban delegation's allegation that the United States was blocking a consensus in the Working Group of Governmental Experts on the Right to Development. That was simply not true. The United States expert, on the contrary, had worked hard with other members of the Group to develop a consensus. It was Cuba which had repeatedly blocked an emerging consensus on a broad range of points. His country would persist in its efforts to reach consensus, in co-operation with the Chairman of the Group and those delegations that were working in the same spirit.

21. Mr. HEREDIA PEREZ (Cuba), speaking in exercise of the right of reply, said that the United States representative's observations about the Cuban statement on the preceding Friday were based on inaccuracies. As that country's delegation could not be suspected of bad faith, it could only be concluded that it was not following the debate very closely. It was the United States itself which was opposed to the notion of the right to development, on which it had abstained in the Commission and which it had opposed in the General Assembly. His delegation had pointed out that, according to document A/38/511, paragraph 47, the United States Government had continued to be troubled by the treatment of the right to development issue, which it was not prepared to recognize as a basic human right. Thus it was indeed the United States which was opposed to the work of the Working Group of Governmental Experts on the Right to Development, and in particular to the concept of the new international economic order and the ideas contained in General Assembly resolution 34/46 concerning the other ways and means available within the framework of the United Nations organs for the purpose of better ensuring the effective enjoyment of human rights and fundamental freedoms. In conclusion, his delegation wished to point out that it had presented a complete text at the very outset of the work on the codification of the right to development.

22. Mr. ZORIN (Union of Soviet Socialist Republics) said that the United States representative had omitted to mention two substantive points connected with agenda item 8. Firstly, how did he account for the veritable army of unemployed and homeless persons in his country and for the fact that 40 million persons were living below the poverty line and there were tens of thousands of starving and a large number of illiterates? And secondly, how could the United States delegation

claim to be distressed about the criticism levelled against its negative position on the question of the right to development when, at the General Assembly's thirty-eighth session, it had reaffirmed that it rejected that right?

23. As to the observer for Israel, apart from his reference to Lenin's statement about tsarism, he had only repeated in his statement well-known slogans about the human-rights situation in the Soviet Union. The Soviet delegation could only reject such statements.

24. The CHAIRMAN announced that the Commission had thus completed its general debate on items 8 and 18.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1984/L.6, L.7 and L.8; E/CN.4/1984/3, chap.I.A, draft resolution VII)

25. The CHAIRMAN announced that the following countries had joined the sponsors of draft resolution E/CN.4/1984/L.6: Afghanistan, Algeria, China, Congo, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mongolia and Zimbabwe.

26. The following countries had joined the sponsors of draft resolution E/CN.4/1984/L.7: Afghanistan, Algeria, Congo, Libyan Arab Jamahiriya, Mauritania and Mongolia.

27. Mr. CHOWDHURY (Bangladesh) introducing draft resolution E/CN.4/1984/L.6, pointed out that it was based on resolutions of the Security Council and the General Assembly and that it had been inspired by the relevant resolution adopted by the Commission at its thirty-ninth session, albeit with certain additions in order to take account of developments since that time. In section A, for example, the following references reflected such developments: in the seventh preambular paragraph, the report of the international seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel, held at Geneva in 1982; in the eighth preambular paragraph, press release No. 1478 of the International Committee of the Red Cross (ICRC), of 1983, on Israeli violations of the agreement on the exchange of prisoners between the PLO and Israel; in operative paragraph 6, Israel's attempts to subject the West Bank and the Gaza Strip to Israeli laws; in operative paragraph 7 (d), the arming of settlers in the occupied territories to strike at Muslim and Christian religious and holy places? Lastly in operative paragraph 11, Israel was condemned for its continued detention of Ziad Abu Ain, whose release was called for as well as the closure of Ansar Camp.

28. With regard to section B, concerning the implementation of the Geneva Conventions of 1949, Israel was requested, in operative paragraph 4, to release all Arabs detained or imprisoned as a result of their struggle for self-determination and the liberation of their territories. And in operative paragraph 6, the Secretary-General was requested to report on the progress of the implementation of the resolution at the Commission's forty-first session. That was a customary procedure, especially for a question having priority.

29. The least the Commission could do in order to relieve the suffering and poverty of the Palestinians was to adopt that draft resolution.

30. Mrs. FLOREZ (Cuba), introducing draft resolution E/CN.4/1984/L.7, said that the sponsors had wished to show their concern about the arrogant attitude of Israel, which was systematically refusing to comply with the resolutions relating to the occupied Arab territories adopted by the Security Council, the General Assembly, the Commission on Human Rights, the World Health Organization and other United Nations organs and about the persistent violations of human rights committed in those territories. She hoped that the draft resolution would be adopted by a large majority.

31. Mrs. PURI (India), speaking on behalf of the non-aligned countries, said that the two draft resolutions E/CN.4/1984/L.6 and L.7 had received wide support at meetings of the representatives of the non-aligned countries, and urged the members of the Commission to adopt them.

32. Mr. SCHIFTER (United States of America), speaking in explanation of vote before the vote, said that his delegation had already explained its position concerning the Arab-Israeli conflict in its statement under item 4. It noted that, although Lebanon was torn by intercommunal strife, no draft resolution had been submitted to the Commission with the aim of trying to reconcile the parties involved. On the contrary, the Commission was still confronted with unbalanced proposals to which his Government was unable to lend its support.

33. Moreover, his delegation adhered to the position which it had previously adopted, namely that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 was applicable to the territories occupied by Israel since 1967. His Government considered that the provisions of the Convention should be applied consistently and without regard for the nature of the conflict which had resulted in military occupation.

34. Operative paragraph 4 of draft resolution E/CN.4/1984/L.7 not only constituted a direct attack against his country, but went beyond the Commission's competence. His delegation would vote against draft resolutions L.6 and L.7.

35. Mr. EZQUERRA CALVO (Spain), speaking in explanation of vote before the vote, expressed reservations about the wording of operative paragraph 4 in section A of draft resolution E/CN.4/1984/L.6, which was not very felicitous, and about operative paragraph 7 (c) and (d) of the same section, which referred to facts which were inadequately proved. As to operative paragraph 14, his delegation doubted that the application of the sanctions provided for in Chapter VII of the Charter, which would result in particular in the isolation of the country in question, could guarantee respect for the human rights of the Palestinians. It would abstain in the vote on section A of draft resolution E/CN.4/1984/L.6.

36. Mr. CHARRY SAMPER (Colombia), speaking in explanation of vote before the vote, said that the non-aligned countries had reached agreement on the main points of the texts, but regretably there had not been complete agreement on all the wording used.

37. Although his country was fully aware of the modest place which it occupied on the international scene, it had always tried to work for the establishment of peace in the Middle East and for the right of all countries to live in security and to be free from foreign occupation. It had defended both Israel's right to exist and the legitimate cause of the Palestinian people. However, the relations of force which existed in the area represented a violation of the rights of the Palestinians in the occupied territories, and it was the duty of the international community to condemn that state of affairs.

38. His delegation expressed reservations about operative paragraph 14 of draft resolution E/CN.4/1984/L.6, as it was not the General Assembly's role to make recommendations to the Security Council, which was the organ with primary responsibility for preserving international peace and security. In addition, by requesting the General Assembly to make the recommendation announced in paragraph 14, the Commission was exceeding its sphere of competence. Consequently, his delegation, in solidarity with the non-aligned countries and the Palestinian people, would vote in favour of resolution L.6, but requested a separate vote on paragraph 14, on which it would abstain.

39. The CHAIRMAN invited the Commission to take a separate vote on operative paragraph 14 of section A of draft resolution E/CN.4/1984/L.6.

40. At the request of the representative of the United States, a vote was taken by roll-call on operative paragraph 14.

41. Kenya, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bulgaria, Cameroon, China, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Pakistan, Senegal, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Canada, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Mexico, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Argentina, Brazil, Colombia, Philippines, Rwanda, Spain.

42. Operative paragraph 14 of section A of draft resolution E/CN.4/1984/L.6 was adopted by 23 votes to 13, with 6 abstentions.

43. A vote was taken by show of hands on section A of draft resolution E/CN.4/1984/L.6.

44. Section A of draft resolution E/CN.4/1984/L.6 was adopted by 29 votes to 1, with 11 abstentions.

45. A vote was taken by show of hands on section B of draft resolution E/CN.4/1984/L.5.

46. Section B of draft resolution E/CN.4/1984/L.6 was adopted by 32 votes to 1, with 8 abstentions.

47. At the request of the representative of the United States, a vote was taken by roll-call on operative paragraph 4 of draft resolution E/CN.4/1984/L.7.

48. Kenya, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bulgaria, Cameroon, China, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Senegal, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Brazil, Canada, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Argentina, Colombia, Mexico, Pakistan, Rwanda, Spain.

49. Operative paragraph 4 of draft resolution E/CN.4/1984/L.7 was adopted by 22 votes to 13, with 6 abstentions.

50. At the request of the representative of Colombia, a vote was taken by roll-call on the draft resolution as a whole.

51. Yugoslavia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Cuba, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Pakistan, Philippines, Rwanda, Senegal, Spain, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: United States of America.

Abstaining: Canada, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, Uruguay.

52. Draft resolution E/CN.4/1984/L.7 as a whole was adopted by 30 votes to 1, with 11 abstentions.

53. Draft resolution E/CN.4/1984/L.8 was adopted without a vote.

54. At the request of the United States representative, a vote was taken on draft resolution VII, as recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1984/3, chap. I.A)

55. Draft resolution VII was adopted by 30 votes to 1, with 11 abstentions.

56. The CHAIRMAN invited delegations which so wished to explain their vote on the resolutions which had just been adopted.

57. Mr. WILLIAMS (United Kingdom) said that in its statement on agenda item 4 his delegation had expressed its hope for a balanced and realistic approach to the problem, especially in the draft resolutions submitted. Unfortunately, the texts submitted showed even less of an effort to establish a consensus than in previous years. That was not likely to assist the victims of violations of human rights in the area in question. In particular, draft resolution E/CN.4/1984/L.6, section B, paragraph 4 contained elements which had not in the past been included in similar resolutions and which had made that year's text unacceptable to his delegation. For that reason, it had been obliged to abstain on section B as a whole.

58. Mr. EKBLÖM (Finland) said that, in his delegation's opinion, any solution in the Middle East should be based on Security Council resolution 242 (1967). All States in the area should have the right to live within secure and internationally-recognized borders. At the same time, the PLO, as the most significant representative of the Palestinian people, should have the right to participate in all negotiations on the future of the Palestinians within the framework of a comprehensive settlement. Draft resolutions E/CN.4/1984/L.6 and L.7 and draft resolution VII of the Sub-Commission did not reflect the balanced and conciliatory position of his Government; for that reason, his delegation had abstained on those texts as a whole. It would also have abstained if there had been a separate vote on paragraph 4 of section B of draft resolution E/CN.4/1984/L.6.

59. Mr. CALERO RODRIGUES (Brazil) said that his delegation had voted in favour of draft resolutions E/CN.4/1984/L.6 and L.7 because, in its opinion, the policy applied in the occupied Arab territories was unacceptable. However, certain terms in those texts had caused it to have reservations; it would have preferred the Commission to express itself in more measured terms and to avoid introducing controversial elements of a political nature in its resolutions. His delegation had abstained on draft resolution VII of the Sub-Commission since it did not believe that that body should draw up draft resolutions for the Commission on matters which had been under consideration by the Commission for a long time and were of specific concern to it.

60. Mr. EZQUERRA CALVO (Spain) said that his delegation had voted in favour of the whole of section B of draft resolution E/CN.4/1984/L.6, although it had reservations concerning paragraph 4, which contained statements which it could not support in their entirety. His delegation had also voted for draft resolution E/CN.4/1984/L.7, although it considered that the questions of peace and security referred to in paragraph 2 came within the competence of a body other than the Commission. Moreover, with regard to paragraph 4, the Commission should refrain from any criticism when the attitudes of Member States were in conformity with the Charter and with the rules of procedure of the various organs.

61. Mr. BODDENS HOSANG (Netherlands) regretted that certain elements in the resolutions adopted were of a political rather than humanitarian nature, and related to questions which had already been considered by the General Assembly and its organs. For example, section A of draft resolution E/CN.4/1984/L.6 was distinctly too political in nature; the justification for the accusations contained in paragraph 7 could not be proved in every respect, and what was requested in paragraph 8 should in fact come within the framework of a comprehensive settlement. His delegation had also been unable to endorse paragraph 10, since it did not agree that recognition of prisoner-of-war status should be required for all Arabs detained or imprisoned by reason of their struggle for self-determination. His delegation objected to paragraph 14 and had voted against it. The questions involved came within the exclusive competence of the Security Council. Last but not least, his delegation could not endorse paragraph 4, in which the Commission reaffirmed that Israel was guilty of war crimes. For the various reasons given above, his delegation had abstained in the vote on the resolution as a whole.

62. With regard to section B of the resolution, his Government had supported resolution 1983/1 B at the preceding session because of its mainly humanitarian character. At the present session, the sponsors had added their request that Israel should apply prisoner-of-war status to all Arabs detained as a result of their armed struggle. Although his delegation was fully convinced that Israel should apply the fourth Geneva Convention in the occupied territories, it was unable to endorse the additions to which it had just referred. It had therefore abstained in the vote on the text as a whole.

63. His Government's main objections to draft resolution E/CN.4/1984/L.7 were the following: the terminology used in paragraph 2 was more of the kind used when topics were discussed within the context of Chapter VII of the Charter and, as his delegation had already said, it could not agree to the Commission taking a position on matters which fell within the exclusive competence of the Security Council.

64. The wording of paragraph 4 of draft resolution L.7 was the same as in the preceding year, and his Government could not endorse its implicit criticism of one member of the Security Council.

65. The text of paragraph 6 was one-sided because it called upon Israel to make a total and unconditional withdrawal instead of declaring that its withdrawal from occupied territories should form part of a comprehensive peace settlement.

66. His delegation had therefore abstained on that resolution, although it rejected Israel's de facto annexation of the Golan Heights.

67. With regard to draft resolution VII proposed by the Sub-Commission, it too was biased and incompatible with his country's policy, which was based, like that of its partners in the European Community, on Security Council resolution 242 (1967). That was the reason why his delegation had abstained on that text.

68. Mr. BIGGAR (Ireland) said that his delegation would have liked to have voted in favour of section B of draft resolution E/CN.4/1984/L.6, as it had done in the case of the corresponding text the previous year; however, the additions to paragraph 4 reflected an unacceptable interpretation of the international instruments mentioned in the resolution. His delegation had therefore been forced to abstain.

69. Mr. BEAULNE (Canada) considered that, since the members of the Sub-Commission were not representatives of States but independent experts, they should not take action of the kind that had been called for in draft resolution VII. Concerning paragraph 11 of draft resolution E/CN.4/1984/L.6, his delegation did not wish to take sides in the regrettable misunderstanding which had arisen between Israel and ICRC concerning the release of Ziad Abu Ain; however, it regretted the use of such a strong word as "condemn", which also occurred elsewhere in the text. In paragraph 14 of the same resolution, it was also exceeding the Commission's competence to refer to Chapter VII of the Charter.

70. Mrs. KUROKOCHI (Japan) said that her delegation had abstained on section A of draft resolution E/CN.4/1984/L.6 and had voted in favour of section B, although it had reservations about certain additions which had been made to the corresponding text adopted at the preceding session.

71. The CHAIRMAN said that, in the context of the limitation of the documentation of the Commission and its subsidiary bodies, the Bureau, after discussions and consultations, had agreed that the Rapporteur should be asked to eliminate summaries of substantive debate wherever they had been included and to ensure that the report reflected as accurately and precisely as possible the references to the summary records. It was understood that an effort would at the same time be made to ensure the timely availability of the summary records. He asked the Commission if it could agree to that proposal by the Bureau.

72. It was so decided.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(b) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES (agenda item 10)
(continued) (E/CN.4/1984/17, 19 and 21 and Add.1; E/CN.4/1983/15 and Add.1, E/CN.4/1983/63)

73. Mr. DOWEK (Observer for Israel) regretted that the law according to which nothing was lost and nothing was created had no equivalent in the field of human rights. In that field, on the contrary, and in particular in the work of the Commission, it seemed that everything could be lost or created. The determining factors were the importance of States, the convergence of interests or lobbying. After that, resolutions and declarations were adopted on the basis of unfounded accusations. With imagination and a sufficient number of votes, resolutions were adopted which had nothing in common with reality.

74. While that was going on, serious violations of human rights elsewhere were lost sight of and never mentioned. By way of example, he would cite one case: that of the disappearance of persons in the Arab world. In that connection, he referred to a statement by a founder member of the Association for Human Rights and Fundamental Freedoms in the Arab World which had been published in the French newspaper Le Monde on 13 December 1983. That statement had referred to a number of political kidnappings which had received so little publicity that there was no precise idea of the number of persons who had disappeared. However, such persons could be counted by the thousand in various Arab countries - the figure of 5,000 had been suggested, but that was certainly below the actual figure. Those involved were persons of various backgrounds and occupations who were opposed to the existing regime, or who in some cases had even been kidnapped for no apparent reason. Those persons were subjected to ill-treatment and nothing more was heard about them. In a way, they could be said to have disappeared twice, since they were forgotten by public opinion. In the Arab world, in fact, political kidnappings were just as serious a problem as Latin America. In the face of such a situation, it was time the Commission understood the need for a universal approach to human rights and concerned itself with victims whose fate, by a cynical pretence, was said to be unknown.

75. Mrs. ABDALLA (Syrian Arab Republic), speaking in exercise of the right of reply, said that she was surprised that the representative of the Zionist entity should be drawing the Commission's attention to events which were supposed to have occurred in the Arab world when, for 30 years, human rights had been constantly flouted in the occupied Arab territories, as some Jews themselves admitted. How could the representative of the Zionist entity talk about respect for human rights when his Government had been responsible for so many arrests and detentions? He was certainly the person least qualified to defend the cause of human rights!

76. Mr. DOWEK (Observer for Israel), speaking in exercise of the right of reply, said he did not understand why the representative of the Syrian Arab Republic should be surprised that Israel was willing to defend Arabs. His country categorically rejected the doctrine of the "Arab family", based on the Brezhnev doctrine, according to which the Arabs could massacre one another without the rest of the world having to react. Israel was accustomed to live with Arabs in a predominantly Arab region. It considered that they had the right to be defended when they were thrown into prison or tortured by certain Governments, and that their rights, like those of all peoples, should be respected. There was only one real family, the human family.

77. Mrs. ABDALLA (Syrian Arab Republic), speaking in exercise of the right of reply, said she would like to know how long the Zionist entity would make use of the Commission's rostrum to try to give other countries lessons in freedom and justice. The Arab peoples refused to be defended by the Zionist entity, just as the victim could not agree to be defended by his executioner. By acting as it did, the Zionist entity was trying to distract the world's attention from its own crimes, in which the United States was an accomplice. Was the Zionist entity applying a policy in conformity with human rights by throwing into prison, torturing and murdering thousands of persons? The Commission's time should not be wasted.

78. Mr. FATTAL (Observer for Lebanon) regretted that the Working Group on Enforced or Involuntary Disappearances had not made any reference, in the section of its report concerning Lebanon (E/CN.4/1984/21, chap. II.H), to the actual situation in the area. Concerning that point, in fact, the report gave the impression of dealing with a question in the abstract, in a non-occupied country free from all interference, in a country which had not had 100,000 killed and 200,000 wounded, one third of whose population had not been displaced, which had not been almost **totally** destroyed and where the sovereignty of the State had not been challenged by all kinds of weapons and by multiple occupation. Although it too was concerned **about** the fate of a particular individual, his Government could not ignore the tragic fate and sufferings to which an entire people had been subjected for nine years. His Government was still concerned to protect the fundamental rights of the person and public freedoms in conformity with the Lebanese Constitution, the International Bill of Human Rights and the traditions of the Lebanese people. There was a specific example that showed that it had not failed in that task.

79. In September 1982, the authorities had been informed of the presence in Beirut and its suburbs of persons of various nationalities who had no residence permits or who were suspected of criminal acts. The legal, uniformed security forces had proceeded to arrest 1,500 of those suspects after being authorized to do so by the Public Prosecutor's Department, and without any distinction between one region or another, or one party or another. Persons whose innocence had been proved after interrogation had been released and the others had been brought to trial. By the end of 1982, the situation of most of the detainees had been settled by legal means and there remained only a small number of persons who had been detained on the basis of an arrest warrant and been legally charged. The latter were being held in satisfactory conditions and could be visited by their relatives and ICRC.

80. Lebanon, a democratic country of asylum and freedom, had since 1975 been experiencing a bloody tragedy. The Government's main concern had been to safeguard the fundamental right of citizens, the right to life. However, on 13 July 1983, it had set up a ministerial commission to inquire into the fate of persons who had disappeared; that commission had collaborated actively with the Working Group. Unfortunately, the commission had been unable to continue its work because of the tragic events which had occurred since September. It was therefore neither realistic nor fair to hold his Government responsible for arrests or disappearances which were the work of persons or groups who had no legal authority and were now beyond the reach of the effective jurisdiction of the Government.

81. His Government was currently concerned about ensuring the evacuation of foreign troops from all of Lebanon, the restoration of its authority over the entire territory and the survival of its people. However, at the appropriate time it intended to continue the inquiry mentioned above, in collaboration with the Commission on Human Rights and the Working Group.

82. Mrs. GRAF (International League for the Rights and Liberation of Peoples) recalled that on 17 January 1981 President Marcos had formally ended eight years of martial law in the Philippines. However, instead of improving the situation and despite assurances of "normalization", that decision had led to a worsening of human rights violations in that country and to an intensification of repression, systematic assaults against legitimate groups, and the institutionalization and strengthening of the machinery of repression. During the session of the Permanent Peoples' Tribunal, organized under the auspices of the League in November 1980, the Tribunal had recognized that the repression had been carried out by national and international organs against those who were fighting for their legitimate rights and interests and for national freedom. There were many victims of repression: workers, peasants, members of tribes or national minorities, students, members of the clergy, lay workers, political opponents and members of the professional classes.

83. The repression had increased quantitatively and qualitatively since 1982, and between January 1982 and 15 March 1983 there had been 1,516 arbitrary arrests, 146 cases of ill-treatment and 42 disappearances. From January 1982 to the beginning of April 1983, 389 political detainees were reported to have been subjected to physical and mental torture.

84. The Government was continuing to set up strategic hamlets in various parts of the country. In March 1983, in 11 of the 22 provinces of Mindanao, there had already been 354 centres of that kind which contained 7 per cent of the population, without counting the other centres scattered throughout various regions.

85. Mr. MANALO (Philippines), speaking on a point of order, said that the statement by the representative of the International League for the Rights and Liberation of Peoples did not come under agenda item 10 (b) but under another item.

86. Mrs. GRAF (International League for the Rights and Liberation of Peoples) said that in the second half of 1982 repression had intensified against various population groups struggling for their legitimate rights. In August and September 1982, President Marcos had ordered a crack-down on the progressive trade union movement: 35 leaders or members of the "Kilusang Mayo Uno" militant labour organization had been arrested and the premises of the trade union and four affiliated federations had been raided. Several other workers or trade unionists

had disappeared during the following months. The Church had not been spared. Thirty-five members of the clergy had been arrested, including several foreign missionaries, and premises, including convents, had been raided. Several priests had been driven from their parishes and other arrested for "inciting to rebellion", "sedition", "subversion", "illegal possession of firearms" and "murder".

87. Another target of repression had been the media. In December 1982, the offices of the independent newspaper We Forum had been raided and the entire staff imprisoned. In the same month, an editor-publisher had been killed and another forced to resign. Several women journalists had been interrogated by a special committee of the National Interrogations Board. Some of them had subsequently been charged and at least two arrested. In April 1983, the leader of the newspaper employees' and workers' union had been arrested and the San Pedro Express of Mindanao had been banned. In May, the Editor-in-Chief of Bulletin Today had been forced to resign following the publication of an article on the abuses committed by the military authorities in Abra province.

88. The whole of the world's press had mentioned the assassination of the opposition leader, Benigno Aquino, on 21 August 1983. However, since 1980, several other leading members of the opposition or underground movements had been assassinated. Mr. Aquino's murder had sparked riots which had led to more arrests and killings. Between 21 September and 8 October 1983, 124 persons were said to have been arrested, according to partial reports. On 21 September 1983, 11 persons had been killed and more than 200 wounded when police had fired on demonstrators.

89. The institutionalization of emergency powers, including the concentration of arbitrary powers of arrest and detention in the hands of President Marcos, had been responsible for those massive violations of the rights of the Philippine people, under the pretext of "national security" and the implementation of counter-insurgency plans.

The meeting rose at 1.05 p.m.