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Fortieth session

SUMMARY RECORD OF THE 49th MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 9 March 1984, at 3 p.m.

Chairman: Mr. KOOIJMANS (Netherlands)

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

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued) (E/CN.4/1984/10, 18, 25 and Corr.1, 26-30, 32, 49, 50, 54, 57, 63, 67 and 68; E/CN.4/1984/NGO/1, 3, 6, 7, 9, 16, 17, 25, 27, 29 and Add.1, 30 and 38; E/CN.4/1984/L.66 and L.74; A/38/538)

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued) (E/CN.4/1984/31; E/CN.4/1984/NGO/10 and 42)

1. Ms. FLOREZ (Cuba) said that the tragic use of armed force against the Cypriot people in 1974 had led to the military occupation of more than one third of an independent, sovereign State, resulting in the de facto partition of the island.
2. Any solution to the problem of Cyprus, particularly with regard to human rights, required the immediate withdrawal of the occupying forces. The non-aligned countries had expressed their concern over the occupation. Her delegation supported the proposals put forward by the President of Cyprus aimed at the total demilitarization of the island.
3. A serious effort by the parties to the intercommunal talks and firm action by the international community were necessary to resolve the problem of human rights in Cyprus. Full recognition should be accorded to the fundamental rights and freedoms of all Cypriots, including the safe return home of refugees and the tracing of persons who had disappeared under the occupation. Her delegation condemned all actions aimed at changing the demographic structure of Cyprus.
4. The key to the question of Cyprus lay in the basic principles of the Charter of the United Nations and various resolutions adopted by the non-aligned countries and United Nations organs, all of which stressed the need to maintain the independence, sovereignty and territorial integrity of Cyprus, and its status as a non-aligned country. The people and Government of Cuba fully supported those of Cyprus in their indefatigable quest for peace and respect for the human rights of all Cypriots. Conquest could not establish rights.
5. Mr. ZORIN (Union of Soviet Socialist Republics) said that his delegation had been struck by the inaccurate United States assessment of the situation in Poland and the Soviet Union. The United States representative had referred to individuals who had been illegally interned in mental institutions, and had reiterated the usual clichés concerning, inter alia, the Baltic Republics and Soviet Jews.
6. Western propaganda concerning the Soviet Baltic Republics represented an attempt by imperialist circles to exacerbate national strife and divide the Soviet peoples. Such attempts were not new; foreign interventionists, including the United States, had attempted to stifle the socialist revolution in the Soviet Union earlier in the century. Such attempts, being opposed to the tide of history, had inevitably failed. The interventionists had ultimately been expelled by the Soviet revolutionary people.
7. Attempts had also been made to establish bourgeois Governments in the Baltic Republics, contrary to the interests of the workers. The downfall of those imperialist pawns had been completely legitimate. In 1940 they had been

overwhelmed by the people, spelling the end of imperialist intrigues in the Baltic Republics and their possible use as a platform for aggression against the Soviet Union. The United States had long refused to recognize the Soviet regime, but had finally been obliged to do so. The anti-Soviet policies adopted by the United States concerning the Baltic Republics were unreasonable.

8. United States representatives had falsified facts in an endeavour to divert the Commission's attention from matters which were genuinely within its purview. The United States had sought to involve the Commission in hostile acts against the Soviet Union. The attacks on his and other socialist countries were part of the so-called crusade against communism being pursued by the United States Government, against a background of massive human rights violations in South Africa, the Middle East and Central America, and in the United States and other NATO countries.

9. It was in that context that the question of human rights in Poland had, with manifest hypocrisy, been raised. Efforts were being made to involve the Commission in the internal affairs of Poland. Those responsible chose to ignore the fact that the Polish Government had already taken the necessary steps to overcome the country's problems.

10. The United States and its allies were bent on pursuing anti-Polish activities. The Soviet delegation fully supported the Polish delegation in its view that consideration by the Commission of events in Poland was irregular and illegal. Those responsible were wilfully ignoring the provisions of the Charter of the United Nations and other international instruments. Despite imperialist attempts to destabilize Poland, the Polish people had been able to halt negative economic trends and improve the structure of the State. Martial law had been lifted in July 1983. Yet attacks on Poland continued. The imperialists had shown their true colours in Poland, as they had in South Africa and the Middle East, by interfering in the internal affairs of States and seeking to reverse history.

11. United States concern for human rights was illusory. The real aim of that country was to destroy the social and economic fabric of Poland. Yet such endeavours were doomed to failure. The Commission would be neglecting its duty if it yielded to the propaganda offensive being waged. Poles had successfully managed their affairs without outside interference, and would continue to do so. The West had to leave Poland alone.

12. The Soviet Union remained steadfast in its view that there should be an end to anti-Polish intrigues in the Commission, the aim of which was purely ideological. They were merely attempts to divert the Commission's attention from the expansionist foreign policy of the United States and the social and economic problems besetting the West. In fact, Western countries were responsible for mass human rights violations and imperialist plunder at the expense of peoples in developing countries, resulting in the deaths of thousands. There was no doubt that the United States was bent on pursuing imperialistic and hegemonistic goals - hence its interference in the internal affairs of States in an attempt to impose its order on the world.

13. In July 1983 the United States Secretary of State had said that it was the duty of the United States to foster evolution in the Soviet system towards a more pluralistic society. In fact, that simply meant a return to capitalism. It had also been said that war would ensue if the Soviet Union did not change its

political system. It was thus abundantly clear that the manoeuvres in the Commission had nothing to do with the question of human rights. Policies of interfering in the internal affairs of States and promoting conflict and tension caused human rights violations in themselves. The right to life, in particular, was at risk.

14. Human rights developments in the United States were negative. Unemployment, homelessness and illiteracy were shameful. There were some 1.5 million transient workers, who were treated as virtual slaves. About 12 million people in the United States suffered from malnutrition. Women earned substantially less than men for the same work, and suffered discrimination in other areas also. Black people, too, were victims of the system: more than 40 per cent of young blacks were unemployed. Other minorities also suffered. The number of Indians in the United States had declined drastically over the years, while their life expectancy was little more than half that of whites. Anti-semitism was rife. For example, in 1983 there had been acts of vandalism against synagogues and Jewish homes, particularly in New York.

15. The United States Government was taking covert action to eliminate dissidents. The Federal Bureau of Investigation maintained 4 million files on people whom it considered to be a potential threat to State security. In 1981 the President of the United States had authorized spying on people suspected of offences. There were thousands of political prisoners, including many who had simply objected to the arms race.

16. Recently, those who had come out in favour of peace and nuclear disarmament had become subjected to that kind of persecution. In 1982, for example, many thousands had been arrested for participating in an anti-nuclear demonstration. On 20 June 1983, "Disarmament Day", more than 1,000 persons, including children, priests, students, workers, teachers and physicians, had been arrested. While some had been released a few days later, others had been convicted for such offences as failure to obey an order or obstructing traffic. At the "Electric Boat" shipyard in Groton, 126 persons demonstrating in favour of peace had been arrested, including two Catholic nuns who had been held in detention for several months.

17. Those facts showed convincingly the true value of the propaganda statements proclaiming the advantages of "United States democracy" and giving assurances of dedication to the ideals of human rights.

18. In 1979, the United Kingdom had celebrated the three hundredth anniversary of the Habeas Corpus Act, which, on paper, provided United Kingdom citizens with guarantees regarding the inviolability of the person. However, scarcely a year later, the United Kingdom press had published information about the secret investigations conducted by the United Kingdom secret services concerning tens of thousands of United Kingdom citizens. In 1983, law-abiding United Kingdom citizens had been astounded to learn from Parliamentary records that 5,000 of their compatriots had been held in prisons in the United Kingdom for more than two years, frequently for political reasons, without benefit of due process of law. There were cases in which persons had been detained and charged with certain crimes without any concrete evidence being advanced. In March 1983, Parliament had decided to extend the 1976 Prevention of Terrorism Act, under which the police was entitled to detain persons suspected of gathering intelligence. Throughout the period of the Act's existence, about 5,500 persons had been arrested, without any charges being brought against 4,900 of them.

19. Mention should also be made of the fact that the United Kingdom Government had long ago declared a state of emergency in Northern Ireland and had used that as a pretext for not implementing a whole series of provisions of the International Covenant on Civil and Political Rights. However, that was easily forgotten when it was a question of hunting for human rights violations in the socialist countries, including Poland.
20. The United Kingdom had accused the Polish authorities of violating a number of the provisions of the International Covenant on Civil and Political Rights, but the Polish authorities had said that those articles had only been temporarily suspended. That was different from the situation which had prevailed in Northern Ireland for more than a decade.
21. The current United Kingdom Government had adopted a whole series of anti-trade union acts. Moreover, a Bill currently before Parliament provided for a complete ban on strikes in key sectors of industry.
22. In recent years, there had been a disquieting increase in racial discrimination in the United Kingdom against coloured people who had come there from the former United Kingdom colonies seeking employment. In 1983, two Members of Parliament had said at a press conference that the number of attacks on coloured persons was continuing to increase with the de facto complicity of police forces.
23. It should be noted that in the United Kingdom persons demonstrating in favour of peace and disarmament were also victims of political persecution. In that connection, he referred to the demonstrations at the United States military base at Greenham Common in which many participants had been arrested, and many had been tried on charges of disrupting road traffic and disturbing the peace and had received prison sentences. Such actions were taking place on both sides of the Atlantic while a propaganda campaign was being waged concerning so-called violations of human rights in the USSR and other socialist countries. The capitalist countries gave lip service to human rights, but there could be no question of equality in those countries because the only yardstick was one's bank account. The objectives of human rights instruments had not been achieved in those countries.
24. The facts he had given showed that leading circles in the capitalist countries were either unwilling or unable to deal with their major national socio-economic problems and that they were attempting to use the Commission in order to interfere in the internal affairs of other States. The Commission should put an end to such contentious and hypocritical attempts and begin to consider seriously measures to deal with genuine massive and flagrant violations of human rights where they actually existed.
25. With regard to the question of Cyprus, his delegation wished to point out that, as indicated in the statement issued by TASS in November 1983, an attempt to create a so-called "independent State" in the northern part of the island was a separatist action aimed at dividing Cyprus and contrary to the relevant decisions of the United Nations. In conclusion, he said that the Soviet Union, in accordance with its position of principle, considered that Cyprus should be a State which was independent, sovereign and free from any foreign military presence and that conditions should be created to enable the Cypriots to resolve their internal problems without any outside interference.

26. Sir Anthony WILLIAMS (United Kingdom) said that the Commission seemed too ready to accept verbal condemnations of countries as an adequate outcome of its deliberations. Condemnation of certain countries was not difficult, but it was not very constructive in providing any real help to the victims of the situations under discussion. All societies had defects and the Commission's approach would be more productive if it were guided by a fuller recognition of the history and problems of the countries concerned.

27. The Commission spent far too much time considering issues which lay more properly within the province of other United Nations bodies, in particular the Security Council, the General Assembly and the organs concerned with disarmament. It was also clear that the Commission had too narrow a focus and had come to concentrate unduly on a small set of internationally recognized scapegoats. The situation in the countries concerned warranted serious attention, but so did others. If the Commission was to improve its international credibility, it must adopt a more even-handed approach.

28. The situations in the five countries on which the Commission had reports before it were very different, and the five Governments concerned had responded very differently. The United Kingdom welcomed the co-operative attitude shown by the Governments of El Salvador and Guatemala. The attitude of the Government of Chile showed some improvement, although it remained unsatisfactory. By the same token, his delegation regretted that the Governments of Iran and Poland had maintained their refusal to co-operate with the Commission in implementing the relevant resolutions.

29. The report on El Salvador (E/CN.4/1984/25) demonstrated the continuing need for the Commission's concern over the situation in that country. There could be no doubt about the terrible suffering of the Salvadorian people and the destruction of much of the country's economic infrastructure. There was an urgent need to put an end to violence - violence by both sides. Human rights could not be secured in circumstances of generalized violence, and his delegation welcomed the establishment of some kind of dialogue between the various parties. The second urgent need was for the Government's better intentions to be backed up by effective implementation. Concern was not enough. As the Special Rapporteur had remarked, there was a considerable gap between the Government's intentions and its ability to achieve results. In that connection, his delegation could not fail to note the statement by the then President of the Constituent Assembly that the death squads were from the Salvadorian Army and headed by some of its officers. While not underestimating the difficulties faced by the authorities of El Salvador, his delegation wished to make it unequivocally clear that they could not expect its sympathy and support without much more progress.

30. The same applied to Chile. The "apertura política" of August 1983 had offered hope of a move towards democratic norms. Indeed, it had had some results, including the opening of a dialogue with some political parties, the lifting of one of the two states of emergency and the return of a number of exiles. While welcoming those moves as positive developments, his delegation noted with concern the conclusion in the report of the Special Rapporteur (E/CN.4/1984/7) that subsequent developments had brought into question the avowed commitment of the Government to achieve the objective of re-establishing a democratic order in the near future.

31. The Special Rapporteur's report as a whole gave rise to a good deal of disquiet. His delegation noted in particular the steady increase in the number of complaints of torture, the conclusion that torture and inhuman treatment remained a habitual practice, the continuing failure of the Chilean authorities to investigate the disappearances that had occurred in 1973-1977 and the lack of effective judicial supervision over arbitrary and illegal arrest.
32. His delegation would have wished to endorse the Special Rapporteur's conclusions regarding Chile's obligations under article 12 of the International Covenant on Civil and Political Rights. However, the article covered not only the right of citizens to enter their own country but also the right of everyone to leave any country, including his own. That right seemed to his delegation at least of equal significance. It was legitimate to question the credentials of delegations which castigated Chile for refusing to let some of its citizens return when they themselves refused to allow their own citizens to leave their country. In particular, the USSR Government continued to pursue a policy of obstructing or preventing many of its citizens who wished to leave from doing so. He would urge them to respect that aspect of article 12 of the Covenant, as they urged Governments - such as the Chilean Government - to enable their citizens to return.
33. The report on Guatemala (E/CN.4/1984/30) rightly laid stress on the background to that country's current problems: decades of inequitable treatment of the indigenous population, uneven distribution of wealth and land, the poverty of many of its people and two decades of military government since 1963. As the report stated, peace in Guatemala was a necessary foundation for improvement of human rights. But it was equally true that the prospects for peace would be enhanced by progress on human rights. Much more political will was needed to break the dreadful cycle of violence.
34. That said, his delegation welcomed the evidence of an inclination to improve the situation, at least among some of the authorities. It also welcomed the measures reportedly undertaken or contemplated, in particular the abolition of the special tribunals. Detention without effective guarantees - as practised by the special tribunals - was a harrowing experience. But Guatemala was not, of course, alone in practising it. In that connection, he observed that in Viet Nam many thousands of people had been detained without charge or trial for several years, in flagrant contravention of the International Covenant on Civil and Political Rights, which that country had ratified in 1982. It was surely a matter for regret that Viet Nam had shown no readiness to respond to international concern or to make efforts to respect its international obligations in the human rights field.
35. Referring to Iran, he said that the Secretary-General's report (E/CN.4/1984/28) was depressing and that there had been serious violations of human rights by opposition groups as well as by the Government. However, the Government must bear the main responsibility.
36. The report confirmed evidence from other reputable sources that human rights violations, officially sponsored or authorized, had continued unabated and that thousands of executions - many of them summary or arbitrary - had occurred since 1979; that torture, particularly of political prisoners, remained a common practice; that the right to a fair trial was routinely denied; and that persons had been arrested and executed for no other reason than their expression of opposition to the Government or merely because of their association with others. Members of religious minorities continued to be persecuted. Many influential Baha'is had disappeared; over 100 had been executed since the revolution, and many

more had had their property confiscated. He noted the report's conclusion that there was no clear evidence that the situation had improved in the four years since the human rights situation in Iran had been placed before the United Nations. On the contrary, there was overwhelming evidence that massive human rights violations continued.

37. His Government urged the Government of Iran to accord to all its citizens all the human rights to which they were entitled. Persecution for religious reasons was as intolerable as persecution for racial reasons. Regrettably, intolerance and persecution had persisted not only in Iran but elsewhere in the world, notably in Eastern Europe, where the authorities continued to persecute Christians, Jews and others who sought only the freedom to practise their faith. A parallel for the suffering of the Baha'is in Iran was the sufferings of the Baptists and Pentecostals in the USSR.

38. With regard to religion, he noted the misgivings felt in many non-Muslim countries about the recent institution of limb amputation as a punishment in a country such as the Sudan, where a third of the population was either Christian or animist and could not be expected to have the same regard as the rest of the inhabitants for Sharia law.

39. Referring to the situation in Poland, he said that developments over the past year presented a mixed picture. His delegation had welcomed the lifting of martial law and the introduction of amnesty legislation for political prisoners. It had also noted that many political prisoners had in fact been released, but it seemed that the Polish people continued to be deprived of many of their fundamental rights.

40. He was disappointed to observe that the report submitted by Under-Secretary-General Patricio Ruedas (E/CN.4/1984/26) noted that the Secretary-General had not found it possible to give full effect to the request made to him in Commission resolution 1982/30 to present a comprehensive report on the human rights situation in Poland to the current session and that - in short - the Commission must consider that important question on the basis of material that was less than complete. It was particularly unfortunate that the Under-Secretary-General had had no opportunity, during either of his visits to Poland, to meet Mr. Lech Walesa or any of the remaining political prisoners there, since their views would have made a useful contribution to the report and to the Commission's discussion.

41. The report, although based largely on the views of the Polish authorities alone, still raised certain facts which caused concern, particularly the acknowledgement that, even by the authorities' own figures, many persons were still being detained on political grounds. In addition, harsh legislation had recently been enacted enabling many of the controls exercised under martial law to be continued. The trade union Solidarnosc remained dissolved, against the clear wishes of its former 10 million members. Contact between Poland and the outside world remained unduly restricted, despite the appeal, in Commission resolution 1983/30, for a lifting of restrictions. His delegation urged the observer for Poland to stress, to his Government, that only genuine dialogue between the latter and all representative sections of Polish society would be deemed sufficient, by the Commission, to achieve the goal of a society living in peace and freedom - a goal which the Polish authorities presumably sought also. He again urged those authorities to fulfil their commitment to reform and the restoration of civil liberties. The state of the latter compared favourably, as was well known, with that in some of Poland's neighbouring countries, which had not been the subject of reports to the Commission - for reasons to the latter's discredit. However, if Poland could regain something approaching its ancient liberties, there might also be hope for the heirs of Masaryk, Kossuth and Rosa Luxemburg.



42. It was heartening, in that connection, to hear the representative of the country of the KGB expressing concern about respect for the principle of habeas corpus. The principle was observed in the United Kingdom; it was unfortunate that the same could not be said of the Soviet Union.

43. The situation in Afghanistan, which automatically came before the Commission under the current agenda item pursuant to Sub-Commission draft resolution XII, had already been the subject of a statement by his delegation under agenda item 9. The presence in Afghanistan of over 100,000 Soviet troops had led to a denial of the Afghan people's human rights, including basic legal rights and guarantees. The judiciary was subordinated to the executive and the law consistently manipulated for political ends. As a result, citizens had no protection against the well-attested atrocities committed by the secret police, apparently including systematic and routine torture. Freedom of speech and assembly were non-existent. Those opposing the Government were liable to imprisonment without trial; many political dissidents were in prison. It was as though the Afghans were already living in Soviet Central Asia. The Government had shown its utter disregard for their situation, and for international opinion, when it had expelled an ICRC delegation in 1982 - the year in which 165 Logar villagers had been burnt alive by Soviet troops. Actions such as that and the strafing of villages by helicopter gunships, and the resultant refugee problem, showed that there was no need to scan the free world for neo-nazism.

44. The occurrence of human rights violations in those and other countries around the world justified the global approach increasingly being adopted by the Commission, examples of which were the Working Group on Enforced or Involuntary Disappearances and the appointment of a Special Rapporteur on Summary or Arbitrary Executions. It was to be hoped that the approach could be extended to other areas with equal effectiveness. In particular, it could be applied to the questions of the fundamental rights to freedom of thought and expression. Thousands were still being imprisoned or otherwise punished for asserting them. Many had been tortured or placed in secret detention, and many millions more were inhibited, through fear of retribution, from exercising those rights, which were important not only in themselves but because of the safeguard they represented for other rights. Where the rights to thought and freedom of expression were denied, it could reasonably be expected that Governments were hiding other human rights violations. The plain fact was that rights on paper were not enough. Some of the gravest human rights violations were practised in countries having the finest written constitutions, including recognition of all the rights set forth in the International Covenants. Their citizens had no access to those rights, and since such States, in practice, controlled the judiciary and the media as well as their own bureaucracies, forbade independent human rights bodies and prevented their citizens from appealing to the international community, their constitutional guarantees were worthless.

45. In dealing with the problem, national, regional and international measures all had a role. The foremost need was for effective and independent national recourse procedures. Secondly, there should be wider ratification and better monitoring of international instruments. Thirdly, a more effective regional approach was needed. In Europe, the regional approach had made great progress, based on the European Convention, the European Commission and the European Court; the United Kingdom had recognized the competence of the European Commission and the compulsory jurisdiction of the Court. The American Convention on Human Rights was playing an important role, and it was hoped that the African Charter on Human and Peoples' Rights, which was being

ratified by ever more countries, would come into force soon. Likewise, the seminar on regional arrangements held in Sri Lanka in 1982 might eventually lead to the adoption of a convention for the Asian region. It seemed also that efforts had been intensified to finalize an Arab convention. Sadly, no similar progress had been noted in the remaining region, Eastern Europe.

46. His statement was not a condemnation but an invitation, addressed not to an arbitrary few but to all members of the Commission and designed to direct the latter not to matters within the purview of the General Assembly and the Security Council but to its true tasks relating to the exercise and enjoyment of human rights.

47. Mr. PETROPOULOS (Observer for Greece) said that, of the many situations in which human rights were violated, the world community was familiar with that in which an invader used a false pretext to occupy a nearby independent territory, alter that territory's demographic pattern, establish a bogus administration and call the result an independent State. Such was the case in Cyprus. The provisions of Security Council resolution 541 (1983), which had pronounced legally invalid the administration set up there, had been observed by all States except one. Although the Commission was not the forum for political debate on the subject, account must be taken of the human rights violations arising from situations in which people were driven from their homes and prevented from returning, their properties were seized and their resources were exploited by others. Such violations had been mentioned in the reports of the European Commission of Human Rights. In addition, those who had seized control in Cyprus refused to provide any information about missing persons and were trying to change the occupied land's demographic composition by introducing settlers to replace the expelled local population. The relevant resolutions adopted by the Commission had called, inter alia, for the restoration of all human rights to the population of Cyprus, and in particular to refugees. That call was of the utmost importance since those responsible for the situation were seeking to provide a façade of legality for it, counting on the world community's inaction. The statement made to the Commission by their spokesman should delude no one. It was inappropriate for them to invoke the Secretary-General's efforts to solve the problem whilst they themselves continued to obstruct such efforts. The perpetrators should not be allowed to persist in their manoeuvres; the Commission should stand firm in giving effect to the resolutions already adopted, with a view to revealing the true extent of human rights violations in Cyprus and putting an end to them.

48. Mr. SADLEIR (Observer for Australia) expressed his delegation's appreciation of the introductory statements made by the Assistant Secretary-General for Human Rights and the various special rapporteurs whose reports were before the Commission under the current agenda item. He agreed with the Assistant Secretary-General about the need to give due and timely attention to situations of unmistakable human concern, and about the importance of ensuring government co-operation and securing adequate responses to the many complex and sensitive issues brought before the Commission.

49. It would help the Commission to achieve the results expected of it by the world at large if human rights considerations were given wider appreciation in Governments' foreign policy goals. The subject had been raised by Australia's Minister for Foreign Affairs on Human Rights Day in December 1983, when he had also drawn attention to the delicate bonds required for a policy designed to promote human rights at the international level.

50. The Commission's inquiries were world-wide in scope, but were less than exhaustive, some countries having been shielded from scrutiny for political reasons. Nevertheless, valuable precedents had been set; serious problems had been brought to light, and new situations continually came before the Commission. In order for that trend to continue, it was to be hoped that the Commission would be increasingly recognized not as an inquisitorial body but as a unique forum for helpful discussion of complex problems. Australia welcomed the advances in the procedures available to the Commission and the fact that several countries had sought its help, through the advisory services programme, in developing their human rights infrastructure.

51. Ultimately, however, the protection of human rights depended, as the Argentine Minister for Foreign Affairs had noted when addressing the Commission, on a nation's ability to enjoy full freedom and democracy. Forms of democracy were as diverse as the cultures and religions on which societies were based; none was inherently better or worse than another. However, the structures themselves could be undermined during profound social and economic changes; and experience had shown that systematic human rights violations seemed inevitably to result. Yet the Commission had shown that the international community had the capacity to help; Australia approached in a serious and constructive spirit the negotiation of resolutions on country situations anywhere in the world.

52. The Commission's "thematic" approach was becoming increasingly linked to the study of country situations, whilst enabling it to address human rights problems on a much broader basis. Discussion on disappearances, torture and summary or arbitrary executions brought to light specific instances; for example, the Commission's measured and responsible resolutions on the Islamic Republic of Iran had drawn attention to the threats to security of the person and religious freedom elsewhere in the world. The beginning of the Commission's thematic approach had perhaps been marked by the establishment of the Working Group on Enforced or Involuntary Disappearances, which had played a unique role in dealing with one of the most intractable and distressing phenomena before the Commission - a role which, it was to be hoped, would become even more effective. Likewise, the work of the Special Rapporteur on Summary or Arbitrary Executions had continued to enhance the Commission's capacity to respond promptly to situations where human rights violations seemed imminent. Australia appreciated the Special Rapporteur's work and hoped that the techniques and methods he had brought to bear would become increasingly effective.

53. The thematic approach was to be seen also in the Commission's work on standard-setting. Australia welcomed the progress made on the preparation of a draft convention against torture and other cruel, inhuman or degrading treatment or punishment. It hoped that similar valuable instruments would result from the current work on the rights of the child and the rights of minorities, and would contribute to that end; and it reiterated its appreciation of the efforts and progress made by the Sub-Commission's working group relating to indigenous populations.

54. The Commission, in dealing with the situations brought to its attention at the current session, should keep in mind the need to focus the attention of States on their overriding obligation to ensure their citizens' human rights rather than pursue ideological or political goals, defend narrow interests and take a frequently transitory view of the boundaries of exclusive domestic jurisdiction. The Commission no longer confined itself to applying direct pressure through condemnatory resolutions but had developed in ways reflecting the complexity of human rights problems and the concerns of developing countries. But it should not be overlooked that intergovernmental bodies had no

monopoly on solving human rights problems. The activities of non-governmental organizations made many valuable contributions to such work, notably in raising international consciousness and gathering information. It was important for the Commission to strengthen its ties with such organizations, thus encouraging Governments to do likewise.

55. Mr. COLLIARD (France) said that the universal nature of the item under discussion should be borne constantly in mind. The preamble to the Charter mentioned "all peoples", and Article 55, subparagraph (c) referred to "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". France had long been familiar with that universal dimension. Frenchmen had proclaimed the rights of man almost two centuries previously, and René Cassin had been instrumental in the adoption of the Universal Declaration of Human Rights.

56. That universality entailed recognition of equality without distinction, and was founded on the dignity of the human person. France's Minister for Foreign Affairs, in a speech made on 12 February 1982, had said that human rights violations anywhere in the world were an affront to the dignity of people everywhere.

57. With regard to the current agenda item, the Commission was not a court but a body mandated by the world community to ensure the protection of human rights. But although it was not a court it must act impartially, obtaining the fullest information possible, adopting methods and procedures which it deemed suitable - whether it was the appointment of a rapporteur, a request for action by the Secretary-General or his envoy, or any other procedure - and acting always objectively and impartially, seeking the co-operation of States, particularly those in which human rights had been violated, with a view to pursuing its noble task more effectively. Its approach must be fully objective, disregarding geography or politics, making use of the wealth of information available to the world community, if it was to fulfil its role of enhancing universal respect for human rights.

58. Human beings everywhere were entitled to enjoy the rights set forth in the Universal Declaration of Human Rights. The Commission's task to that end included efforts to apply the major international human rights instruments. The international community, and more especially the Commission, had a particular duty to denounce flagrant violations of the most fundamental rights. The French delegation's approach to the current agenda item would be based on those considerations.

59. At the Commission's thirty-ninth session, his delegation had been pleased to note the restoration of normal conditions in Bolivia. At the current session, it welcomed the new democratic rule of President Alfonsín in Argentina and the steps taken to restore essential safeguards for human rights. In Argentina the traditional trilogy of democracy, rule of law and respect for human rights was being restored, and the Argentine delegation was to be thanked for its contribution to the work of the Commission's current session and for the important statement made to the Commission by Argentina's Minister for Foreign Affairs, in which he had outlined the new Government's policy relating to human rights.

60. Unfortunately, there were too many countries in which there had been no improvement. In the case of El Salvador, the Special Representative's report (E/CN.4/1984/25) revealed the gap between the Government's proclaimed intentions and its ability to achieve results. Mass violations of human rights - civil and

political as well as economic and social - were continuing; the persistence of killings, torture and disappearances was especially deplorable. Civilians continued to be the victims of indiscriminate bombardment, the so-called "death squads" continued to commit their crimes, and thousands were still being displaced or interned. The overriding need was, as before, to put an end to the violence in the country. The talks which had been initiated among all the country's representative political forces should be resumed urgently in order to seek a global negotiated political settlement that would end the conflict and establish a lasting peace enabling all citizens to enjoy their human rights. That situation warranted a renewal of the Special Representative's mandate.

61. The French delegation remained gravely concerned about the situation in Guatemala, which had deteriorated during the past year. The repression of the indigenous population and the killings, torture and disappearances being suffered by the civilian population had sadly become regular features in that country. The problem of disappearances was far from being solved, and the number of refugees outside Guatemala remained very high. The legitimate activities of humanitarian organizations in that country continued to encounter major difficulties. The Commission would be justified in renewing its decision, taken at the previous session, to appoint a special rapporteur.

62. Some delegations continued to assert, as at the Commission's thirty-ninth session, that the situation in Poland in no way warranted the Commission's consideration. His delegation disagreed with that view. While the measures the Polish Government had taken since that session had led to some improvement, they were not enough. The state of emergency had been lifted and an amnesty law passed in July 1983, but it was premature to assert that those actions had created a climate of national reconciliation; the gulf between the authorities and the people remained. The amnesty, it should be noted, had been partial and conditional. Hundreds were still detained on political grounds, trade-union pluralism had not been restored, and some other restrictions introduced during the state of emergency had been embodied in ordinary legislation. For example, the Criminal Code and censorship had been strengthened. Further acts of repression had been reported in recent weeks. Therefore, the Commission should again ask the Secretary-General to pursue his contacts and report to the Commission, and it was to be hoped that the Polish Government would agree to co-operate with him.

63. At the Commission's previous session the French delegation had stressed the tragedy of the situation in the Islamic Republic of Iran. The situation was no better one year later. The Secretary-General had concluded in his report (E/CN.4/1984/28, paras. 45 and 46) that the situation in that country continued to be a serious concern of the international community and of the Commission, and that in the four years which had elapsed since the United Nations had first been seized with the situation in that country, there was no clear evidence that the situation had improved. The large number of summary executions, the summary judgements and the persecution on religious and political grounds were disquieting, and the situation justified the appointment of a special rapporteur.

64. The violations to which he had referred were the subject of special public reports submitted under agenda item 12, but there were, unfortunately, other situations of violation of human rights too numerous to mention.

65. In Uganda, thousands of displaced persons were living in camps where the protection of their human rights was not guaranteed. Many cases of loss of human life had been noted.

66. In Sri Lanka, the events of July 1983 had given rise to serious international concern. His delegation had noted with interest the steps taken by the Sri Lankan Government to remedy the situation, and hoped that the negotiations undertaken would prevent a resurgence of the kind of incident that had occurred in 1983.

67. With respect to the situation in Cyprus, his delegation was concerned at the scale of the problem of refugees, who were some 200,000 in number, and at the fact that over 1,600 persons had disappeared during the past 10 years. The work of the Committee on Disappeared Persons, which had been established in 1981, had been hampered by procedural difficulties. One of its members appointed by the International Committee of the Red Cross had endeavoured to reactivate it, but the proclamation of 15 November 1983 had halted his efforts, and the anguish and distress of families continued.

68. The international community should react to all practices violating the fundamental rights of the human being, wherever they occurred. In their opening statements to the Commission, the Chairman of the thirty-ninth session and the Assistant Secretary-General for Human Rights had stressed the need to safeguard the most elementary human rights such as the right to life, the right not to be subjected to arbitrary arrest or detention and the right not to be subjected to torture or other cruel, inhuman or degrading treatment, and had denounced the odious practices of enforced disappearances and summary or arbitrary executions. His delegation shared the view that the highest priority should be given to action against those violations. It welcomed Mr. Wako's report on summary or arbitrary executions (E/CN.4/1984/29) and hoped the Commission would renew the Special Rapporteur's mandate to enable him to complete his work.

69. His delegation also hoped the United Nations would continue its efforts to prevent the mass exoduses that were responsible for much human suffering.

70. In conclusion, he emphasized the importance his delegation attached to the protection of persons dedicated to the defence of human rights, who sometimes paid for their commitment with their lives or their freedom. The persecution of those persons, which was taking place in various regions, including Europe, was inadmissible. The international community must ensure that no one should have cause for any alarm in pursuing activities for the defence of human rights. The facts showed that protection was essential and that it should be made more effective.

71. Mr. MAHONEY (Gambia) said that, while important advances had been made in the 35 years since the adoption of the Universal Declaration of Human Rights, the full enjoyment of human rights was by no means universal. Nowhere was that grim truth more applicable than in South Africa, where the last 35 years had witnessed a ruthless consolidation of the system of apartheid - an institutionalized form of racial discrimination which had rightly been condemned as a crime against humanity. Of no less concern was the fate of the Palestinian people, who had been deprived of their homeland and denied many of the most fundamental human rights, including the right to self-determination.

72. Violations, including violations of the right to life, the right to integrity of person and the right of peoples to determine their own political future, were also taking place in several other regions. At the same time, it must be recognized that any discussion of human rights was bound to remain largely academic so long as millions of people throughout the world continued to lack some of the most basic necessities of human life, including food, shelter and health care.

73. In view of the priority nature of the right to life, upon which all other human rights were necessarily predicated, he would first refer to the question of summary or arbitrary executions. The structural methodology approach employed by the Special Rapporteur had not only provided a broad overview of the phenomenon but had made it possible to identify patterns in the factors and circumstances habitually attendant on such executions. It was evident from the Special Rapporteur's conclusions that the phenomenon of summary or arbitrary executions formed a well-established feature of political reality. His delegation unreservedly condemned that pernicious practice, which should be the subject of further study.

74. There was a clear nexus between that odious phenomenon and the distressing occurrence of mass exodus. Summary or arbitrary executions were the epitome of the human rights violations identified by Prince Sadruddin Aga Khan, in his report to the Commission at its thirty-eighth session, as the major factors giving rise to the phenomenon of mass exodus. His delegation endorsed the Special Rapporteur's recommendations concerning machinery to give advance warning of massive population displacements. Although desirable, however, the measures proposed could only help to alleviate the suffering of displaced persons. The international community must ultimately tackle the underlying causes.

75. At the Commission's thirty-ninth session, his delegation had noted with regret that it had not been possible to appoint a Special Rapporteur on Guatemala as requested in Commission resolution 1982/31, and that no report had thus been available for the Commission's consideration. It therefore welcomed the initial report (E/CN.4/1984/30) submitted to the Commission at its current session by Viscount Colville of Culross. Although it found the study a useful basis for discussion, it nevertheless shared the view that the methodology employed by the Special Rapporteur might be improved. Several features of the human rights situation in Guatemala were of concern to his delegation, which was particularly disturbed by the persistent reports of mass killings, often in the form of arbitrary execution, which appeared to be directed particularly against the indigenous population. It was not entirely persuaded that the "Beans and Bullets" or "Tortilla, Roof and Work" programmes really deserved the title of "rural development schemes".

76. The report on the situation in El Salvador (E/CN.4/1984/25) showed that the basic right to life in that country was still threatened by a number of factors, including the activities of the self-professed death squads. His delegation had noted with considerable regret the passivity of the authorities towards those atrocities. Recalling the brutal and so-far unpunished murder of Archbishop Romero in 1980, it viewed with the utmost concern the threats against his successor, Mgr. Rivera y Damas, and against the Auxiliary Bishop of Salvador, Mgr. Chávez, by the so-called "Maximiliano Hernández Martínez Anti-Communist Brigade".

77. Turning to the situation in Poland, he said that his delegation welcomed the Special Representative's report (E/CN.4/1984/26) and had noted with particular interest the conclusions regarding the emergence of conditions favourable to a reconciliation between the various sectors of Polish society. It looked forward to the strengthening of those promising advances.

78. It was evident that the Commission's work was a long way from completion. The rights of men, women and children throughout the world continued to be threatened, violated or suppressed. Yet the situation was not entirely without hope. Only three months earlier, the world had witnessed the triumphant restoration of constitutional democracy in Argentina, and the spectacular progress achieved since that time represented a profound source of inspiration. Such a glowing example could only facilitate the otherwise daunting task of protecting and promoting human rights and fundamental freedoms throughout the world.

79. Mr. FERJANI (Libyan Arab Jamahiriya) observed that, 35 years after the adoption of the Universal Declaration of Human Rights, flagrant and mass violations of human rights continued in various regions of the world. The international community had had high hopes that the principles of the Universal Declaration would be heeded, but bitter experience had proved otherwise. Continued violations of human rights and fundamental freedoms could be seen, particularly in the Middle East, where the fate of the Palestinian people was a tragedy unprecedented in history. The Palestinians had been forcibly uprooted from their homeland and replaced by millions of people from other parts of the world. Their homes had been destroyed, their land had been taken from them and handed over to settlers, and they had been compelled by armed force to seek refuge outside their homeland. Their places of worship had been desecrated and they had been deprived of their right to education. Zionist aggression had not stopped there: unarmed Palestinians in refugee camps had been persecuted and the camps destroyed. The aggression had spilled over the territory of Palestine into Lebanon and other neighbouring Arab countries. The Zionists had followed the same scorched-earth policy as the Nazis had pursued in the Second World War. They had destroyed everything in their path and had established concentration and genocide camps in which thousands of Palestinian and Lebanese people had been interned. The aggressors had respected neither the Geneva Convention relative to the Treatment of Prisoners of War nor any other norm of international practice for the conduct of war.

80. Serious violations of human rights were also taking place in other parts of the world. Flagrant violations were being committed by the racist regime in South Africa, which compelled the indigenous African population to live as slaves in the isolated "homelands", where they were unable to exercise their rights to justice, legality or dignity.

81. A climate of insecurity continued to prevail in El Salvador, where mass and flagrant violations of human rights, including countless indiscriminate killings and disappearances were taking place.

82. There was a similar situation in Guatemala. The Special Rapporteur had referred to flagrant violations of human rights in that country, including oppression, killing and forced exile of indigenous people.



83. Violations were also taking place in other Latin American countries. The United States had demonstrated its desire to return to the law of the jungle, and to arrogate to itself the right to invade and occupy any country whose policies or social and economic system were not to its liking, by invading the island of Grenada. It had endeavoured to justify its flagrant violation of the Charter of the United Nations and the principles of the Universal Declaration of Human Rights by making groundless allegations against others. Its aggression against the people of Grenada, which was a flagrant case of interference in the internal affairs of another State and a denial of the right of a people to select its own social and economic system, represented a serious precedent in international relations.

84. He appealed to the Commission not to allow itself to be used by those seeking to extend their spheres of influence or to secure political advantage, as some members were endeavouring to do by raising the case of Poland. The Commission was not the right forum for consideration of that issue. The recent measures taken by the Polish authorities to provide further human rights safeguards, particularly the lifting of martial law and the promulgation of clemency laws in 1983, together with the amendments to the Polish Constitution to allow workers to participate in seeking solutions to economic and social problems, should induce the Commission to exclude the item from the agenda of its next session.

85. Some delegations had referred to the question of violations of human rights in the Islamic Republic of Iran. The Commission should adopt a cautious approach to its consideration of that issue, bearing in mind that the Islamic Revolution in Iran had overthrown the former repressive imperial system and that elements of the former regime had engaged in many manoeuvres against the current regime. It should also bear in mind that \$600 billion were being spent annually on the manufacture of weapons of mass destruction, while millions of people throughout the world were suffering from hunger, disease and malnutrition.

86. Mr. ADJOYI (Togo) observed that, over the past three days, various delegations had been engaged in the unfortunately well-established ritual of demanding proof of each other's innocence of alleged human rights violations, thus transforming the Commission into a court of justice composed of accusers and defendants, and having no judge. Members should not use the discussion as an opportunity to engage in invective or to condemn others in order to appease their own consciences, nor should they use the Commission as an ideological battlefield. It must be borne in mind that the sole objective of the analysis to be undertaken under agenda item 12 was to find specific solutions to cases of violation brought to the Commission's attention. Such an attitude would be in keeping with General Assembly resolution 2144 (XXI) inviting the Commission to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they might occur. The title of the item which the Commission had decided, by its resolution 8 (XXIII), to examine annually had been changed in subsequent resolutions, including General Assembly resolutions 32/130, 34/175, 37/199 and 37/200, to take account of the universal dimensions of the question of violation of human rights, and the wording of agenda item 12 now before the Commission implicitly posed the problem of such universality. Human rights should be recognized and protected by all and for all and violations of rights should give rise to the same reaction, concern and attention on the part of the international community wherever they occurred, and

regardless of political systems and regimes. A more objective approach should be adopted to that end. Participants in the Commission's work should express their determination to ensure world peace and their sincere desire to protect human rights and fundamental freedoms everywhere, in all circumstances and at all times, being mindful of the object of their activities, namely, the human being. Only in those conditions could the Commission attain its objectives, only thus could the world find at last the minimum of justice and peace essential for the fulfilment of every human being, and only thus could the co-operation sought by General Assembly resolution 37/200 be fully achieved.

87. It was in the light of those considerations that his delegation approached the various cases of human rights violation brought before the Commission - including the situations in El Salvador, Guatamala, Poland and Iran, the cases of summary or arbitrary execution and the problem of mass exodus - while welcoming the attitude of States that had agreed to co-operate with the Commission through the Special Rapporteurs appointed to examine cases of violation brought to its notice.

88. The various violations reported under agenda item 12 were known to differ in nature and intensity, but they were all violations, and the Commission must urge the States practising them to abandon them. His delegation hoped that the Governments of El Salvador and Guatamala, which had shown a readiness for broad co-operation with the Commission, would agree to implement the recommendations made to them with a view to remedying the situation in their countries. Their co-operation with the Commission must be total if its objectives were to be achieved. His delegation welcomed the attention Mr. Wako had received from a number of States and was confident that such attention would be further extended, so that the genuine dialogue necessary for dealing with cases of violation could be established.

89. While there might be little comparison in the nature and intensity of violations as between Poland and Iran, it must be noted that those countries maintained the same unhelpful attitude towards the Commission - an attitude that could hardly remove the doubts some members might have concerning violations in those countries. The situation of members of the Baha'i community in Iran was well known. The violations suffered by that community, which might explain Iran's refusal to co-operate, were a source of serious concern. A dialogue should be established between Iran and the Commission with a view to finding a solution to the painful problem of the Baha'is, whose only crime was their desire to exercise a fundamental human right recognized in the Charter and in all legal instruments relating to human rights: the freedom to practise their religion.

90. The title of agenda item 12 strongly suggested that the case of Namibia - a colonial territory - should be tackled. The Commission could hardly examine the lesser violations of human rights and fundamental freedoms and turn a blind eye to the mass and flagrant violations of human rights taking place in Namibia. The case of the Namibian people deserved special attention, particularly at a time when the attitude of certain States in the area had hardened. Geopolitical considerations should not divert attention from violations of human rights. Apartheid in South Africa was the most flagrant and abominable violation. The Commission might consider the appointment of a special rapporteur on apartheid.

91. Turning to agenda item 12 (a), he said that the refugee problem had been complicated by the violation of territorial integrity in Cyprus. The Cypriot people aspired to live in peace, and it was to be hoped that harmony between the two Cypriot communities would shortly be restored.

92. The world refugee problem was a matter of increasing concern to the international community. There was an ever-growing exodus of people seeking more favourable living conditions than they found in the political and economic climate in their own countries, where they were unable to exercise their human rights. Steps must be taken to prevent new exoduses that could affect the enjoyment of human rights in receiving countries and threaten international peace. As provided for in General Assembly resolution 38/103, the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, established under General Assembly resolution 36/148, should take account of the recommendations of Prince Sadruddin Aga Khan on mass exoduses.

93. World-wide violations of human rights brought to the Commission's attention varied - through a wide range of situations - from violations of civil and political rights to violations of economic, social and cultural rights, and all of them stemmed essentially from the behaviour of States, which were the guarantors of the human rights of their citizens. Such violations could only be ended, therefore, by the will of States. It was more essential than ever to arouse people's awareness and to induce States to assume their full responsibilities towards humanity, in respect for the principles of the Charter and for human rights instruments, in order to ensure the full development of all mankind. The Commission's responsibilities in that regard were even greater. It must pursue its efforts objectively, and without selfish political motives, to improve the capacity of the United Nations system to ensure full respect for human rights throughout the world.

94. Mr. JAEGER (Federal Republic of Germany) said that his delegation regarded agenda item 12 concerning the violation of human rights in any part of the world as the central topic of every session of the Commission. The protection and promotion of human rights was a legitimate duty of the international community and no country could continuously abuse human rights without attracting the critical attention of the international public.

95. Despite the progress made in the realization of human rights, obligations deriving from international or regional human rights instruments were violated in many countries and, world-wide, human rights violations were increasing. The Commission could only accomplish its task of securing the realization of human rights by not applying double standards in assessing violations, and by naming those responsible. Progress in that area, however, also required that the United Nations develop procedures and institutions for the promotion and protection of those rights.

96. The activities of the Working Group on Enforced or Involuntary Disappearances, which took an approach not confined to specific countries, had contributed to clarifying the fate of individuals and to a heightened sense of responsibility among the international public.

97. His Government supported efforts to mitigate the plight of refugees and displaced persons and had launched an initiative to promote international co-operation in preventing new flows of refugees, based on the idea that major flows of refugees would jeopardize the stability of an entire region and hence threaten peace.

98. His delegation also considered it particularly important that the Commission was dealing with arbitrary or summary executions on a world-wide basis. The second report on that subject (E/CN.4/1984/29) had updated and supplemented the findings of the first and offered the Commission a reliable factual basis for a renewed

examination of the alarming situation with regard to executions. His delegation advocated an extension of the Special Rapporteur's mandate.

99. The procedure of dealing with human rights violations generically had resulted in a less selective approach than previously, thus making United Nations policy on human rights more credible. However, it was not possible to dispense with examining the human rights situation in individual countries. Afghanistan's ratification of the International Covenants on Human Rights contrasted starkly with reality in that country. In the Islamic Republic of Iran there were signs of a return to greater respect for human rights. However, political dissenters continued to be persecuted and religious groups such as the Baha'i were subjected to administrative and other pressures. Similar considerations applied to a number of countries in South-East Asia, for example, Kampuchea.

100. Serious human rights violations had been reported from El Salvador and Guatemala. The Commission's debate on Guatemala had been founded on a Special Rapporteur's report and his delegation appreciated the positive trends discerned in that country's human rights situation; however, human rights were still grossly abused there. The serious violations of human rights in South Africa had been dealt with in the Commission as extensively as the human rights situation in the Middle East.

101. Deplorable human rights violations were also committed in Warsaw Pact States and in the Soviet Union, including the violation of freedom of movement. In numerous cases persons were detained or deported because they held dissenting political views or stood up for human rights; one such case was that of the Nobel Peace Prize winner, Andrei Sakharov. Although the situation in Poland had improved, flaws persisted. Regarding Czechoslovakia, his Government was particularly concerned about the situation of the churches.

102. His Government paid special attention to the respect of human rights in those parts of Europe where Germans were affected by human rights violations, as in the case of some Warsaw Pact States. It urged those States to be guided by the international standards established in United Nations human rights instruments. It appealed to all States parties to the International Covenants on Human Rights and to all other Members of the United Nations to respect human rights, as an integral part of any international order based on peace and world-wide co-operation.

103. Mr. SOKALSKI (Observer for Poland) quoted from statements made to United Nations bodies to the effect that in deliberations on human rights issues much time was devoted to situations where political aspects were more important than those of human rights, that human rights were too serious and worthy a question to be used as a screen for eventual propaganda or harassment activities between blocs and that the Commission on Human Rights was increasingly transforming itself into a tribunal. Those comments were all applicable to Poland.

104. He had said earlier that Commission resolution 1983/30 was based on the bad intent of its sponsors; despite his attempts at pacification they had tabled a draft resolution (E/CN.4/1984/L.66) which for reasons of principle and respect for the cause of international co-operation his delegation rejected as yet another political provocation. If the Commission as such could not help Poland, his delegation would at least see to it that the Commission was not turned into a tribunal. The submission of the draft was also a personal affront to the Secretary-General and the Under-Secretary-General, Mr. Ruedas.

105. Every paragraph of the draft resolution could be questioned. In its first preambular paragraph it invoked the principles enshrined in the Charter and at the same time violated them by encouraging interference in Poland's internal affairs. It then went on to recall Commission resolutions 1982/26 and 1983/30 which Poland considered illegal. By referring to the total lifting of martial law and then magnifying the fact of some remaining temporary arrests, the sponsors were jumping to political conclusions which were offensive and ridiculous. He rejected the contention that some Polish laws had enabled the authorities to continue to curtail human rights and fundamental freedoms. Equally strange was the reference to "the suppression of a democratically based trade union movement"; the authors of the draft were entirely wrong in that regard.

106. The draft resolution represented a denial of the Polish people's right to pursue its own development and it also revealed a triple standard of political morality. The Polish authorities did not have to be taught by a foreign Power how to handle Poland's affairs at home and abroad. It would be presumptuous to expect that the vital interests of the people of Poland conformed to the vital interests of the imperialist quarters of NATO, but in any case Poland's present and future would not be determined by illegal decisions based on exclusively political considerations.

107. The sponsors of the draft resolution had requested the Government of Poland to extend its co-operation to the Secretary-General. In view of the latter's recent visit to Poland and the fruitful record of Polish co-operation, that was an astounding proposal. The sponsors had also proposed that the Commission should continue its consideration of the situation in Poland at the next session. As an exercise in prejudice, contempt and intolerance, it was a masterpiece and to Poland it brought echoes of the past. Among the sponsors was the delegation of the Federal Republic of Germany, from which Poland was entitled to expect a little more humility. His delegation could not but query the situation of human rights in a country of hundreds of active neo-Nazi and Fascist organizations, with expansionist aims and laws which excluded people from jobs on political grounds. Did the delegation of that country not know that tens of thousands of its fellow countrymen were tested every year on their loyalty to their Government?

108. His delegation was blamed for not recognizing the Commission's resolution 1983/3 and the report on Poland based on it, but it did not recall any resolution criticizing the Federal Republic of Germany for having rejected as "defamatory and intolerable" a UNHCR report concerning treatment of asylum-seekers. There were likewise many examples of human rights violations in the Netherlands and Italy, which had chosen to co-sponsor the anti-Polish draft. The people of Poland were reforming their country's life, but that reform would not be dictated from the outside. That was a matter of fundamental principle and that was why there could be no reconciliation with illegal resolutions concerning Poland.

109. Spreading falsehoods about Poland had become a favourite pastime of the United States delegation in the Commission. The anti-Polish rituals of the present United States Administration had become a menacing caricature. To indulge in name-calling was to obstruct the real work of diplomacy. Words made a difference even when genuine concern, as in the case of the United States delegation, was shamelessly subordinated to immediate political considerations. He rejected as totally false what the United States delegation had said about Poland.

110. As to the "good news" that the United States representative had brought to the Commission at the previous meeting, that representative appeared to have forgotten the "good news" of "rescuing Grenada", condemned by the General Assembly as a most flagrant violation of the Charter in all respects. Thousands of Grenadians had been detained or killed or were being held without charges; their overthrown leaders were maltreated; the United States Military Police questioned Grenadians about their political beliefs, conducted searches without warrant and detained suspected troublemakers; United States troops carried their weapons on the beaches; prisoners in Grenada were kept in crates; a unit of troops had closed a thriving Roman Catholic community house on the grounds that it was a centre for communist propaganda. The whole world was aware that the United States was the largest single exporter of mass and flagrant violations of human rights to different parts of the world. He strongly believed that Poland and the United States were in fact historic friends, but it was not Poland that had created the paranoia of that relationship.

111. In conclusion, he suggested that the United Kingdom should put its own house in order before criticizing others.

112. Mr. LOVO CASTELAR (Observer for El Salvador) said that his Government rejected the report on El Salvador by Professor Pastor Ridruejo (E/CN.4/1984/25) for juridical reasons and because use had been made of tendentious sources, giving a distorted picture of the facts. The Salvadorian Government had constantly provided the Special Representative with facilities and co-operation for his work and thus regretted the partial nature of the report and the fact that it merely reflected "personal convictions". His Government did recognize that the Special Representative had taken note of the intentions of the Salvadorian authorities to improve the human rights situation in that country; those intentions were, in fact, a Government policy included in the basic platform, or Apaneca Pact. A number of activities had been carried out with the aim of breaking out of the vicious circle of violence which had affected the human rights situation by maintaining the process of democratization and structural change. A Peace Commission, a Human Rights Commission and an Amnesty Act had all been introduced, while elections were about to be held at the end of the month. As for the structural changes, the agrarian reform was continuing, as were educational, health and building services, despite the crisis.

113. The country aimed at establishing peace, democracy, and social justice by applying the law and punishing those who infringed it. Despite the present conflict, El Salvador would achieve its aims. It would not be put off by terrorism or by political reports which favoured groups committed to a strategy of violence. The Government of El Salvador had nevertheless sought to include extremist groups in the democratic process and the Peace Commission was prepared to reinstate contacts with them, but their demands made such dialogue practically impossible since they wished to repeal the Constitution and form a new provisional Government. They had missed the opportunity offered in 1979 to overcome the difficulties of setting up a revolutionary pluralist system by being too impatient. The authorities, however, were still anxious to seek realistic solutions in the hope of achieving peace.

114. It was clear that the crisis in El Salvador was part of the conflict throughout Central America, which had become an area in which the interests of the **Superpowers** clashed. El Salvador had to go beyond foreign interests and find within itself the formula for communication and understanding.

115. The report had referred to systematic attacks by guerrilla forces on the economic infrastructure, compromising future enjoyment of economic, social and cultural rights. His Government called such attacks terrorism and assured the Special Representative that they affected not only future but also present enjoyment of human rights, and endangered life and security on a large scale. The terrorist attacks on villages claimed innocent victims, but that fact was not included in the conclusions to the report. Those conclusions did, however, refer to the humanitarian conduct of the guerrilla forces in releasing their prisoners, but that was not the general rule, and there had been cases of captured soldiers being shot on the spot.

116. The Special Representative had questioned whether it was timely to hold elections and had suggested that they should not take place until genuine social peace had been achieved. The State, however, could not cease the process of democratization because of outbreaks of terrorism. A number of recent elections in the world had taken place in situations of violence. The Government had invited a large number of countries and organizations to send observers to the Salvadorian elections.

117. The extreme right-wing death squads were to be condemned, and paragraph 166 of the report listed some of the measures taken by the Armed forces to combat them.

118. In addition to the Amnesty Act and the efforts made by the authorities to ensure peace in the country, the Government was continuing to investigate all complaints of violations of human rights.

119. The conflict in El Salvador had international aspects. Although such forums as the Commission acted more on the basis of political criteria than on humanitarian grounds, there was a favourable attitude on the part of the international community to promoting respect for human rights. His delegation wished to express its firm adherence to the principles contained in the international human rights instruments.

120. His delegation appreciated the co-operation given by UNHCR, ICM and ICRC. In that connection, and particularly in the light of the recent murder of two ambulance-men, he wished to appeal to all to respect UNHCR's humanitarian function.

121. His statement should be considered as a reply to the comments and accusations made by various delegations concerning the authorities of El Salvador, whose efforts were directed at creating a stable, just, democratic and pluralist society under the rule of law.

122. Mr. CANKOREL (Observer for Turkey), speaking in exercise of the right of reply, said that his delegation had already answered certain unfounded allegations and misrepresentations. He wished to draw the attention of the Greek delegation to the fact that the right to self-determination of the Turkish Cypriot people originated in the international legal instruments which had given birth to the Constitution of Cyprus in 1960. The events which had brought the Cyprus crisis to its present stage were largely a result of the grave political mistakes of the Government of Greece, whose wrongdoings had, indeed, been severely criticized by the Greek political parties.

123. The declarations of such groups as the Commonwealth and Non-Aligned countries were binding only on their signatories and were not necessarily relevant to the Cypriot context. On the other hand, the final declaration of the Fourth Islamic Summit Conference, held at Casablanca in January 1984, had expressed sympathy and support for the efforts of the Turkish Muslim Cypriot community to achieve equal status and to secure its just rights.

124. Mr. SIN HYEUN RIM (Observer for the Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that his delegation regretted that certain countries which violated human rights made inaccurate statements about countries which respected them. His Government had done its utmost to ensure respect for human rights, but violations continued in the southern part of Korea. Efforts had been made to reduce the sufferings of families separated by the division of the country, but in order to end those sufferings the line of military demarcation must be eliminated. His Government had frequently proposed exchanges with the south but no results had been achieved because of foreign interference and because of South Korea's dependence on foreign forces. Recently, his Government had submitted a reasonable proposal for tripartite talks between the Democratic People's Republic of Korea, the United States and the South Koreans in order to safeguard peace in Korea. South Korea, however, had declined to participate. His delegation reaffirmed that the Government of the Democratic People's Republic of Korea would continue to make every effort to ensure human rights throughout the world.

125. Mr. DOWEK (Observer for Israel), speaking in exercise of the right of reply, said that when his delegation had expressed apprehension regarding the fate of thousands of missing persons in the Arab world, the Syrian delegation had indignantly called Israel a hypocrite. Not even the reading of the appeal of the Association for the Defence of Human Rights in Arab Countries or the section in the Amnesty International report for 1983 on the situation in Syria had convinced the delegation of Syria of real Israeli interest in those missing persons. All his delegation's efforts to explain that it considered that Arabs were first and foremost human beings with the same rights and duties, and meriting the same respect and protection as the community of nations gave to other peoples, had had no effect. He concluded that his delegation had drawn the wrath of the Syrian delegation because it had infringed the sacrosanct doctrine of the Arab family: Arabs had an absolute right to tear each other to pieces without outside interference.

126. He had raised the problem of the remnants of Jewish communities still existing in Arab countries and had appealed to the Syrian delegation to continue to give Jews held in Syria protection and understanding, even if they were Jews. The Syrian delegation had again accused the Israeli delegation of hypocrisy. He found that attitude incomprehensible. It seemed that for the Syrian delegation, the delegation and country of Israel did not even exist. The statement by the delegation of Jordan on the idyllic situation of Jews in the Arab countries had not convinced him; indeed, Jordanian law proclaimed that anyone could become a Jordanian subject provided that he was not Jewish.

The meeting rose at 7.45 p.m.