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COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE 58th MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 14 March 1984, at 8.45 p.m.

Chairman: Mr. KOUIJMANS (Netherlands)

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The meeting was called to order at 8.45 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/L.44 and Corr.1, L.66/Rev.1, L.74, L.77, L.78/Rev.1, L.82, L.83/Rev.1, L.84-88/Rev.1, L.96-100, L.103, E/CN.4/1984/3, chapter I-A, draft resolutions XII and XVIII)

Draft resolution E/CN.4/1984/L.86

1. The CHAIRMAN announced that Greece should be added to the list of sponsors of the draft resolution under discussion.
2. Mr. MONTAÑO (Mexico), introducing draft resolution E/CN.4/1984/L.86, said a comparison with earlier resolutions on the same topic showed that the draft resolution had, of course, involved a process of analysis and revision in an attempt to achieve a balance and to contribute effectively to the restoration of human rights in El Salvador. Every effort had been made to weigh up all the available elements, ruling out any approach that might detract from the meaning of the draft resolution. The sponsors had sought to include the particular aspects stressed by the Special Representative in his report (E/CN.4/1984/25), which had expressed concern at the deterioration in the human rights situation in El Salvador. The attitude adopted in the draft resolution was one of complete respect for the Commission's mandate as a monitoring body.
3. The co-sponsors had accepted valuable contributions from all delegations that had wished to offer their points of view. The careful and systematic work on the draft resolution had begun at the previous session of the General Assembly, and the need had emerged at the present session of the Commission to update the text in the light of the main elements of the current picture of human rights in El Salvador. His delegation considered that one of the chief merits of the draft was that it arrived at a sound balance and was based in all respects on the report by the Special Representative.
4. Mr. SCHLEIFER (United States of America), introducing his delegation's amendments (E/CN.4/1984/L.103) to the draft resolution, said that he would not invoke the 24-hour rule. He appreciated the effort that had gone into framing the draft resolution and his sole purpose in submitting amendments was to make adjustments which would make for yet greater balance. The delay in placing the amendments before the Commission was not the doing of his delegation.
5. A number of changes should be made to the amendments set out in document E/CN.4/1984/L.103. In amendment 2, the word "representative" should be replaced by "recognized" and amendment 3 should be deleted. In amendment 5, the word "dramatically" should be replaced by "significantly". In amendment 8, the words "and to the insurgency" should be replaced by "and also to the insurgents". Amendment 9 should be deleted and, in amendment 10, the word "following" should be inserted before "objectives", the remainder of the sentence being deleted up to and including the words "inter alia". In amendment 11, the first part of the first sentence should be deleted and replaced by the words "Committed to the promotion of national ...". In amendment 13, the phrase "necessary for the economic and social problems" should read: "necessary to resolve the economic and social problems". Amendment 15 should be deleted.

6. Those changes were intended to retain the fundamental thrust of the document but to alter the wording in individual paragraphs and provide the requisite kind of balance. Two amendments had been dropped, as had the references to the Contadora Group, which would prefer not to be expressly mentioned in the context of the draft resolution.
7. The aim of introducing the first amendment was to remove the effect of the fifth preambular paragraph in its present form, namely that of disparaging an election. It should be remembered that article 21 of the Universal Declaration of Human Rights upheld the right to hold elections. In the case of the sixth preambular paragraph, the word "representative" should be changed because it was confusing; the forces in question were not representative of the entire country. In the same paragraph, dialogue was indeed desirable, but it would be extreme to say that dialogue was the only way to a solution.
8. As to amendment 4, introducing a new operative paragraph, the Special Representative had referred in paragraph 156 of his report and elsewhere to the Human Rights Commission of El Salvador and the Amnesty Act. The Commission generally followed the practice of welcoming any steps taken by Governments to foster respect for human rights. In the case of amendment 6, the problem was that El Salvador was faced with the difficulties of a guerrilla war, partly due to economic, social and political factors, but partly to external support for those engaged in the struggle against the recognized Government of El Salvador.
9. Amendment 10 covered an important issue and his delegation had set out the basic principles that should govern the question of arms imports to the region, a matter that should be dealt with comprehensively and one which other countries facing insurgency should keep in mind. Amendment 11 emphasized the commitment to the promotion of national reconciliation and elections.
10. He requested a separate roll-call vote on each amendment.
11. Mr. LOVO CASTELAR (El Salvador) said that his delegation rejected draft resolution E/CN.4/1984/L.86, which referred to previous resolutions and a report that had violated basic rules and principles of the United Nations and of international law by interfering in a State's internal affairs. The draft resolution contained value judgements on elections held in El Salvador, on the internal policy-making procedures and on the implementations of economic measures; it also made a number of unfounded assertions. Furthermore, it endeavoured to place the legitimate authorities of the Republic and terrorist groups on an equal footing. It was tendentious, contradictory and negative, a political smear and intended as nothing more than a propaganda tool for extremist opposition groups. It even sought to deny El Salvador the right to acquire the assistance and support needed for its internal and external defence and security. It was biased and not even humanitarian. Should it be adopted, his Government would ignore it.
12. The draft smacked of Franco-Mexican policy, part of a declaration by both countries which was rejected by most Latin American States as interventionist. The Mexican Government was trying to ingratiate itself with international centres of terrorism through a policy of hostility towards the countries of

Latin America, so that terrorism would not spread to Mexico. But the Mexican proletariat had begun to protest against government policy and the spectre of violence loomed over that country. Mexico was one of the world's most indebted countries and a classic example of bad handling of public affairs. Another sponsor, France, was suffering from the struggles of its colonies in the Americas to gain their freedom. It was surprising that the Government of France should be supporting terrorist groups in El Salvador when France itself was the victim of a series of international terrorist attacks. French foreign policy was repudiated throughout the world because it was colonialist and interventionist, as could be seen from its colonial presence abroad and its military involvement in Chad. The same could be said of the other sponsors of the draft.

13. The Commission should not lend itself to political manipulation by some of its members but should consider human rights from a universal and objective standpoint. His Government had been co-operating with the Commission, but the political nature of the debates would bring such co-operation to a halt.

14. His delegation had already explained during the discussions on agenda item 19 the efforts being made to overcome the difficult situation of El Salvador. Suitable measures to terminate military and terrorist violence were a complex matter. It was a fact that the numbers of victims had decreased, yet the draft resolution, directly accused the Armed Forces of violence. It was hardly possible to believe that they were bombing urban areas two weeks before a national election; that was merely guerrilla propaganda. Paragraph 12 of the draft resolution implicitly accused the Government of failing to carry out its duty. Plainly, the Commission regarded itself as a kind of international court, something that was in no sense part of its functions. The Government of El Salvador affirmed its absolute adherence to international standards and principles regarding human rights; and fundamental freedoms. It acknowledged that a serious situation did exist and must be overcome. However, the complex causes had not even been mentioned in the Commission.

15. The conflict in El Salvador had been incited from outside; enormous quantities of arms had been sent to the opposition groups, propaganda campaigns had been launched and a costly infrastructure set up to provide those groups with financial support, sometimes even from Governments. In the circumstances the Commission must reject such a draft resolution and his delegation called on members to do so.

16. Mr. MONTAÑO (Mexico) said that the United States' proposals, as amended orally, contained elements which altered the balance of a text which, as he had already pointed out, closely followed the report of the Special Representative. The change in balance did not contribute to the aim and the spirit of the draft resolution. The fifth preambular paragraph, for example, did not make a value judgement of any kind on any process of democratization in any country. Similarly, the word "representative" in the sixth preambular paragraph did not constitute an erroneous assessment of the true situation, and dialogue indeed was the only way to achieve a negotiated comprehensive political solution. Admittedly mention of the documents issued by the Contadora Group was not relevant to the draft resolution, but the balance of the text had been changed in other ways.

17. He moved, under rule 65, paragraph 2, of the rules of procedure, that the Commission should not take a decision on the proposal by the United States of America.
18. Mr. DE LA SABLIERE (France) said he agreed that the proposal by the United States would substantially alter draft resolution E/CN.4/1984/L.86, and he supported the motion brought by Mexico.
19. Mr. SCHIFTER (United States of America) raised a point of order against the motion, on the grounds that rule 64, paragraph 2, spoke of a motion requiring that no decision be taken on a "proposal", Document E/CN.4/1984/L.103, submitted by her delegation, constituted an amendment, and under rule 64 an "amendment" to a "proposal" had to be voted on first.
20. Mr. MONTAÑO (Mexico), speaking on a point of order, said that, according to rule 63, an amendment was a proposal that did no more than add to, delete from or revise part of another proposal. Rule 65 should be applied, since the submission by the United States was not an amendment but a new proposal, for the meaning of the entire text of the draft resolution would be changed.
21. Mr. MASFERRER (Spain) said that his delegation had followed with great interest the statement by the representative of El Salvador, a country with which his own had very close ties.
22. The draft resolution was the result of painstaking preparation in order to arrive at a balanced text, on the basis of the information contained in the objective report on El Salvador. In his opinion, the amendments proposed by the delegation of the United States substantially altered the content of the draft resolution, distorted its balance and detracted from principles set out in the text that his delegation considered essential. For those reasons, his delegation would vote in favour of the motion brought by Mexico.
23. Mr. LOVO CASTELAR (El Salvador) said that his delegation rejected the Spanish delegation's attempts to exploit former links between the two countries in order to justify a so-called balance in the draft resolution that did not exist.
24. The CHAIRMAN said that the Commission had before it a proposal by Mexico, under rule 65, paragraph 2, of the rules of procedure, not to take a decision on the amendments submitted by the United States of America.
25. Mr. SCHIFTER (United States of America) asked for information regarding United Nations precedents concerning motions to take no decision on "amendments", rather than on "proposals".
26. The CHAIRMAN said that, according to rule 63 of the rules of procedure, which preceded rules 64 and 65, an amendment was a proposal and that the proposal by Mexico was in order. The Commission had before it three proposals - the draft resolution itself, the proposal submitted by the United States, and the proposal submitted by Mexico. The logic of the system appeared to be that each proposal had priority over the proposal to which it related.
27. Mr. SCHIFTER (United States of America) said that, if an amendment was a proposal under rule 63, then under rule 65, paragraph 2, a motion could be made only with regard to one proposal, and not to a group of proposals. His delegation had submitted a group of amendments, and had requested that they be considered separately.

28. Mr. MONTAÑO (Mexico) said that the rules of procedure were clear in that rule 63 defined an amendment and rule 64 stated the procedure to be followed when an amendment was submitted. The United States document, as amended orally, was a single proposal and came under the procedure set out in rule 65, paragraph 2.

29. Mr. BENDAÑA (Nicaragua) requested a vote forthwith, under rule 57.

30. Sir Anthony WILLIAMS (United Kingdom) pointed out that the virtue of rule 65, paragraph 2, was precisely the desire not to have a decision taken. Could not the Commission be allowed not to decide?

31. At the request of the representative of Mexico, a vote was taken by roll-call on the motion by Mexico.

32. The Philippines, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bulgaria, Cuba, Cyprus, France, German Democratic Republic, India, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Spain, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Bangladesh, Brazil, Canada, Costa Rica, Finland, Germany, Federal Republic of, Ireland, Italy, Japan, Kenya, Netherlands, Pakistan, United Kingdom, United States of America, Uruguay.

Abstaining: Cameroon, China, Colombia, Gambia, Jordan, Philippines, Rwanda, Senegal, Togo.

33. The motion by Mexico was adopted by 18 votes to 15, with 9 abstentions.

34. Mr. KAMPER (Netherlands), speaking in explanation of vote, said that as a matter of principle his delegation had voted against the motion by Mexico because the Commission should have been in a position to take a decision on the United States amendments.

35. At the request of the representative of the United Kingdom, a vote was taken by roll-call on operative paragraph 15.

36. Ireland, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bulgaria, Cameroon, Canada, Costa Rica, Cuba, Cyprus, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Italy, Japan, Jordan, Kenya, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United Republic of Tanzania, United States of America, Yugoslavia, Zimbabwe.

Against: Brazil.

Abstaining: China, Colombia, Pakistan, Philippines, Uruguay.

37. Operative paragraph 15 was adopted by 36 votes to 1, with 5 abstentions.

38. At the request of the representative of Argentina, a vote was taken by roll-call on the sixth preambular paragraph, and operative paragraphs 3, 4, 5, 6, 7, 11, 12, 14, 17 and 18 en bloc.

39. Cameroon, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bulgaria, Canada, Cuba, Cyprus, Finland, France, German Democratic Republic, India, Ireland, Italy, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Brazil, United States of America, Uruguay.

Abstaining: Argentina, Bangladesh, Cameroon, China, Colombia, Costa Rica, Gambia, Germany, Federal Republic of, Japan, Jordan, Kenya, Pakistan, Philippines, Rwanda, Senegal, United Kingdom.

40. The sixth preambular paragraph and operative paragraphs 3, 4, 5, 6, 7, 11, 12, 14, 17 and 18 were adopted by 23 votes to 3, with 16 abstentions.

41. At the request of the representative of the United States of America, a vote was taken by roll-call on draft resolution E/CN.4/1984/L.86 as a whole.

42. The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bulgaria, Canada, Cuba, Cyprus, Finland, France, German Democratic Republic, India, Ireland, Italy, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Bangladesh, Brazil, Pakistan, United States of America, Uruguay.

Abstaining: Cameroon, China, Colombia, Costa Rica, Gambia, Germany, Federal Republic of, Japan, Jordan, Kenya, Philippines, Rwanda, Senegal, United Kingdom.

43. Draft resolution E/CN.4/1984/L.86, as a whole, was adopted by 24 votes to 5, with 13 abstentions.

44. Mr. EKBLÖM (Finland), speaking in explanation of vote, said that his delegation had voted in favour of the draft resolution owing to its deep concern for the promotion and protection of human rights in El Salvador and the well-being and freedom of the people. It joined in the appeal to the Government of El Salvador and to all parties involved to end the violence in order to prevent further suffering and to take effective measures to ensure that all the Salvadorian authorities fully respected human rights.

45. His delegation nonetheless had reservations concerning some matters, which were unbalanced and were not a proper reflection of the findings set out in the Special Representative's report. It would have voted for most of the United States amendments, and had voted against the motion by Mexico because the arguments against the right of one delegation to present amendments were not convincing in the light of precedents at the present session of the Commission.

46. Ms GUO Yuanhui (China) said her delegation had abstained because it believed that the call by the peoples of the Central American countries for the preservation of independence and sovereignty and the promotion of social progress was a just one. Her delegation sympathized with the plight of the people of El Salvador and supported the efforts of the Contadora Group to defend the right of the peoples of the Central American countries to self-determination. They should be free from interference by all foreign forces, so that their peoples could settle their own affairs.

47. Mr. MIDDLETON (Canada) said that his delegation had voted in favour of the draft resolution because of its profound concern for the human rights situation in El Salvador. It did not agree with all the points or with the phrasing and the balance in every instance. The text contained elements which were unnecessarily controversial and he wished to emphasize that the human aspects of the situation in El Salvador must be more central to a future draft resolution, whose thrust and content should be more firmly based on the recommendations of the Special Representative.

48. Sir Anthony WILLIAMS (United Kingdom) said that in his statement under agenda item 12 he had made clear his delegation's concern regarding the human rights situation in El Salvador. He had called for a separate vote and voted in favour of operative paragraph 15, on the extension of the Special Representative's mandate, precisely in order to underline that concern. His delegation could have supported many other elements and recognized that the co-sponsors had made some effort to produce a more balanced draft, but it had experienced some difficulties with other aspects, for example in operative paragraph 9. Again, it seemed ungracious for the resolution not to recognize the co-operation extended to the Special Representative by the Government, something that all delegations should agree on regardless of their views concerning the political and human rights situation in El Salvador. His Government supported every possible search for a consensus and would have been happier if further efforts had been made in that direction.

49. The United States amendments would have remedied the defects in the draft resolution and afforded a better balance. His delegation had voted to have them considered and would have supported the resolution if they had been incorporated. Regrettably, the Commission had not been allowed to consider them and his delegation had therefore abstained in the vote on the draft resolution as a whole.

50. Mr. SCHIFTER (United States of America) said his delegation had made a special effort in order for the Commission to demonstrate that the United Nations could approach situations in Latin America on a balanced basis. It had wanted to vote for the draft resolution in the effort to help El Salvador deal with its serious domestic problems and sincerely regretted that the Commission, by the will of the majority, had prevented a proper balance from being achieved. His delegation had therefore voted in the negative.



51. He agreed with the observations made by the representative of China that there should be no foreign interference of any kind. The problem was precisely that there was interference in support for insurgencies. As soon as that could be ended, his Government would be happy to see that no one from outside meddled in the affairs of the region again.

52. Mr. BORCHARD (Federal Republic of Germany) said it was unfortunate that the Commission had not been allowed to decide on the United States amendments. His delegation had abstained in the vote on the draft resolution as a whole. It was deeply concerned about the serious situation in El Salvador and the persistence of grave violations, as could be seen from the report of the Special Representative. Particularly serious were the findings regarding the large number of political murders, the victims of which were non-combatants, the defiance of the principles of international humanitarian law, the acts by part of the Armed Forces and the brutal actions of the guerrillas who attacked the economic infrastructure and jeopardized economic, social and cultural rights.

53. Compared with previous resolutions, the draft did contain some improvements, but it was still one-sided because the appeal was directed largely to the Government whose positive efforts were not taken into account - for example, the Amnesty Act, the establishment of a Human Rights Commission, the dialogue with the opposition, the satisfactory co-operation with the Special Representative and the elections that had been held. All those efforts demonstrated the Government's readiness to improve the situation. His delegation had particularly strong reservations with regard to operative paragraph 9, relating to the arms embargo, which one-sidedly favoured the guerrilla forces.

54. His Government remained concerned about the human rights situation in El Salvador and reiterated its appeal to all political parties to end the violations and observe the right to life and to the physical integrity, freedom and security of the individual.

55. Mr. SENE (Senegal) said that the Commission had at the present session begun to abuse the application of rule 65, paragraph 2, of the rules of procedure, something that prevented the Commission from taking decisions in a democratic and responsible fashion. Accordingly, his delegation had preferred to abstain in all the votes, bearing in mind nevertheless that it was the Commission's duty to improve human rights situations in all countries.

56. It was to be hoped that the Commission could find a more positive approach for the submission of draft resolutions that were more in keeping with the facts contained in the reports on the systematic violations of human rights presented by special rapporteurs and representatives, so as to ensure better protection of human rights.

57. Mr. BENDANA (Nicaragua) said that his delegation had voted in favour of the draft resolution. The concern expressed by delegations with regard to foreign intervention in the region should be drawn to the attention of those countries which regarded Central America as their backyard and considered that they had a historical right to intervene on a military basis in defence of their so-called strategic interests.

58. Mr. LECHUGA IBEVIA (Cuba) said that his delegation had voted for the draft resolution so as to help put an end to foreign intervention in the internal affairs of Central American countries. His delegation had just received information that United States troops were concentrated in Honduras near the border with El Salvador and a United States aircraft carrier and other warships had left the Virgin Islands for Central America. His delegation had voted for the resolution precisely in order to prevent that type of intervention.

59. Mr. MANALO (Philippines) said his delegation had abstained in the voting on all four proposals as a minor form of protest against procedural moves which obscured the real issues. There were many elements in the United States amendments which his delegation would have been willing to support if they had been voted on separately. Similarly, it would have endorsed many elements in the original draft resolution if there had been a separate vote on them.

Draft resolution E/CN.4/1984/L.87

60. Mr. KAMPER (Netherlands), introducing draft resolution E/CN.4/1984/L.87, on the situation of human rights in Guatemala, the financial implications of the draft resolution being contained in document E/CN.4/1984/L.97, said that Guatemala was a country with a long history of massive violations of human rights, including imprisonment for political reasons, torture, disappearances and political killings. Two years previously the Commission had requested the appointment of a special rapporteur to study the human rights situation in that country and at the present session the Commission had before it the report by Lord Colville (E/CN.4/1984/30). The over-all picture from that report was bleak in spite of some positive developments, for instance, initiatives aimed at reforms with a view to improving the human rights situation. The draft resolution closely followed the report and represented a fair balance of positive and negative elements. As the Special Rapporteur had himself observed, the Commission interested itself both in infringements of human rights as well as in efforts to improve the situation.

61. The Government of Guatemala would find in the draft resolution clear guidance as to what was required to improve the human rights situation. He would like to draw particular attention to the references to disappearances and killings, measures with regard to the security forces, redress of the situation created by the Special Tribunals and the establishment of conditions enabling the judiciary to uphold the rule of law. Although the Special Tribunals had been abolished, the sponsors of the draft resolution were concerned that a large number of people originally arrested on charges within the jurisdiction of the Tribunals were still unaccounted for; their situation should be clarified as soon as possible.

62. It should be emphasized that further study and investigation were required, for the Special Rapporteur was not in a position to look into each and every case of violations of human rights. Operative paragraph 6 called upon the Government to allow an impartial and authoritative **body** to be established for thorough investigation of violations, but first and foremost, the Government should of course do all within its power to bring them to a halt.

63. His delegation sincerely hoped that the return to democracy in Guatemala, which could be a major factor in restoring respect for human rights, would proceed unhampered. The results of the elections should be respected and a new constitutional Government should be formed. The sponsors hoped that the draft resolution would meet with broad support in the Commission.

64. Mr. FAJARDO MALDONADO (Guatemala) said that his delegation had not been consulted at any time about the draft resolution. After the General Assembly, it now found itself involved in the second act of the selective and discriminatory performance held every year in the Commission in which his country was generally one of the favourite targets.
65. As was to be expected, the draft resolution was not consistent with the report by the Special Rapporteur, who had been able to observe the true situation in Guatemala. The sponsors had confined themselves to reproducing General Assembly resolution 38/100, without concerning themselves with the positive aspects of the Special Rapporteur's report.
66. In the third preambular paragraph, the Commission should simply take note of General Assembly resolution 38/100 and omit the rest of the sentence. The fourth preambular paragraph pressed the inadmissible claim by the Sub-Commission on Prevention of Discrimination and Protection of Minorities that an armed conflict of a non-international character existed in Guatemala. By what right had the Sub-Commission decided any such thing and why it had deliberately ignored the notes of 8 August and 5 September 1983 from Permanent Mission of Guatemala in Geneva requesting the Sub-Commission to await the results of the Special Rapporteur's report which was soon to be submitted to the General Assembly? In the draft resolution, the sponsors had stated yet once again, without any real grounds, that an artificial situation existed in Guatemala. In relation to the sixth preambular paragraph, the Commission should restrict itself to a careful examination of the report of the Special Rapporteur and delete the reference to "other reliable information", since it was obvious that such other information had been supplied by the professional agitators of the international campaign against Guatemala.
67. Operative paragraph 1 stressed the negative aspects of the report and took note of the Special Rapporteur's recommendations. However, why did the sponsors not take action on those recommendations, for example those recommending that the Commission should support the rural development plans by Government ministries and agencies, the land distribution programmes and the health and education programmes? Perhaps the Commission was not capable of encouraging the Government to overcome the difficult situation facing it.
68. In operative paragraph 5 it would be appropriate to mention that in Guatemala the judiciary was completely independent of the executive branch. In paragraph 7, no mention was made of those who had forcefully displaced the indigenous populations. Indeed, it seemed that the sponsors had not taken sufficient time to read the Special Rapporteur's report and in that connection he would urge them to read paragraph 4.6, which described facts different from those indicated in the draft resolution. Similarly, paragraph 7 also ignored the section of the report on the civil patrols voluntarily organized by the inhabitants of the upland villages to defend themselves from the subversive factions which constantly harrassed them.
69. Operative paragraph 10 plainly interfered in internal affairs that were the exclusive responsibility of the State, thereby infringing the Charter of the United Nations and the principle of the sovereign equality of States. Paragraph 12 urged the Government to adhere to the time-table for the return to democracy, but the Government needed no such appeal for decisions, which fell exclusively within its competence. That paragraph also pre-judged the electoral process taking place in Guatemala.

70. He realized that he would not convince people who had come to the Commission to vote with a political mandate of support for certain groups, something that was part of the political game, but his delegation did not accept or justify it. It rejected the text and also urged other delegations which had shown true concern for respect for human rights to do the same. The draft resolution made no contribution to the human rights efforts being made in his country and its sole objective was perhaps to acknowledge, with considerable reticence, the co-operation extended to the Special Rapporteur by the Government. Nevertheless, the Government of Guatemala would continue to co-operate with the Special Rapporteur and ignore the selective treatment meted out to it by the Commission.

71. Mr. SCHIFTER (United States of America), speaking in explanation of vote before the vote, said that his delegation would ask for a separate vote on operative paragraph 13, on extending the mandate of the Special Rapporteur, in which connection it would cast a favourable vote; it would vote against the remainder of the draft resolution. As in the case of El Salvador, the draft resolution was not properly balanced and it once again concealed the fact that forces from outside were supporting armed insurgency, an underlying problem in the region. His delegation was concerned about violations of human rights, both in El Salvador and in Guatemala, regardless of who committed them. It would vote in favour of a draft resolution that dealt fairly with that issue, something which was not the case in the present instance. The Special Rapporteur had made a significant contribution and his mandate should be extended, but the draft resolution did not accurately reflect the conclusions reached by the Special Rapporteur.

72. Mr. GIAMBRUNO (Uruguay), speaking in explanation of vote before the vote, said that his delegation would vote against the draft resolution on Guatemala. The choice of the Special Rapporteur had been an excellent one, because of his honesty, impartiality and spirit of justice. In the General Assembly, however, the first report had been the object of much criticism because it was not complacent and because the Special Rapporteur had endeavoured to speak the truth. To be objective was to speak out seriously and to show up falsehoods. Unfortunately, it was very difficult to carry out a mandate, since once someone had been found who could do it objectively, the Commission was not capable of following his lead.

73. The Commission had chosen to spotlight a specific area of Latin America while leaving a large part of the rest of the world in the dark. His delegation felt bitter when it saw that the Commission had taken the wrong road, and was turning its back on the representative of Guatemala, who, in all dignity, like the representative of El Salvador, had come to declare his country's willingness to co-operate. He sincerely hoped that the Commission was yet capable of finding a means of acting without passion, of forgetting political circumstances and ideologies and of realizing that its mission was to defend all human beings, not only in Guatemala but throughout the world, who were seeking peace.

74. Mr. BIANCHI (Argentina) requested a separate vote on the fourth preambular paragraph and operative paragraphs 2, 6, 7, 8 and 12 en bloc.

75. At the request of the representative of the United States of America, a vote was taken by roll-call on operative paragraph 13.

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

In favour: Argentina, Bangladesh, Bulgaria, Cameroon, Canada, Costa Rica, Cuba, Cyprus, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Italy, Japan, Jordan, Kenya, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United Republic of Tanzania, United States of America, Yugoslavi  
Zimbabwe.

Against: Uruguay.

Abstaining: Brazil, China, Colombia, Pakistan, Philippines.

77. Operative paragraph 13 was adopted by 36 votes to 1, with 5 abstentions.

78. At the request of the representative of Uruguay, a vote was taken by roll-call on the fourth preambular paragraph and operative paragraphs 2, 6, 7, 8 and 12.

79. The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bulgaria, Canada, Cuba, Finland, France, Gambia, German Democra Republic, India, Ireland, Italy, Libyan Arab Jamahiriya, Mexico Mozambique, Netherlands, Nicaragua, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic Union of Soviet Socialist Republics, United Republic of Tanzani  
Yugoslavia, Zimbabwe.

Against: Philippines, United States of America, Uruguay.

Abstaining: Argentina, Bangladesh, Brazil, Cameroon, China, Colombia, Costa Rica, Cyprus, Germany, Federal Republic of, Japan, Jordan Kenya, Pakistan, United Kingdom.

80. The fourth preambular paragraph and operative paragraphs 2, 6, 7, 8 and 12 were adopted by 25 votes to 3, with 14 abstentions.

81. At the request of the representatives of Costa Rica and Uruguay, a vote was taken by roll-call on draft resolution E/CN.4/1984/L.87 as a whole.

82. The Union of Soviet Socialist Republics, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bulgaria, Canada, Cuba, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Italy, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Rwanda, Senegal, Spain, Syrian Arab Republic, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Philippines, United States of America, Uruguay.

Abstaining: Bangladesh, Brazil, Cameroon, China, Colombia, Costa Rica, Cyprus, Japan, Jordan, Kenya, Pakistan.

83. Draft resolution E/CN.4/1984/L.87, as a whole, was adopted by 28 votes to 3, with 11 abstentions.

84. Mr. BORCHARD (Federal Republic of Germany), speaking in explanation of vote, said that his delegation had voted for the draft resolution, despite a number of serious reservations. It had done so on account of its continuing humanitarian concern for the situation in Guatemala and in the expectation that the draft resolution would help ensure that the human rights and fundamental freedoms of the people of Guatemala were fully respected.

85. His delegation had serious reservations regarding operative paragraph 11, relating to the supply of arms and other military assistance. Moreover, the draft ignored the fact that the use of force could not be blamed on the Government alone but was a major feature of guerrilla strategy, at least in the rural areas. It did not take into account the Government's efforts to improve the human rights situation under very difficult circumstances. Unfortunately, the demonstrable initiatives taken by the Government since 1982, as illustrated in the report of the Special Rapporteur, had largely been disregarded. His delegation's abstention in the en bloc vote was motivated by its reservations regarding the fourth preambular paragraph and in particular operative paragraph 8.

86. It was also regrettable that the positive trend since 1982 had not been maintained and had recently been reversed. His Government appealed to all parties to permit full enjoyment of human rights and wished to encourage those seeking to introduce a democratic system by peaceful means.

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87. Mr. KAMPER (Netherlands) pointed out that the word "Rapporteur" in operative paragraphs 4, 5 and 6 of the draft resolution on the human rights situation in the Islamic Republic of Iran (E/CN.4/1984/L.88/Rev.1) should be altered to "Representative".

88. Mr. SIRJANI (Islamic Republic of Iran) said that the draft resolution was based on the Secretary-General's report (E/CN.4/1984/28), which failed to reflect the human rights situation in the Islamic Republic of Iran and disregarded many noteworthy developments in that country. His delegation vigorously rejected the unfounded allegations contained in the draft resolution. His country was perhaps the only one in the world which provided humanitarian services to detainees, in the form of facilities for sport, education and rehabilitation, and arrangements to permit prisoners to meet with their families, in accordance with the enlightened guidelines of Islam relating to the humanitarian treatment of all persons.

89. The misleading opinions reflected in the draft resolution were the obvious result of malicious propaganda by the opponents of the People's Islamic Revolution in the Islamic Republic of Iran. Hostile States, in collaboration with anti-revolutionaries inside and outside the country, were aware of the popularity of the revolution in the Islamic Republic of Iran and among the oppressed masses of the third world and were determined to harm it in order to safeguard their own illegitimate interests by resorting to outrageous lies. In a previous statement he had easily demonstrated that the claims by Amnesty International in its 1983 report concerning political prisoners and the status of religious minorities were invalid. In fact, many religions co-existed in the Islamic Republic of Iran, in all honour.

90. Some countries were still blind to the fact that his Government had taken the initiative by inviting the Secretary-General's representative to visit the Islamic Republic of Iran so as to obtain firsthand information about human rights. Following that initiative, the Commission had at its thirty-ninth session decided to force the visit of the Secretary-General's representative on the Islamic Republic of Iran and had then proceeded to condemn the country without waiting for the report requested. The only conclusion to be reached was that the Commission's decision was based on a political stance and not on factual accounts of the situation. He himself was simply trying to fulfil his duty in removing any doubts regarding the human rights situation in his country.

91. At the request of the representative of the Syrian Arab Republic, a vote was taken by roll-call on draft resolution E/CN.4/1984/L.88/Rev.1, as orally amended by the representative of the Netherlands.

92. The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bulgaria, Canada, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Italy, Jordan, Mexico, Netherlands, Rwanda, Spain, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United States of America, Uruguay.

Against: Bangladesh, Cuba, Libyan Arab Jamahiriya, Nicaragua, Pakistan, Syrian Arab Republic, United Republic of Tanzania.

Abstaining: Brazil, Cameroon, China, Cyprus, Gambia, German Democratic Republic, India, Japan, Kenya, Mozambique, Philippines, Senegal, Yugoslavia, Zimbabwe.

93. Draft resolution E/CN.4/1984/L.88/Rev.1, as amended orally, was adopted by 21 votes to 7, with 14 abstentions.

94. Mr. EL FERJANI (Libyan Arab Jamahiriya), speaking in explanation of vote, said that the Commission should not have taken such a hasty decision, without carefully examining the political and historical background and the complex security situation facing the Islamic revolution. It had to be remembered that SAVAK, the intelligence agency that had existed before the Revolution, had acted in close collaboration with the CIA in hatching plots against the victorious revolution in the Islamic Republic of Iran. Where had the States which had now enthusiastically condemned the Iranian revolution been some years previously, when the SAVAK machinery had been torturing hundreds of thousands of Iranian freedom-fighters, throwing them into the Shah's prisons, executing people without a fair trial and liquidating them alive with chemical products. Every revolution had its enemies and every revolution had to face special circumstances and conditions. His delegation had voted against the draft resolution because it considered that, in all objectivity, the Commission should not have been so precipitate in arriving at its decision.

The meeting rose at 11.35 p.m.