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THIRD COMMITTEE

59th meeting
held on

Wednesday, 24 November 1976
at 10.30 a.m.
New York

SUMMARY RECORD OF THE 59th MEETING

Chairman: Mr. von KYAW (Federal Republic of Germany)

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AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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The meeting was called to order at 11 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/31/3 /chaps. II, III (sects. S, G and L), IV (sect. A), V, VI (sects. B and D) and VII (sect. D)) /, A/31/64, A/31/74, A/31/39, A/31/253; A/C.3/31/1, A/C.3/31/4, A/C.3/31/5, A/C.3/31/6 and Add.1, A/C.3/31/10, A/C.3/31/11; A/C.31/L.19, L.33) (continued)

1. The CHAIRMAN called on those delegations who wished to do so to explain their vote.
2. Mrs. BEN AMI (Israel) said that Israel's concern with defending and safeguarding human rights was beyond question, as was well known to all. On numerous occasions, Israel had suffered from persecution, biased legal process and violation of its human rights. None the less, her delegation had been forced to abstain in the vote on draft resolution A/C.3/31/L.26/Rev.1 because the text contained drafting and substantive defects which prejudiced ethical and legal principles which her delegation considered to be vital. Israel had voted against operative paragraph 4 in order to reaffirm its opposition to giving United Nations bodies a political dimension. Similarly, it had voted against operative paragraph 5 (c) since it conferred powers which were beyond the Committee's competence.
3. Finally, Israel had voted against the motion to prevent a vote on draft resolution A/C.3/31/L.29, thus upholding the democratic principle inherent in the spirit and conduct of the Israeli people.
4. Her delegation wished to make it clear that its abstention in the vote on draft resolution A/C.3/31/L.26/Rev.1 in no way detracted from its total and unreserved commitment to respect for human rights in Chile or any other part of the world.
5. Mrs. SATO (Japan) said that her delegation had joined in the appeal to the Chilean authorities to allow the Ad Hoc Working Group to visit Chile. It appreciated the recent efforts made by the Chilean Government and urged it to continue along those lines so that basic human rights and fundamental freedoms could be restored and safeguarded. Although it had voted in favour of draft resolution A/C.3/31/L.26/Rev.1, her delegation wished to state its reservations on operative paragraph 4 and operative paragraph 5 (b) and (c).
6. Mr. SHINYA (Sri Lanka) said that he was moved to explain his delegation's vote mainly as a result of the appeal made by the United Kingdom to permit draft resolution A/C.3/31/L.29 to be put to the vote. The delegation of Sri Lanka, which had co-sponsored draft resolution A/C.3/31/L.26 and had also voted in favour of the motion proposed by Mali, wished to point out that there had been no question of infringing the rights of a minority since the representatives of Chile, Paraguay, Uruguay and other countries had had ample opportunity to express their opinions in full.
7. The two draft resolutions concerning human rights in Chile were, if not

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(Mr. Shinya, Sri Lanka)

completely contradictory, then at least incompatible. One of them condemned the Government of Chile for violating and suppressing human rights while the other welcomed with satisfaction the steps taken by the Chilean Government and urged that Government to continue its good work in that direction. In the view of his delegation, no delegation which had voted for draft resolution A/C.3/31/L.26/Rev.1 could have voted in favour of draft resolution A/C.3/31/L.29. In any case, the Committee had to abide by rule 131 of the rules of procedure of the General Assembly. The co-sponsors of draft resolution A/C.3/31/L.29 must therefore bear in mind that once draft resolution A/C.3/31/L.26/Rev.1 had been adopted by a vast majority, that same majority was entitled to decide that draft resolution A/C.3/31/L.29 should not be put to the vote, by invoking rule 131.

8. Mr. MOSQUERA (Colombia) said that, at the previous meeting, his delegation had requested that the paragraphs of draft resolution A/C.3/31/L.26/Rev.1 be voted on separately. That request had been met and the reasons behind it must be taken as reservations as to the content of those paragraphs.

9. None the less, his delegation had voted for the entire text of the draft resolution, for it was convinced that the violation of human rights was censurable wherever it took place, irrespective of the system of government involved and the way in which those rights were disregarded or threatened. However, he regretted that the adopted resolution referred to only one Government, when that Government was not alone in violating human rights. Moreover, the cause of human rights must not be used for political ends which might contravene the principles of non-interference in the internal affairs of individual countries and the self-determination of peoples. It was therefore vital to find a procedure which was free of any political motivation or partiality, so that the noble cause of human rights did not continue to serve as a pretext for trying to impose certain kinds of government. Finally, he stressed that the use of unnecessarily harsh words or phrases could prove counterproductive.

10. Mr. DIEZ (Chile) said that his delegation had voted against draft resolution A/C.3/31/L.26/Rev.1 since there was a clear disparity between events in Chile in the last year and the tenor of the draft resolution and most of the speeches made on that subject. It also showed that the consideration of human rights in Chile had been loaded with political connotations. Not only had the approach been selective and disregarded the principles of universality of the United Nations and legal equality of States, but the problem had been dealt with with complete disregard for the facts and a preconceived resolution had been submitted for obvious political ends. His Government wished to put on record that it would continue its work to normalize the situation and restore traditional democracy in Chile and that the resolution which had just been adopted only served to strengthen its resolve to defend its sovereignty, independence and right to self-determination. It welcomed the fact that the situation in Chile was returning to normal and that a State was being created which was completely impervious to all uncivilized schools of thought which advocated violence, class hatred, racism and racial discrimination, which Chile recognized as the rights of philosophic liberalism and to which it was strongly opposed. Chile was proud that

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(Mr. Diez, Chile)

it had prevented uncivilized and barbarous doctrines from taking root in part of South America and hoped that, at some stage in the future, human rights would be dealt with free of political considerations.

11. Miss GELBER (Canada) said that her delegation had voted in favour of draft resolution A/C.3/31/L.26/Rev.1 because it saw it as a positive contribution to the cause of human rights and fundamental freedoms. However, it had abstained in the vote on operative paragraph 5 (c) for reasons of principle and, although it supported the general thrust of operative paragraph 2 (b), it had reservations on some of the language it contained which seemed to suggest that the sole purpose of the state of siege was to violate human rights.

12. Miss CAO-PINNA (Italy) said that her delegation had voted in favour of draft resolution A/C.3/31/L.26/Rev.1 because it broadly reflected the views of the Committee as to how human rights and fundamental freedoms might be restored in Chile. While the action of the Chilean authorities in releasing political prisoners was laudable, her delegation thought that it only reduced some of the effects of a system which was at the root of violations of human rights in Chile. What her Government considered essential in that regard was the progressive elimination of the instruments used to violate human rights. It hoped that the Government of Chile would soon adopt such measures and thought that the Ad Hoc Working Group would prove most useful in assessing the results of such a process.

13. Her delegation had voted against the motion proposed by the delegation of Mali because it firmly believed that every delegation had the right to table draft resolutions which reflected its views and to have them put to the vote. However, the Italian position on that motion did not imply a judgement as to the substance of draft resolution A/C.3/31/L.29.

14. Miss FAROUK (Tunisia) said she wished to clarify her delegation's vote in favour of the motion proposed by Mali that draft resolution A/C.3/31/L.29 should not be put to the vote once draft resolution A/C.3/31/L.26/Rev.1 had been adopted. Her delegation had voted, thus, in response to the concern expressed by the Secretary-General that draft resolutions which, if not contradictory, were not sufficiently compatible should not be adopted. That did not mean that her delegation attached no importance to the efforts made by the regional group; in fact, those efforts were extremely important and might, in the end, yield positive results. However, her delegation thought that the drafting of draft resolution A/C.3/31/L.29 was not in itself sufficient to achieve such results.

15. The SECRETARY said that the Federal Republic of Germany and not the German Democratic Republic should appear in the list of co-sponsors of draft resolution S/C.3/31/L.33 and announced that the Philippines should be added to the list of co-sponsors of that draft resolution.

16. Mr. ERNEMANN (Belgium) said that Belgium had always considered the United Nations to be the most effective guarantor of human rights. It was true that the human rights situation in the contemporary world left much to be desired and substantial progress would have to be made to achieve better guarantees of the protection of human rights. However, despite the many efforts that had been made,

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(Mr. Ernemann, Belgium)

the United Nations was still without instruments to deal with that deplorable state of affairs. Despite the adoption by the General Assembly of the Declaration against torture a year ago, there had been a recrudescence of the practice of torture throughout the world. The international community was generally agreed on the objectives it should pursue and what was now needed was a consensus as to how they could be achieved.

17. The Government of Belgium had never made any secret of its interest in the investigation procedures in the field of human rights; it considered that a visit to a country that was accused of violations was the best way that an investigating committee could carry out its mandate; the Government accused of violations should permit the investigation, without questioning the competence of a Committee that had been objectively elected. Otherwise, whatever the good faith of the witnesses and the scrupulousness of the investigators, an investigation carried on outside the country concerned would always be more contestable and less precise, which would be detrimental to the protection of human rights in that country and to the reputation of its Government. Moreover, by accepting the visit of an investigatory group, a Government demonstrated its commitment to the fundamental freedoms, created a jurisprudence and made it more difficult for other Governments that might be accused in the future to refuse to allow similar visits.

18. Economic and Social Council resolution 1503 (XLVIII) laid down the most objective and complete procedure for investigations in the United Nations system. Under paragraph 6 (b) of that resolution, a situation which appeared to reveal a pattern of gross violations of human rights in a State might be the subject of an investigation by an ad hoc committee to be appointed by the Commission on Human Rights which could be undertaken only with the express consent of the State concerned. That State therefore had the right to object to the investigation and to refuse to allow the ad hoc committee to visit the country for that purpose.

19. His Government had asked him to submit the following proposal to the Third Committee: Belgium considered that States could help considerably to promote human rights by voluntarily renouncing their right under paragraph 6 (b) of resolution 1503 (XLVIII) to refuse to allow an investigation or the entry of a committee appointed by the Commission on Human Rights into the country. States that voluntarily accepted such a commitment would so inform the Secretary-General, who would circulate a list of the countries that had accepted it to the General Assembly every year. By doing so, States would give the indispensable credibility to a system of investigation which it had not been possible to use effectively so far. The Government of Belgium was not proposing that a new institution or a new system should be set up, but that the effectiveness of a procedure established six years ago should be increased.

20. Pursuant to General Assembly resolution 3451 (XXX), alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms would be examined at the thirty-second session. The Government of Belgium attached great importance to

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that examination and hoped that it would lead to concrete results. It therefore trusted that a resolution could be adopted on the proposal he had just made, a proposal which would be the subject of an aide-mémoire that the delegation of Belgium would transmit to the Secretary-General with a request for its inclusion in the Secretary-General's report to the thirty-second session under paragraph 3 of resolution 3451 (XXX).

21. Mr. SAARIO (Finland) said that, taking into consideration the importance of the work of the Economic and Social Council in the field of human rights, it was indispensable to strengthen the role and authority of the Council in order to enable it effectively to perform its functions under the Charter of the United Nations and the relevant resolutions of the General Assembly. To that end, the Council itself should make further efforts to develop its co-ordination functions designed to ensure the coherence of the United Nations system as a whole and, in particular, to rationalize the work of its subsidiary bodies in order to avoid duplication, which had been so conspicuous in the field of human rights, and to develop more effective working methods. Only in that way could the Commission on Human Rights overcome the difficulties in the way of its considering all the items on its agenda.

22. The delegation of Finland noted with satisfaction that the Economic and Social Council had adopted a resolution concerning the long-term programme of work of the Commission. The measures envisaged in that resolution would help the Commission to carry out its work more effectively, although they might not be sufficient to solve all the problems. In that regard, the hierarchy of the various organs of the United Nations should also be taken into consideration. It was obvious that the formulation and elaboration of the principles of human rights, as well as research, study, collection and dissemination of information and advisory services in the field of human rights, should be the responsibility of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, while issues of a mainly political nature should be left to the principal organs of the United Nations having the necessary competence and political representativeness.

23. Mr. RYDBECK (Sweden) said that, ever since its creation, one of the central tasks of the United Nations had been to defend human rights, since the struggle against oppression, discrimination and social injustice within each country was one of the long-range prerequisites for the establishment of stable and peaceful relations between States.

24. A prerequisite for ensuring respect for human rights was that peoples should enjoy political self-determination. Another no less essential prerequisite was a more equitable economic world order. Political rights lost much of their content if people did not have a reasonable standard of living or access to health services and education.

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(Mr. Rydbeck, Sweden)

25. The Swedish people had a deeply rooted respect for human rights and fundamental freedoms and it was therefore natural for the Swedish Government to work in all appropriate forums for their promotion. In 1977, Sweden would become a member of the Commission on Human Rights, and it was looking forward to co-operating to the best of its ability with a view to strengthening its work. The Commission met yearly and only for a limited time and it had no mandate to act between its annual sessions, which was a great inconvenience. Therefore, consideration should be given to the possibility of enabling the Commission, through its Chairman, in consultation with the other members of the bureau, to take provisional measures on urgent matters between sessions.

26. Ever since the adoption of the Universal Declaration of Human Rights in 1948, the Swedish Government had striven for the transformation of separate articles of the Declaration into binding international conventions. The Swedish delegation thought it was an encouraging sign that the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights had recently come into force. The number of ratifications was, however, still much too small, and the Government of Sweden strongly supported all efforts aimed at accelerating the ratification of, or accession to, those instruments by the greatest possible number of States.

27. For the full realization of the objectives of the Covenants and other international instruments in the field of human rights, efficient implementation machinery was necessary. Although the Optional Protocol to the International Covenant on Civil and Political Rights had entered into force, only 16 countries had accepted the competence of the Human Rights Committee to consider allegations by an individual that a State had violated his human rights. Furthermore, he recalled that the procedure according to which the Human Rights Committee could be able to consider inter-State complaints had not entered into force, and not enough countries had accepted the competence of the Committee on the Elimination of Racial Discrimination to consider complaints from individuals for the implementation procedure laid down in the International Convention on the Elimination of All Forms of Racial Discrimination to come into effect.

28. Although the Committee on the Elimination of Racial Discrimination was performing dedicated work, and a reporting system had been established in accordance with the International Covenant on Economic, Social and Cultural Rights, his Government believed that the United Nations should strengthen its machinery for dealing with violations of human rights. A first step to that end might be a strengthening of the machinery at the disposal of the Commission on Human Rights and its subsidiary organs, in particular on the basis of the procedure laid down in Economic and Social Council resolutions 1253 (XLII) and 1503 (XLVIII). The Secretary-General of the United Nations also might contribute to achieving important results in the field of human rights by offering his good services in appropriate cases.

29. Another question of particular concern to the Swedish Government was that in so many countries there existed a large number of persons detained on account of their political opinions or convictions. That concern deepened when it was realized that only a small part of the cruel reality was known. Yet it could be said with

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certainty that well-documented and impartial reports had confirmed that they could be numbered in hundreds of thousands, if not more. Quoting articles 9 and 19 of the Universal Declaration of Human Rights, he said that those two articles were considered inconvenient by many Governments. Examples could be drawn from States with entirely different political systems. It was his delegation's view that the Third Committee should try to arrive at agreed measures to improve the conditions of political detainees, and his delegation was ready to discuss that issue with a view to having concrete measures worked out.

30. Although torture was a separate item on the agenda of the General Assembly, he could not forgo mentioning the Declaration on the Protection of All Persons from being subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, annexed to General Assembly resolution 3452 (XXX). That Declaration must be regarded not as an objective in itself, but rather as an introduction to the adoption of other measures to counteract those abominable violations of the right of individuals to enjoy protection of their human dignity and corporal integrity.

31. With regard to capital punishment, the General Assembly had affirmed that the main objective to be pursued by the international community was that of progressively restricting the number of offences for which capital punishment could be imposed, in view of the desirability of abolishing that punishment in all countries, an objective that had been reaffirmed by the Economic and Social Council in 1975. Recently, there had been a discouraging trend towards a wider use of the death penalty and even harsher methods of execution. His delegation believed that it was more important than ever for the United Nations to plan an active part in the work aimed at restricting the use of capital punishment. Only five years earlier, the General Assembly had adopted resolution 2857 (XXVI), in which it had requested the Secretary-General to prepare a report regarding practices and statutory rules which might govern the right of a person sentenced to capital punishment to petition for pardon, commutation or reprieve. The Economic and Social Council had requested the Secretary-General to proceed with the study.

32. His Government considered it essential that the item on capital punishment be included in the agenda of the General Assembly at the earliest possible stage and that the developments thereafter be continuously reviewed by the General Assembly. Such a review would be possible during its thirty-fifth session in 1980, on the basis of a full report on the subject from the Economic and Social Council. To broaden that debate, it might be appropriate to ask for the advice of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which would meet in 1980. The question of capital punishment could therefore also be included in the agenda of the Sixth Congress.

33. When, in the United Nations and elsewhere, questions were raised concerning oppression and violations of human rights in an individual State, such questions were sometimes met with the rejoinder that the criticism was a form of interference in the internal affairs of that State. Violations of human rights, however, were

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the concern of all nations, and the principle of non-intervention must not be used as an excuse for preventing scrutiny, debate and criticism. Although the integrity and dignity of human beings were being violated in innumerable ways, prospects for success would improve if world public opinion could be mobilized in the United Nations to take an emphatic stand against régimes which offended human rights. All nations must unite in the struggle against political, economic and social repression in all parts of the world, because a world without respect for human freedom and dignity would in the long run become unbearable.

34. Mr. SOBHY (Egypt), speaking in connexion with the report of the Economic and Social Council (A/31/3), emphasized the work carried out by the Ad Hoc Committee on the Restructuring of the Economic and Social Sectors of the United Nations System, which would assist the Economic and Social Council in discharging its functions under the Charter.

35. One of the most important questions covered by the report to fall within the purview of the Third Committee, referred to the protection of human rights. In that connexion, he paid a tribute to the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities for their positive efforts to protect human rights in various regions of the world.

36. In that field, Egypt attached crucial importance to the question of Israeli practices affecting the human rights of the population of the occupied Arab territories. The Special Political Committee had considered the report of the Special Committee entrusted with the task of examining those practices, in which it condemned such activities carried out by Israel as annexation and the demolition of houses.

37. Egypt also attached special importance to the items relating to women and youth. Since the very outset, it had taken part in preparing the World Conference of the International Women's Year, held at Mexico City, and had closely followed events relating to the participation of women in the development process and to the establishment of organs that would safeguard their rights in society. In addition, it had contributed to the work on the United Nations Decade for Women. As to the question of youth, he considered that it should receive the attention that it deserved, since he was convinced of the constructive role that young people must play in the development process at the national, regional and international levels. In that connexion, it could be pointed out that Egypt had sought to establish competent bodies to enable young people to participate positively in the construction of society in their country. Furthermore, Egypt had actively participated in international activities directed towards the adoption of measures to promote youth participation in United Nations activities.

38. Mr. SCRANTON (United States of America) said that peace-keeping and the defence of human rights had been the fundamental objectives of the founding of the United Nations. Yet, while the United Nations had served well in the field of peace-keeping, its record of accomplishment in the equally vital sphere of the defence of human rights had been disappointing. In spite of the Universal Declaration of Human Rights and the plethora of subsequent papers proclaiming

(Mr. Scranton, United States)

principles and goals about the dignity of all human beings, the results were discouraging. The reason for that enormous gap between the declarations of rights and their effective implementation was that the question of human rights was still treated almost exclusively in a political context.

39. The idea of human rights was not unique to certain groups at isolated points in history, but rather a unifying thread throughout the history of man. Before the United States had become a geographically defined nation, or even a people, it had been an idea: that all people could live together in a society without surrendering their rights; that human beings were individuals, not just members of political communities or parts of social institutions; that there existed a limit on the State's right to interfere with the rights and freedoms of a citizen. That awareness of human rights lay at the very heart of the history of the United States, both at home and in its dealings with other nations.

40. Contrary to those who argued that social and economic goals were opposed to liberty and human rights, history showed that liberty was the spur to economic development, not its enemy. Countries grew economically when the inventiveness, creativity and freedom of their citizens were unfettered, not when the energies of their people were chained. When some leaders who did not heed that lesson were later called to account, they blamed the devastation of their societies on the effects of a bygone colonialism or on the economic strength of the industrialized democracies and the myth of neo-colonialism. Then they took for the State an even more dominant role to cope with increased discontent and opposition. Repression followed inevitably and led to violence.

41. Many leaders in the third world did not desire that subordination of fundamental freedoms to government authority, and hoped for the day when their people could enjoy both freedom and prosperity. The Communist States, however, especially the Soviet Union, evidenced no such aspirations. In the Soviet system, any genuine respect for human rights encountered the harsh opposition of basic Marxist dogma: that individual rights stood in the way of a planned and directed society. By putting forward in the Commission on Human Rights what they called "the right to life", they attempted to justify in the name of national security the limitation of every other basic human right.

42. The Soviet Union's efforts to manipulate the developing world were very destructive; using the guise of neo-colonialism to discredit democratic freedoms, it hoped to strengthen the ideas of totalitarianism. But there were ways for the Soviet Union to play a constructive role for human rights, and the United States would insist that the Soviet Union fulfil its commitments under the Final Act of the Conference on Security and Co-operation in Europe.

43. His Government unequivocally condemned the doctrine and practice of apartheid. That pernicious philosophy had led to the wholesale violation of the most elementary human rights and degraded not only its victims but also those who promulgated and defended it. Respect for human rights was more than a simple reflection of United States tradition: it was a critical current priority for the American people.

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(Mr. Scranton, United States)

44. Notwithstanding the body of United Nations resolutions, conventions and declarations, violations of human rights continued to occur in many parts of the world. Denial of basic freedoms and particularly religious expression in the Baltic States, coercive political indoctrination in the so-called "work camps" of Indo-China, massive detentions and torture of political prisoners in some countries of Latin America, mass slaughter in some countries of Africa, and the denial of freedom of thought, religion and emigration in the Soviet Union, were some of the issues cited in the thousands of petitions addressed to the United Nations.

45. He referred to the procedures authorized by the Economic and Social Council in 1970 in its resolution 1503 (XLVIII), which had been regarded at the time as an important instrument for improving the capability of the United Nations to deal with situations of serious violations of human rights. But the system had proved ineffective, and complaints of violations died in a bureaucratic maze that required long delays before any effective action could be taken. It was urgent to improve and speed up those procedures, and the United States would do everything possible to help bring about the implementation of Economic and Social Council resolution 1503 (XLVIII).

46. His delegation did not feel that fundamental changes in the present machinery were absolutely essential. There had been valuable suggestions worthy of consideration - the creation of a United Nations High Commissioner for Human Rights, the establishment of an international human rights court, and the like. In addition, the United Nations should make an effort to co-ordinate its work in human rights with the important work being done by regional groups in that sphere. Additional regional human rights organizations should also be established. All those suggestions could improve the current situation immensely.

47. The conscience of mankind could ignore injustice committed in the dark. When the lights were on, few men of conscience could remain quiet. The United Nations must choose between darkness and decency, between protecting the violators of human dignity and protecting human dignity itself. The responsibility for safeguarding human rights was too sacred to leave it hostage to political manipulation.

48. Mr. SHERIFIS (Cyprus) said that he wished to refer to an essentially humanitarian issue which was keeping in anguish a large segment of the population of Cyprus; he hoped that the debate on the question would be conducted on an eminently humanitarian basis and not give rise to an irreconcilable exchange of views. The question concerned missing persons in Cyprus.

49. On the recommendation of the Third Committee, the General Assembly had, on 9 December 1975, adopted resolution 3450 (XXX), in which, gravely concerned about the fate of a considerable number of Cypriots who were missing as a result of armed conflict in Cyprus, it requested the Secretary-General to exert every effort, in close co-operation with the International Committee of the Red Cross, to assist in tracing and accounting for persons missing as a result of armed

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conflict in Cyprus. In February 1976 the Secretary-General had informed the Commission on Human Rights of the steps he had taken for the implementation of that resolution. The Commission on Human Rights, in the eleventh preambular paragraph of its resolution 4 (XXXII), adopted by consensus on 27 February 1976, had appreciated the fact that the time factor had not enabled the Secretary-General to complete that task under General Assembly resolution 3450 (XXX), and in paragraph 3 the Commission had requested the Secretary-General to continue and intensify his efforts in respect of missing persons in Cyprus and called upon the parties concerned to co-operate with the Secretary-General in the fulfilment of his task.

50. In paragraph 10 of his report S/12222 of 30 October 1976, the Secretary-General stated that with regard to the question of persons still unaccounted for since the events of 1974, the situation concerning the Vienna Agreement of August 1975, under which both sides had undertaken to extend to each other full facilities for searches in response to information given by either side, remained unchanged. Following a request by the Minister for Foreign Affairs of Cyprus, the representative of the Secretary-General at Geneva had taken up with the International Committee of the Red Cross (ICRC) the question of arranging for searches to trace those missing or discover their burial places. After careful consideration, ICRC had expressed its readiness in principle to designate members of an independent investigatory body, provided that both parties requested it to do so, and undertook to give full co-operation to that body. ICRC had further specified that any such investigatory body should have freedom of movement throughout Cyprus and that the parties should undertake to furnish all relevant information requested of them and agree in advance to accept as final the conclusions and recommendations of that body. The special representative of the Secretary-General had communicated ICRC's suggestion to the parties in Cyprus. On the basis of the reactions he had obtained, since it had not been possible to secure the agreement of both parties, there had been no possibility of carrying out the suggestion for the designation of investigatory team as envisaged by ICRC.

51. His Government had not only co-operated fully with the Secretary-General in the fulfilment of his task as envisaged by the resolutions of the General Assembly and the Commission on Human Rights but had further urged him to do his utmost in that respect, through a letter addressed to him by the Minister for Foreign Affairs.

52. Yet today, two and a half years after the military operation, the picture was the following: there were 2,107 Greek Cypriots missing since 1974 whose fate remained totally unknown. Some of those persons had been soldiers, but most of them were civilians and students of various ages, including women and children. Although a great number of those persons must be presumed to have died during the military operations, nevertheless there were many cases in which there was unimpeachable evidence that the persons concerned were alive, or had been alive even several weeks after the cessation of hostilities. Those persons appeared in photographs published in Turkish magazines and newspapers and, in some cases, had spoken over Turkish radio stations concerning the condition of their detention and had been identified and interviewed by officials of the Red Cross or the Red Crescent.

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53. It was easy to imagine the anguish and daily torture endured by the relatives of those persons as a result of the uncertainty surrounding their fate. The question was not a political one but an exclusively humanitarian one, which involved human lives and human suffering.

54. He repeated that the Secretary-General had reported in document S/12222 that the International Committee of the Red Cross was willing to designate members of an investigatory body, provided that both parties requested it and would give it their full co-operation. His Government pledged full and unconditional co-operation with that investigatory body and pledged that it would furnish that body with all relevant information requested by it. It pledged to allow that body freedom of movement throughout the areas under the control of the Government of Cyprus. It pledged that it would agree in advance to accept as final the conclusions and recommendations of that body, and, lastly, it pledged that it would cover the expenses of that body's establishment and operation.

55. Mr. DAHER (Jordan) said that he wished to refer briefly to Israeli practices affecting human rights in the occupied territories. The Arab population of those territories was being subjected to repressive measures at every level, ranging from a replacement of the national curricula of schools with occupation curricula to the distortion of Arab and Islamic history contrary to the national consciousness, aspirations and sensibilities of the inhabitants. Just as the occupation authorities had not spared the physical environment of the people they now ruled by force, they also had not spared the people itself. Israel's policy had been to deport the inhabitants from their own homeland. Zionism had demonstrated its racist policy more ruthlessly than ever in its dealing with the people and the territories which were its main victims. Despite condemnation by the Commission on Human Rights, Israel, instead of rectifying its violations, was continuing its inhuman policies; proof of that could be found in the report of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Population of the Occupied Territories.

56. The CHAIRMAN, replying to a question from Mr. EILAN (Israel), said that the representative of Jordan was not speaking in exercise of the right of reply.

57. Mr. DAHER (Jordan), continuing his statement, said that the report was comprehensive and factual within the limitations imposed by Israel's refusal to allow the Special Committee to conduct its investigations. Such an attitude on the part of the Zionist representative was understandable. His delegation wished to place on record its conviction that the report of the Special Committee had been prepared in conformity with the principles of the United Nations Charter, the Universal Declaration of Human Rights and the relevant resolutions of various United Nations bodies. It should be stressed that the rights of the civilian population of the occupied territories were totally at the mercy and subject to the whims of a ruthless occupation whose only aim was the perdition of the Palestinian people and the annexation of its homeland. Although the Special Committee had not been given access to the occupied territories, nevertheless, making use of various resources which could not by any stretch of the imagination be considered anti-Israeli, it had

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(Mr. Daher, Jordan)

prepared a most illuminating report, whose conclusions he wished to call to the attention of the Third Committee.

58. Mr. AL-HUSSAMY (Libyan Arab Republic), speaking in exercise of the right of reply, said that at the preceding day's meeting the representative of the Zionist entity had attacked the treatment accorded by the Syrian authorities to Syrian Jews, had accused those authorities of racial and religious discrimination and of holding Syrian Jews as hostages and had asked the international community to help Zionist organizations make it possible for those Jews to emigrate to occupied Palestine. The Zionist representative's reference to religious and racial discrimination was evidence of hypocrisy, since the Zionist entity was based on the concept of racial discrimination and fanaticism. Evidence accumulated in various reports over a period of eight years showed that the practices of the Zionist authorities in the occupied Arab territories constantly violated all international laws.

59. During the past 50 years zionism had engaged in all kinds of terrorism against the Jews in every part of the world to oblige them to emigrate to occupied Palestine and had thus converted hundreds of thousands of Jews into invaders. Its concern for the Jews of Syria and the Soviet Union was motivated by its desire to exploit them in order to achieve its political and expansionist goals and by the decline in emigration to Israel, as indicated by the present visit of Mr. Abba Eban to the United States to raise funds for continuing emigration of Jews to Palestine. It was clear that the Zionist representatives were not concerned for the human rights of the Jews in Syria but were trying to impose zionism on all the Jews of the world. It wanted the Government of Syria to order the Jewish citizens living in that country to destroy the lives that they had built up in Syria over many years and return to Palestine, but Syria would never permit it. The Jews of Syria had been citizens of that country since long before the expulsion of the Palestinian people from their homeland and they enjoyed all rights. Syria was a secular State and in the identification of its citizens no mention of their religious affiliation was made. Syria had been visited by prominent journalists from all over the world and as a result of those visits reports had been published which refuted, both in form and in content, the accusations of the Zionist representatives which, in addition, constituted flagrant interference in the internal affairs of Syria. Everyone knew of the pressure exerted by Zionist organizations in the United States against the journalist Mike Wallace and the National Geographic magazine because of the reports they had published on the situation of the Jews in Syria. The Zionist representative had hypocritically opposed the showing of the film Quneitra: The Death of a City. That morning the delegation of Syria had distributed a leaflet describing the real situation of the Jews in Syria, written by a prominent American Jewish journalist.

60. Another point which had been mentioned by a large number of delegations was the selectivity with which the problem of human rights was approached. If the international community was really concerned about that matter, there were examples of mass violations of those rights in southern Africa and in Palestine which could not be equated with isolated violations that occurred in one country or another and that were being used as a pretext for intervening in the internal affairs of other countries and sowing discord.

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61. Ms. MELCICKA (Czechoslovakia), speaking in exercise of the right of reply and referring to what had been said by the representative of the Chilean Junta, said that Czechoslovakia considered it unworthy to engage in polemics with the representative of a Government which pursued policies that had been censured by the majority of Members of the United Nations. She said that the Czechoslovaks were grateful to their brothers for the aid they had given them, which had saved them from internal war and had enabled them to continue their socialist work. Everyone was aware that thanks to that timely assistance, dire consequences that would have created a panorama of terror such as that currently existing in Chile had been averted.

62. Mrs. BIRIUKOVA (Union of Soviet Socialist Republics) said that the representative of the fascist military Junta in Chile had tried, as usual, to mislead the members of the Committee. With that purpose, he had even slandered the suffering people of Chile and had slandered other countries, including the Soviet Union. She categorically rejected all those slanderous remarks and said that the vote taken at the previous meeting on a draft resolution condemning the crimes of the Junta was convincing proof that slander was ineffective. No one was misled by the manoeuvres of the Junta, including the numerous statements of its representative and the documents submitted to the Committee.

63. The Soviet Union was proud that its people, like the people of other socialist countries, had always demonstrated its solidarity with the people of Chile, consistently helping those who suffered violations of their human rights.

64. All the peoples of the world had made vigorous appeals for the immediate and unconditional cessation of the crimes which were being committed in Chile and for the release of Luis Corvalán and other Chilean patriots and democratic leaders. Similarly, the statements made in the Committee attested to the sincere desire that the violation of human rights in Chile should be brought to an end. Nevertheless, Israel had used the General Assembly for an obvious and improper purpose, namely, propaganda on behalf of zionism. It was well known that in the Soviet Union all citizens enjoyed equality of rights, whatever their nationality, race or creed in all spheres of social and political life and the slanderous remarks of the Zionist representative were obviously aimed at diverting attention from the violations of human rights which the Zionists themselves were committing. The General Assembly had condemned those violations in resolution 3525 (XXX) and more recently the Commission on Human Rights had likewise condemned them; now it was time for Israel to begin to heed those well-founded appeals.

65. She reserved the right to speak again in order to reply to a delegation which had participated in the debate that same morning.

66. Mr. BATIBAY (Turkey), offering a clarification with regard to the remarks of the representative of the Greek-Cypriot community concerning the alleged question of missing persons in Cyprus, said that, first of all, the question of missing persons had been considered jointly by President Denktas and Mr. Clerides inter alia during the intercommunal conversations held in Vienna. At that time President Denktas had said that there were no missing persons and no detainees in the hands of the Turkish Cypriot authorities and had offered to accompany

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(Mr. Batibay, Turkey)

Mr. Clerides to certain places where, according to the latter, some of those persons were to be found. It had soon become evident that the proofs on which Mr. Clerides was counting had been supplied by persons who were doubtless trying to obtain money from the families of the missing persons by giving them false information.

67. Secondly, the International Red Cross had officially confirmed that the missing Greek Cypriots were not in the hands of the Turkish Cypriot authorities and that the latter had returned all prisoners of war to the Greek Cypriot authorities.

68. Thirdly, it was an established fact that more than 2,000 Greek Cypriots had died during the coup of Mikos Sampson between 15 and 19 July 1974, in other words, before the Turkish intervention. That fact had been confirmed by Makarios himself before the United Nations Security Council on 19 July 1974.

69. Finally, it should be noted that the problem of missing persons affected both communities equally. With respect to the Turkish Cypriot community, the problem had arisen for the first time during the attack by the Greek Cypriots against the Turkish Cypriot community in December 1963. In the following years of Greek Cypriot oppression, many Turks had been indiscriminately seized from their places of work, from the streets and even from hospitals. A large number of letters relating to that matter addressed by President Denktas to Mr. Clerides remained unanswered.

70. After the Greek-inspired coup on 15 July 1974 another 800 persons, the great majority of them civilians, had been added to the list of missing Turkish Cypriots. Regrettably, the Greek Cypriot community had refused to make known the fate of those persons, although it was easy to guess it, considering the hundreds of common graves discovered.

71. If the Greek Cypriot side seriously and truly wished to put an end to the sufferings of the families of the missing persons, it should supply information regarding those persons instead of resorting to futile propaganda in international forums, propaganda which served only to aggravate the sufferings of the persons who were still waiting for news of their missing relatives.

72. Mr. DIEZ (Chile) said that he would not bother to comment on the observations made by the representative of Czechoslovakia with respect to the Soviet invasion of that country. History had already pronounced its verdict in the matter.

73. The representative of the USSR had used her well-known tactic of avoiding the main question and referring to other matters in order to divert attention. His delegation was not slandering anyone but was referring to concrete and demonstrated facts. He referred to a clandestine interview in the USSR with the Soviet dissident Vladimir Bukovsky, in which the latter had described in detail the methods of torture to which persons confined in psychiatric centres were subjected, consisting in the administration of certain drugs, as well as the method called "winding", consisting of winding a patient up in large pieces of wet canvas which, when it dried, shrank and thus exerted pressure on the body.

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(Mr. Diez, Chile)

74. He also noted that on 23 January 1971 Vladimir Bukovsky himself had sent a letter to Western psychiatrists asking them to intercede on behalf of persons confined at such centres.

75. Mr. SHERIFIS (Cyprus) expressed regret that the representative of Turkey had not replied to his appeal to approach the question on a strictly humanitarian basis and had embarked on a lengthy and polemical statement which had not thrown any light on the question of missing persons in Cyprus. The time had come to abandon all fruitless discussion of that subject. The only way of ascertaining the fates of the missing persons was through the intervention of an independent investigative body such as the ICRC had undertaken to establish at the instance of the parties. To deny on the basis of more or less tendentious and more or less accurate arguments that there were missing persons did not solve the problem or contribute to alleviating the anguish of their families. The Government of Cyprus repeated that it was ready to co-operate in every way in the establishment and operation of that body, for it had nothing to hide and sincerely believed that the polemics of the subject had reached a dead-end and that the situation could be remedied only by the intervention of such an independent investigative body.

The meeting rose at 1.25 p.m.