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COMMISSION ON HUMAN RIGHTS

Thirty-fifth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC) <sup>\*/</sup> OF THE 1515th MEETING

held at the Palais des Nations, Geneva,  
on Monday, 12 March 1979, at 12.20 p.m.

Chairman: Mr. BEAUJINE (Canada)

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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 including:

- (a) Question of human rights in Cyprus (continued).

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<sup>\*/</sup> The summary record of the first part (closed) of the meeting appears as document E/CN.4/SR.1515.

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GE.79-11559

The public meeting was called to order at 12.20 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, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued)  
E/CN.4/1317; E/CN.4/1323; E/CN.4/1335; E/CN.4/L.1446, L.1447/Rev.2, L.1448, L.1452, L.1453, L.1455, L.1456; E/CN.4/NGO/240)

1. The CHAIRMAN noted that the Commission had decided to discontinue consideration of the human rights situation in Equatorial Guinea within the framework of the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) and to take up consideration of that subject under the public procedure.

2. He wished to remind members of the Commission that, in conformity with paragraph 8 of Council resolution 1503 (XLVIII), they should refrain from referring to any decision taken under the confidential procedure governed by that resolution, or to any confidential materials relating thereto, in respect of Bolivia, Burma, Ethiopia, Indonesia, Malawi, Paraguay, the Republic of Korea, Uganda and Uruguay. If there was no objection, he would take it that Commission members would refrain from submitting any draft decisions or draft resolutions on any matter concerning which a decision had already been taken at the current session under that confidential procedure.

3. It was so decided.

4. The CHAIRMAN said that after consultation with the main parties concerned he suggested that the Commission should take the following decision: "The Commission decides that the debate under item 12 (a), entitled 'Question of human rights in Cyprus', be postponed to the next session of the Commission, with due priority at that session, it being understood that action required by previous resolutions of the Commission on this subject continues to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation."

5. It was so decided.

6. Mr. YAVUZALP (Observer for Turkey) said that his delegation's position with regard to the Commission resolutions referred to in the decision just taken remained unchanged.

7. Mr. van BOVEN (Director, Division of Human Rights) noted that, on 13 September 1978, an article on the confidential deliberations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and in particular of its Working Group on Communications, had appeared in Le Monde. As a result, the Sub-Commission had adopted its resolution 10 (XXXI), requesting the Secretary-General to investigate the breach of confidentiality, to devise and implement measures to safeguard confidentiality and to report to the Commission at its thirty-fifth session on the investigation and the measures devised. He drew attention in that connexion to the observations he had made at the time, as reflected in paragraph 229 of the Sub-Commission's report (E/CN.4/1296).

8. He could not share the view expressed in the preambular part of the Sub-Commission resolution that incidents such as the one to which he had referred were constant and systematic. It must be stressed that at no time had there

been any indication that a staff member had deliberately failed to observe the rule of confidentiality. The only instance in which the Secretariat had failed to prevent unauthorized access to deliberations of the bodies involved had occurred during the Sub-Commission's session in 1976, when an open meeting had been converted into a closed one and a technician had failed to close down transmission to the press room. Since 1972, when the procedure laid down in Economic and Social Council resolution 1503 (XLVIII) had come into operation, the Secretariat had serviced between 150 and 200 closed meetings of the bodies involved in the procedure's implementation. Moreover, since the adoption of Sub-Commission resolution 10 (XXXI), the Secretary-General had received a letter from the journalist responsible for the article in Le Monde assuring him that no member of the Secretariat had assisted her in obtaining her information.

9. The Secretariat had taken extensive measures to ensure strict observance of the rule of confidentiality in the preparation of all documentation pertaining to the procedure under Council resolution 1503 (XLVIII) and in the servicing of the bodies involved in its implementation. All communications received were channelled directly to the Division of Human Rights and placed in locked confidential files to which only essential staff had access. The processing of communications and preparation of all documents submitted for translation and reproduction was attended to by the Communications Unit only. The cover page of each document carried a reminder concerning its confidential nature. A similar indication was also typed on the document control form which accompanied each document through all stages of preparation. Once a document was reproduced, all copies, as well as stencils, were forwarded to the Communications Unit for safe keeping in locked rooms. Confidential documents were dispatched by the Communications Unit to the members of the bodies concerned at the address given by the members to the Unit for that purpose. Obsolete documents and unnecessary stock were shredded under supervision of the Unit staff.

10. With regard to the servicing of the bodies concerned during meetings, the Communications Unit compiled all confidential dossiers for distribution to members during meetings and handed them to each member individually. Safe storage was provided in the meeting room area for members who wished to hand their confidential dossiers to the Secretariat after the adjournment of a closed meeting. Care was also taken to collect all confidential documents which members might accidentally leave on their desks between meetings. All summary records of closed meetings were handed over to the Communications Unit for storage and for distribution or dispatch in the same manner as other confidential documents. The tape recordings of closed meetings were also handed over to the Communications Unit for safe keeping. Security personnel were posted at conference room doors to ensure that only members and the Secretariat staff servicing the meetings could enter the conference rooms during closed meetings.

11. Although the Secretariat would remain alert to any possibilities of strengthening those measures, it was hard to see what further practical steps it could take to ensure confidentiality, respect for which was also the duty of the members of the various bodies concerned.

12. The CHAIRMAN invited the representative of Cuba to introduce the draft resolution in E/CN.4/L.1447/Rev.2 and the draft telegram in document E/CN.4/L.1456.

13. Mrs. FLOREZ PRIDA (Cuba) said that the delegations of Cuba and Venezuela had proposed the draft resolution in document E/CN.4/L.1447/Rev.2 because of continuing international concern over the human rights situation in Nicaragua. The Nicaraguan Government had not only committed acts of repression against its own civilian population, but had also violated the sovereignty of Costa Rica, thereby endangering the security of the entire region. She drew particular attention to paragraph 4 of General Assembly resolution 33/76, since the adoption of which the situation in Nicaragua had not improved. The most elementary rights of the population were still denied and protests had resulted in the killing of countless innocent victims. Many Governments had denounced the numerous atrocities committed against the civilian population, including students and priests. The situation was urgent, and the action contemplated in the draft resolution in question, including condemnation, was the least that the Commission could do under the circumstances.

14. Her delegation proposed that the Commission should adopt the telegram in document E/CN.4/L.1456 to show its concern over such actions as the assassination of Dr. Alberto Fuentes Mohr, which had greatly affected international public opinion and constituted a serious human rights violation. The crime in question was symptomatic of the human rights situation in Guatemala, where an entire population was subject to military repression and denied its fundamental freedoms. Dr. Mohr had occupied a number of important positions in his own country and in the United Nations, and his intense activity on behalf of the Guatemalan people had resulted in many threats to his life. It was his work for the Socialist Democratic Party of his country that had precipitated his death, which had caused a profound shock both in Guatemala and throughout the world, and which inspired the telegram.

15. The CHAIRMAN called upon the representative of Canada to introduce the draft resolution in document E/CN.4/L.1446.

16. Mr. LIVERMORE (Canada) said that the Commission had expressed serious concern at its previous session over human rights violations in Democratic Kampuchea and that there had been no evidence that the situation had changed since then. Paragraph 2 of the draft resolution was an inescapable conclusion for any impartial person, and paragraph 3 a logical corollary of that conclusion. The sponsors had attempted to produce a moderately worded text which would obtain maximum support. The Commission could not fail to endorse paragraph 2 in particular. No attempt had been made to pronounce on extraneous political matters. The sponsors therefore hoped that the draft resolution would be adopted without a vote.

The meeting rose at 1 p.m.