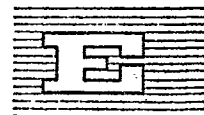
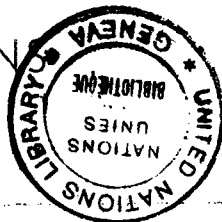


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/SR.1516
14 March 1979

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Thirty-fifth session

SUMMARY RECORD OF THE 1516th MEETING

held at the Palais des Nations, Geneva,
on Monday, 12 March 1979, at 4 p.m.

Chairman: Mr. BEAULNE (Canada)

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The meeting was called to order at 4.20 p.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3)

1. The CHAIRMAN announced that the time-limit for submission of draft resolutions on all remaining agenda items was the end of the current meeting.
2. Mr. CHARRY SAMPER (Colombia), speaking on a point of order, formally requested that the time-limit should not apply to telegrams, which were comparable to draft resolutions. The Commission might be called upon to send telegrams in the event of a duly recognized situation of extreme urgency.
3. Mr. MEZVINSKY (United States of America), supported by Mr. CHAVEZ GODOY (Peru), seconded the Colombian request.
4. The CHAIRMAN said that if he heard no objection he would take it that the Commission agreed not to fix a time-limit for sending telegrams.
5. It was so decided.

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/L.1452; L.1453; L.1455; L.1457)

Draft resolution E/CN.4/L.1452

6. Mr. McKINNON (Canada), introducing the draft resolution, stressed that while the exodus of populations was not a new phenomenon, in recent years it had become more frequent and serious because it was occurring everywhere. In 1978 there were 4.4 million refugees and displaced persons in Asia, 2.5 million in Africa, 1.7 million in the Middle East, 750,000 in Europe and 1 million in America.
7. Humanitarian bodies, such as the Office of the United Nations High Commissioner for Refugees, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and the International Committee of the Red Cross, existed as well as non-governmental organizations set up exclusively to improve the lot of refugees by obtaining temporary accommodation for them, providing support and assistance, and helping them to find a country in which to live permanently or to return to their countries where the situation permitted.
8. However, the reasons for the phenomenon, which were many - armed conflicts, political upheavals, economic situations and violations of human rights - must also be dealt with; and when the reason for mass exodus was the violation of human rights, the Commission was the only United Nations body for solving the problem. In a draft resolution which approached the problem from a humanitarian and non-political point of view, his delegation proposed a three-stage process: a special rapporteur would be appointed, first to obtain information from competent bodies on the most serious cases of large-scale exodus, then to determine whether there was a link between those population movements and mass violations of human rights; and finally, if necessary, to carry out an on-the-spot inquiry into the most serious cases and report to the Commission with a view to finding a solution in cases where there was an evident link.

9. It was in the interests of several countries and regions to have an impartial opinion on the precise reasons for a mass exodus, so as to enable the competent United Nations bodies to act.

Draft resolution E/CN.4/L.1457

10. Mr. GAUDREAU (Canada) said that, falling in with the view expressed by the Soviet delegation, he proposed to delete the second and third preambular paragraphs of draft resolution L.1457.

11. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) said that the representative of Canada was moving ahead rather fast; the Russian text of draft resolution E/CN.4/L.1457 had not yet been distributed.

12. Mr. GAUDREAU (Canada) said that, while waiting for the Soviet delegation to receive the Russian version of the draft, he would merely introduce the draft resolution as a whole, without referring to any amendments. The situation in Equatorial Guinea fully justified immediate consideration by the international community of the question of respect for human rights in that country. Allegations of violations of human rights in Equatorial Guinea had been received for several years; reference was frequently made to the "reign of terror" at Malabo. Furthermore, on 7 March, "Jeune Afrique", which was not the only newspaper to report on the situation in Equatorial Guinea, had stated that one third of the population had fled the country since its accession to independence in 1968. In his Government's view, Equatorial Guinea had never been able to refute satisfactorily the accusations levelled against it. That was why the draft resolution proposed that the Commission entrust a Special Rapporteur with the task of making a thorough study of the human rights situation in Equatorial Guinea. Furthermore, it was in the interests of the Malabo Government to provide an explanation for the charges made against it. His delegation therefore hoped that the Economic and Social Council would appeal to Equatorial Guinea to collaborate with the Commission, and he hoped that the members of the Commission would find it possible to support the proposal unanimously.

Draft decision E/CN.4/L.1453

13. Mr. TOŠEVSKI (Yugoslavia), introducing draft decision E/CN.4/L.1453 on behalf of the sponsors, wished to make it clear that their intention was not to close but to defer debate on the human rights situation in Democratic Kampuchea. The members of the Commission were well aware that it was not at present possible to consider the problem of human rights in that country without touching upon certain broader political issues in the region. In view of the nature of the draft decision, he proposed that it be put to the vote immediately.

14. Mr. EL-FATTAL (Syrian Arab Republic) said that he would like to see the debate not merely deferred but closed. It would be unwise to embark on a debate of such importance when the current session of the Commission was drawing to a close. He cited rule 50 of the rules of procedure, which defined the procedure for closure of debate.

15. Mr. MEZVINSKY (United States of America), speaking on a point of order, said that rule 50 applied to closure of the debate on the item under discussion, in other words the agenda item as a whole, and not on a specific resolution or decision. In his view, all speakers should express their views on item 12, and the proposal for closure could not be introduced until the end of the debate.

16. The CHAIRMAN suggested that, in accordance with the request made by the representative of Yugoslavia, rule 49 of the rules of procedure should be applied. Under that rule, a representative might at any time move the adjournment of the debate on the item under discussion. He still believed, despite the different interpretation of the representative of the United States, that the proposal of the representative of Yugoslavia did not relate to all the questions studied under item 12, but only to the content of draft decision E/CN.4/L.1453. It was a procedural question which should be dealt with in accordance with rule 49 of the rules of procedure.

17. Mr. EL-SHAFEI (Egypt), a sponsor of the draft decision, said that he was in favour of adjournment of the debate on the draft.

18. Mr. EL-FATTAL (Syrian Arab Republic), likewise a sponsor of the draft, also supported the Yugoslav motion. Whether rule 50 or rule 49 of the rules of procedure was applied, the motions proposed concerned only the draft decision under consideration.

19. Mr. RIOS (Panama) favoured closure of the debate on document E/CN.4/L.1453.

20. Mr. DAVIS (Australia) opposed both adjournment and closure of debate on document E/CN.4/L.1335, since it concerned the Government of Democratic Kampuchea, currently recognized by the United Nations. What had happened in that country constituted one of the most serious cases of violation of human rights in recent years. The Chairman of the Sub-Commission had himself confirmed those allegations and had brought forward irrefutable arguments. However, Democratic Kampuchea was now in a different situation: it was the victim of foreign occupation, a situation to which the international community should give priority, under General Assembly resolution 32/130, paragraph 1 (e). Furthermore, in view of the charges made against Democratic Kampuchea, his delegation felt that that country was entitled to send a representative to provide the Commission with an explanation in accordance with rule 69 of the rules of procedure, which stated that "the commission shall invite any Member of the United Nations that is not a member of the commission, and any other State, to participate in its deliberations on any matter of particular concern to that State."

21. Mr. MEZVINSKY (United States of America) also opposed the closure of the debate. He found it paradoxical that discussion of the human rights situation in Democratic Kampuchea should now be prohibited, when the Chairman of the Sub-Commission had spoken about it, the Commission had waited a year for analysis of the documents concerning that country, and the situation there was one of the worst in the world. The Chairman of the Sub-Commission had quoted the figure of at least 100,000 executions; some people spoke of millions of dead; and even the term "genocide" had been used.

22. The CHAIRMAN reminded the representative of the United States that the Commission was not discussing the substance of the matter but had to decide on a procedural point.

23. Mr. MEZVINSKY (United States of America) wished to explain why he was opposed to closure of the debate, which in his view would be a sham proceeding. It seemed to him unacceptable that the Commission should refuse to deal with a serious question on which a report had been drafted. The Rapporteur himself had asked that the case should not be closed. He asked whether members wished to remain silent on the atrocities committed in Democratic Kampuchea, on the hunger, the forced migrations, the destruction of families, etc. How could the Commission call itself a Commission on Human Rights if it avoided discussion of violations of the most fundamental of those rights? Were its members to avoid speaking of man's inhumanity to man for fear of embarrassing certain people? What would the Commission then be able to say to the refugees who had fled by boat, risking their lives, and to those who in one way or another had survived the slaughter? Closure of the debate would be equivalent to telling them that the Commission wanted to silence the debate and withhold comment. The action taken to support draft decision E/CN.4/L.1453 should not be tolerated in the history of the Commission. That would mean disappointing the hopes of those who wished the work of the Commission to mean something. His delegation would not be silenced; if there was no debate in the Commission, it would speak out outside.

24. The CHAIRMAN recalled that a motion for closure had been proposed and that, in accordance with rule 49 of the rules of procedure, two representatives favouring and two opposing the motion had spoken. The motion must now be put to the vote.

25. Mr. EL-FATTAL (Syrian Arab Republic) said that the debate should be closed not only on draft decision E/CN.4/L.1453, but on all the subject matter.

26. Mr. ERMACORA (Austria) took it that according to the understanding of the representative of the Syrian Arab Republic, the debate should also be closed on draft resolution E/CN.4/L.1446.

27. Mr. EL-SHAFFI (Egypt) also thought that the debate should be closed on the entire question of Democratic Kampuchea, and therefore on any other draft resolution submitted on that subject. In reply to the observations by the representative of the United States, he assured him that the reasons why the sponsors of draft decision E/CN.4/L.1453 had requested postponement of consideration of the report in document E/CN.4/L.1335 until the thirty-sixth session were different from those he had mentioned. They too were concerned about the violations which had taken place in Democratic Kampuchea; but they felt that it was not propitious at the present time to discuss the human rights situation in that country.

28. After a discussion in which Mr. McKINNON (Canada), Mr. TRAORE (Ivory Coast), Mr. RIOS (Panama), Mr. DAVIS (Australia) and Mr. CHAVEZ GODOY (Peru) took part, the CHAIRMAN noted that closure of debate was understood differently by different delegations and suggested that, to save the Commission's precious time, if he heard no objection he would put draft decision E/CN.4/L.1453 to the vote immediately.

29. Draft decision E/CN.4/L.1453 was adopted by 20 votes to 10, with 2 abstentions.

Draft resolution E/CN.4/L.1455

30. The CHAIRMAN drew the attention of members of the Commission to draft resolution E/CN.4/L.1455, submitted under agenda item 12, concerning Western Sahara.

31. Mr. GNONLONFOUN (Benin), introducing the draft resolution on behalf of the delegations of Algeria, Benin, Burundi, Cuba, Libyan Arab Jamahiriya, Madagascar, Panama, Syrian Arab Republic and Yugoslavia, said that since the Commission was anxious to consider all problems of protection of human rights, wherever those rights had been violated, it should consider the situation in Western Sahara, where the refusal to allow people to exercise their right to self-determination was resulting in tension and conflict. The United Nations was dealing with that situation at the political level, as was the Organization of African Unity. The Commission should deal with the humanitarian aspect. According to reports and joint and individual testimony, transfers of population, abductions and massacres had taken place in Western Sahara. The situation had been described by the French, Belgian and Swiss sections of Amnesty International, and the Red Crescent had also referred to it. In view of all the information available, the sponsors of draft resolution E/CN.4/L.1455 were simply requesting that the question of the violation of human rights and fundamental freedoms in the Western Sahara should be included in the agenda of the thirty-sixth session of the Commission.

32. The CHAIRMAN recalled, before adjourning the discussion, that Morocco was to introduce draft resolution E/CN.4/L.1461 on the same subject on behalf of its sponsors.

The meeting rose at 6 p.m.