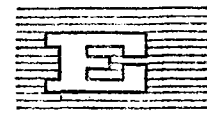


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COMMISSION ON HUMAN RIGHTS

Thirty-fifth session

SUMMARY RECORD OF THE 1518th MEETING

held at the Palais des Nations, Geneva,  
on Tuesday, 13 March 1979, at 10 a.m.

<u>Chairman:</u>	Mr. BEAULNE	(Canada)
later:	Mr. RIOS	(Panama)

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The meeting was called to order at 10.15 a.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.4/1315; 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, L.1457/Rev.2, L.1461; E/CN.4/NGO/240)

1. Mr. EL-FATTAL (Syrian Arab Republic), speaking in exercise of the right of reply, said that Syrian citizens of the Jewish faith were not restricted in the exercise of any of their rights; that was a fact to which those who had visited the Jewish community in the Syrian Arab Republic since the creation of Israel in 1948 could bear witness. Due to the brain drain, which could be described as a reverse transfer of technology, the Government was obliged to impose restrictions on travel abroad, but the related measures applied to all sections of the population without any distinction as to religion. It was not considered to be acceptable for engineers, doctors and the like who had been trained in Syria to go abroad without having first served their country within certain limits that were prescribed by law. As a developing country, the Syrian Arab Republic spent its financial resources on development projects rather than on tourism abroad. Any country that wished to encourage tourism from Syria to the United States of America or anywhere else was free to provide the necessary financing. It was also worth mentioning that Syrian citizens of the Jewish faith were exempt from military service.

2. The accusations made by the observer for Israel at the previous meeting stemmed, first, from the Zionist doctrine which had recently been expounded yet again by the Israeli leader Begin, who had stated that the Jewish people's right to settle in all parts of the land of Israel was inalienable, had been exercised in the past and would be exercised in the future. That so-called right of the Jewish people was a denial of the rights of the Palestinian people, which Zionist doctrine refused to recognize. The Judaization of labour and land was the automatic outcome of a Fascist or Nazi doctrine coupled with the racism that was inherent in Zionism. The refugee problem was engendered by dictatorial and totalitarian theories of the so-called right of the Jewish people to establish Israel, the borders of which had never been and would never be defined, notwithstanding the Camp David agreements.

3. Propaganda was the second reason for the attitude adopted by Israel, which preferred European to oriental Jews because they were more advanced. For propaganda reasons, therefore, the Government of Israel was obliged from time to time to show some concern for the oriental Jews, who would in any case be treated as second-class citizens in Israel if they chose to go there.

4. Finally, the political undertones of the accusations made by the observer for Israel could not be overlooked. Under the Camp David agreements, the right of the Palestinian refugees to return to their land was completely ignored. When the observer for Israel spoke of the right of Jews to immigrate, he was in fact saying that whenever a Jew entered Israel, a Palestinian lost his right to return there.

5. Mr. SKALLI (Morocco), speaking in exercise of the right of reply, said that in a previous statement his delegation had cited a number of examples of non-humanitarian behaviour on the part of the Algerian leaders, who were responsible for the tense situation obtaining in the Western Sahara region: It had drawn the Commission's attention to the lot of almost 40,000 Moroccans who had been rounded up and expelled from a country which they had always considered to be their own. It had described the dramatic situation of families in the southern provinces of Morocco whose close relatives had been dragged from their homes and taken under armed escort to be sequestered in so-called refugee camps. Both members of the Commission and the world as a whole had had occasion to observe Morocco's moderation and self-control in the face of flagrant and repeated aggression against its territory by a foreign army aided by mercenaries of various origins.

6. It had been stated that the rights of the Sahrawis were being violated. That was certainly true, but those violations were not taking place in Morocco. It would be more accurate to state that the rights of people in the western part of the Sahara were being violated daily by those who had not only deprived them of their liberty but were also attempting to indoctrinate them and to instil in them hatred of their fatherland and fellow citizens.

7. His Government had no difficulty whatsoever in refuting the fallacious accusations levelled against Morocco. The assertions made by the observer for Algeria at the previous meeting were either flights of fancy or the product of pure dishonesty. Morocco was known throughout the world as a free, liberal and democratic country that was deeply attached to respect for the human person and human rights. That was the attitude it adopted not only towards its own citizens but also towards foreigners, including those who attempted to undermine its sovereignty and territorial integrity. Numerous reports of the International Committee of the Red Cross (ICRC) praised the way in which Algerian soldiers captured on Moroccan territory while bearing arms were treated. The observer for Algeria had referred to a letter dated 24 November 1978 from ICRC to the Moroccan authorities in which it was stated that, since September 1976, ICRC had not been able to discharge its humanitarian duties in favour of Moroccan and Mauritanian prisoners, but he had omitted to mention that the prisoners in question had been captured on Moroccan territory. The President of ICRC, who had recently visited Morocco's Sahara provinces in person, had had occasion to note the considerable efforts made by the Moroccan authorities to promote economic, social and cultural development in that region.

8. Were people who were responsible for the daily violation of the most fundamental human rights entitled to preach about humanitarianism and criticize others? Were the imprisonment of thousands of defenceless people, flagrant aggression against neighbouring countries, subversion and the taking of hostages related in any way to humanitarian law and the standards which should govern relations between nations? Did the detention, for more than 13 years and without ground or judgement, of persons who had devoted their life to the defence of their country's liberty and independence correspond to what could legitimately be expected of that country's leaders? Those who were claiming today to defend human rights could not be taken seriously, for too many presumptions and accusations could be laid at their door.

9. Morocco was a free country and would defend that freedom against any manoeuvres undertaken with hegemonistic or neo-imperialist motives. It had absolutely nothing to hide and its democratic system operated quite openly. As had been written only a few days previously by President Léopold Senghor of Senegal, who commanded universal respect, the monarchical structure in Morocco had been democratized, there was a plurality of political movements in the country, the opposition enjoyed and exercised the right to freedom of expression and the rules of democracy were accepted by all, including the Moroccan Communist Party.

10. Mr. CAJINA MEJICANO (Observer for Nicaragua) said that the submission of the draft resolution concerning alleged human rights violations in Nicaragua (E/CN.4/L.1447/Rev.2) involved a breach of the procedure laid down in Economic and Social Council resolution 1503 (XLVIII) for the consideration of communications relating to violations of human rights and fundamental freedoms. That procedure was to be applied in three successive stages which were described, respectively, in paragraphs 1, 5 and 6 of the said resolution. Paragraph 1 of rule 69 of the rules of procedure of the functional commissions of the Council required the Commission to invite States to participate in its deliberations on any matter of particular concern to them. Furthermore, it was stated in the section of the annotations to the provisional agenda (E/CN.4/1297/Add.1/Rev.1) relating to item 12 (b) that the Commission had decided to issue invitations to the States concerned during the first week of the session. To date, however, neither his Government nor its Permanent Representative in Geneva had received any such invitation, nor had they been notified that any question concerning Nicaragua was to be examined; indeed, no mention at all was made of his country in the agenda for the current session.

11. Consequently, what was involved was a denial of the right of the accused to a fair hearing before sentence was passed. The Universal Declaration of Human Rights, the provisions of which could be applied by extension or analogy to States, proclaimed the universal principle of equality of rights and freedoms without distinction of any kind (article 2). Another universal principle which was accepted by all civilized countries was that of equality before the law and equal protection by the law; in that connexion, article 10 of the Universal Declaration of Human Rights and article 14 of the International Covenant on Civil and Political Rights were particularly important and, again, could be applied to States by analogy. In accordance with article 11 of the Declaration and article 14 of the Covenant, everyone charged with a criminal offence had the right to be presumed innocent until proved guilty according to law in a public trial at which he had had all the guarantees necessary for his defence.

12. Nicaragua had not recognized the competence of the Commission to receive and consider communications alleging that it was not fulfilling its international obligations, for the simple reason that it had not been informed of the Commission's intention to examine issues of concern to it. Furthermore, the matters in question

were being examined in the Inter-American Commission on Human Rights, and paragraph 6 (b) (ii) of Economic and Social resolution 1503 (XLVIII) therefore applied. Article 52 of the Charter of the United Nations stated that nothing in that instrument precluded the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as were appropriate for regional action, and called upon the Members of the United Nations to make every effort to achieve pacific settlement of local disputes through such regional arrangements or agencies.

13. The meeting room still echoed with the words of a representative who had expressed concern at the Commission's violation of its own rules of procedure and had alluded to the use, for political reasons, of double standards when similar situations in different countries were examined.

14. Draft resolution E/CN.4/L.1447/Rev.2 expressed concern that the Government of Nicaragua had taken no steps to respect the human rights and fundamental freedoms of the population. Were the sponsors deliberately ignoring the fact that Decree No. 743 of 15 December 1978 had granted broad and unconditional amnesty for offences committed when political passions had been running high? Why was the word "condemns" used in paragraph 1 of the draft resolution? Was the Commission a court of law? Had all the required procedures been followed in respect of the right of the accused to defend himself? Why was no mention made in the draft resolution of paragraph 5 of General Assembly resolution 33/76, which requested all States to discourage the recruitment and participation of their nationals as mercenaries in the Nicaraguan conflict? Was it being suggested that the General Assembly did not know that certain foreign countries were financing and supporting subversion in Nicaragua? His Government had proof of foreign intervention; indeed, those who were speaking out against Nicaragua in the Commission were the very ones who were playing an active part in promoting subversion in the country. Cuba and Venezuela were cases in point. And what of Costa Rica, whose territory was being used as an operational base?

15. The CHAIRMAN said that he did not wish to deprive any speaker of the right to express his views. However, given the limited time at the Commission's disposal, he must request the Observer for Nicaragua to make his remarks as brief as possible.

16. Mr. CAJINA MEJICANO (Observer for Nicaragua) said that those who fostered and financed the acts of subversion to which he had referred were flagrantly violating the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, contained in General Assembly resolution 2131 (XX), as well as article 2, paragraph 7 of the Charter, which stated that nothing contained in the Charter authorized the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State or required the Members to submit such matters to settlement under the Charter. However, the countries concerned, not content with committing direct aggression, were endeavouring to use the Commission as a forum in which to pursue their political ends.

17. Even under the prevailing conditions, the state of emergency had been lifted, the Constitution was functioning normally, there was no restriction on party political, press or trade union activity, persons were free to enter the country, and the authorities stood ready to arrange a peaceful and democratic transfer of power, in accordance with national legislation and with the participation of observers from the Organization of American States.

18. Article 1 of the International Covenant on Economic, Social and Cultural Rights recognized the right of all peoples to self-determination and required the States Parties to that Covenant to promote the realization of, and respect that right, in conformity with the provisions of the Charter. Any attempt to use the Commission as a means of influencing the electoral process and the right of the Nicaraguan people to self-determination was misguided. That people should be left to decide matters for itself through the ballot-box. No attempt had been made by the Nicaraguan authorities to gain votes through the use of coercion.

19. He had deliberately refrained from criticizing the behaviour of certain members of the Commission, citing instances of violations of human rights and referring to the economic exploitation to which small countries such as his own were subjected. Such countries' sole defence against the political aims of great Powers was the law.

20. Any attempt to create some kind of supranational legal procedure would create a precedent which violated State sovereignty and threatened the legal security not only of the States members of the Commission but of the international community as a whole. Mindful of its responsibility to all mankind, the Commission must reject categorically any such proposal, which, if adopted, would serve only to destroy the Commission's credibility.

21. Mr. Rios (Panama) took the Chair.

22. Mr. NSANZE (Burundi) said that the sponsors of draft resolution E/CN.4/L.1455, of which his delegation was one, hoped that the Commission would put the question of the violation of human rights and fundamental freedoms in Western Sahara on the agenda for its thirty-sixth session as a matter of high priority.

23. Burundi was traditionally on the side of peoples struggling against colonial rule, and considered that peoples who had been driven to armed struggle, as a last resort, in an attempt to achieve self-determination had a right to be protected by the international community. Burundi sincerely hoped that the parties involved in the conflict could arrive at a solution, preferably under the auspices of the Organization of African Unity; it shared the deep concern of the latter organization, and of the United Nations, with regard to the decolonization of Western Sahara, bearing in mind particularly General Assembly resolution 33/31.

24. Mr. GIAMBRUNO (Uruguay), referring to the draft telegram to the Government of Guatemala contained in document E/CN.4/L.1456, said that it would be inappropriate for the Commission to send such a communication to a Government which had clearly demonstrated, through its observer, its attentiveness to the Commission's concern about the incident in question. Indeed, the telegram seemed to have been drafted more from political motives than out of consideration for human rights, and the Uruguayan delegation could not associate itself with such a text.

25. With regard to draft resolution E/CN.4/L.1447/Rev.2 on the situation relating to Nicaragua, it seemed strange that the Commission had seemingly ignored the other procedures being applied under a regional convention - namely, that of the Organization of American States. In fact, the Inter-American Commission on Human Rights of OAS had visited Nicaragua, by invitation, and had submitted a report through the OAS Council; OAS had subsequently appointed two working groups which likewise had visited Nicaragua, as well as neighbouring States, to examine allegations concerning human rights violations, and had made their findings available to the OAS Member States. Moreover, although a state of civil war was an internal affair, Nicaragua had accepted offers of mediation from the United States, Guatemala and OAS, taking into account the interests of neighbouring States also.

26. It was noteworthy that Cuba, a country whose subversive activities were well known, had played a leading role in the drafting of documents E/CN.4/L.1456 and E/CN.4/L.1447/Rev.2 - a fact which should warn the Commission about the real motives involved. Paragraph 3 of draft resolution E/CN.4/L.1447/Rev.2 referred to General Assembly resolution 33/76; that resolution, however, also requested all States to discourage the recruitment and participation of their nationals as mercenaries in the conflict occurring in Nicaragua.

27. The apparent disregard, in the Commission, of the existing and effective inter-American procedures contrasted strangely with the pains taken to assure the Commission, on a previous occasion, that the situation relating to Lebanon was essentially an Arab problem and should be left to Arabs to deal with. The notion that the States in a particular region were best able to deal with that region's problems was, of course, sound; however, it applied equally to all parts of the world. The selective impeding of debate on situations relating to certain regions was becoming a disturbing feature of the Commission's deliberations, which would quickly become pointless unless its procedures could be seen to be automatic, equitable and impartial.

28. Mr. DURHAM (International Indian Treaty Council) said that the American Indian Movement (AIM), which had long been active in bringing the situation of American Indians to the world's attention, had suffered repression, at the hands of United States Government officials, which amounted to a consistent pattern of gross violations of human rights. For example, at the Pine Ridge Indian reservation, over 300 people had met violent deaths, which had led to no prosecutions. The Federal Bureau of Investigation (FBI) continued unchecked, despite numerous court cases, in its illegal methods of coercion and intimidation. In addition, the United States Government systematically attacked AIM's leadership. For example, three leaders were at present serving prison sentences. One of them had been shot three times, beaten senseless, and stabbed while in prison, but no one had been prosecuted for those attempts on his life; the family of another had been constantly harassed by Federal authorities; and the third had deteriorated physically and mentally as a result of so-called chemotherapy applied during his imprisonment.

29. The situation relating to Indian political prisoners had already been drawn to the Commission's attention at its thirty-fourth session and had grown worse since that time. The United States Commission on Civil Rights, having been asked to investigate the atrocities at the South Dakota state prison had decided that a full investigation was unwarranted - although its representatives had not spoken to a single inmate during their preliminary inquiries.

30. It was impossible for an Indian to obtain a fair trial in the United States courts. In one particular case - that of Leonard Peltier - Amnesty International had noted the reference in the appeal judgment to an abuse of the investigative process by the FBI, and the comment by one judge that the pattern of events gave some credence to the Indian people's claim that the United States authorities were prepared to fabricate evidence.

31. The charges now being made before the Commission were indeed grave but were based on first-hand experience and carefully documented information which was in the hands of the United States Government. In practice, no realistic remedy was available to Indians in the United States. The official report of the conference of non-governmental organizations on discrimination against indigenous populations in the Americas, held in 1977, showed that the repression carried out by the United States was part of a sophisticated plan of genocide which would destroy the Indian land and people.

32. His organization appealed to the Commission, at its current session, to take an initiative aimed at ending the violations of the Indian people's human rights, and it hoped that the United States delegation's expression of concern for human rights was genuinely meant.

33. Mr. Beaulne (Canada) resumed the Chair.

34. Ms. ZUMSTEIN (International Federation for the Rights of Man) said that, in its resolution 33/176, the General Assembly had drawn the attention of the Commission to the importance of the experience of the Ad Hoc Working Group on the Situation of Human Rights in Chile and had in effect invited the Commission to consider the possibility of setting up working groups and other similar bodies in cases which appeared to involve gross violations of human rights. In a statement made at the Commission's thirty-fourth session, the International Federation for the Rights of Man had reported on the results of an observer mission headed by Admiral Sanguinetti and organized under the auspices of the International Federation and of the International Movement of Catholic Lawyers. The report had pointed to a consistent pattern of gross and mass violations of human rights requiring action on the part of the international community. At the same session, other members of the Commission had also pointed to the gravity of the situation. In 1976, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had adopted a resolution in which it had expressed grave concern over the situation in question and in July 1978, the European Parliament had unanimously adopted a resolution pointing to the need for joint action. In February 1979, a Conference of European and Latin American Parliaments held in Rome had considered the question of human rights and fundamental freedoms in three countries in the southern cone of Latin America, including the country visited by the Sanguinetti mission. The



Conference had concluded that the countries in question were being ruled by military dictatorships which had dissolved Parliaments and abolished democratic institutions and which refused to provide any information on the thousands of detained and missing persons. In that connexion, it should be noted that in its resolution 33/175 the General Assembly had invited the Commission to consider the problem and to make recommendations concerning the investigation and prevention of cases of missing persons.

35. In some cases of mass violations of human rights, and in particular the case of Chile, the United Nations had taken a firm stand, but there were some extremely serious situations in respect of which international public opinion had long been waiting for the competent bodies of the United Nations to assume their responsibilities. The human rights situation was particularly serious in Argentina, and an ad hoc working group should be set up to investigate the state of affairs in that country. Tens of thousands of persons had disappeared in the course of the last three years, political assassinations had taken place and the practice of torture had been institutionalized. The Commission should also request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to gather information on the human rights situation in Argentina and to transmit that information to the Commission at its next session.

36. Mr. DOMINICE (International Youth and Student Movement for the United Nations), speaking on behalf of the International Young Christian Workers, the International Movement for Fraternal Union among Races and Peoples and the International Federation for the Rights of Man, said that the Commission had a duty to demand full compliance with the Universal Declaration of Human Rights by régimes and States that oppressed those under their authority. In that connexion, the situation of the population of Western Sahara was a matter of grave concern.

37. Mr. EL KOHEN (Morocco), speaking on a point of order, said that the question of Western Sahara was a political problem that must be dealt with only by the General Assembly and the Security Council. The problem of the legal status of Western Sahara had still not been resolved. He therefore asked that speakers should be requested to confine themselves to matters covered by agenda item 12.

38. Mr. CHAVEZ-GODOY (Peru) pointed out that draft resolutions relating to Western Sahara had already been submitted under agenda item 12. He therefore failed to see why a non-governmental organization should be prevented from addressing itself to all matters covered by that item.

39. Mr. EL KOHEN (Morocco) said that the Commission had not yet decided on the admissibility of the draft resolutions concerning Western Sahara, and it would therefore be wrong to discuss the matter in the meantime.

40. The CHAIRMAN said that, unless the draft resolutions in question were withdrawn, all members of the Commission were entitled to discuss them until a vote had been taken.

41. Mr. DOMINICE (International Youth and Student Movement for the United Nations) said that the observer mission sent to Western Sahara by the International Federation for the Rights of Man had reported the deaths of thousands of Sahrawis, the torture of children and the bombing of unarmed persons by the forces of the two occupying countries. Writing in Primera Plana, the Spanish publication in October 1977, Joaquin Ibarz had described how the occupying forces were prepared to use a scorched earth policy to obtain the submission of the Sahrawis living in the occupied zone and how those forces spent most of their time pursuing and capturing all Sahrawis suspected of collaborating with the Polisario Front. Ibarz had also reported on the psychological and physical torture to which detainees were subjected. Finally, he had described how the occupying forces had destroyed livestock in order to crush any resistance and how they had expropriated the best houses for their own officials. The purpose of such measures was to deprive the Sahrawi people of its territory and destroy its traditions. All manifestations of a distinct Sahrawi identity were suppressed and acts of resistance were punished by reprisals against hostages. Festivities held to commemorate the first attack by the Polisario Front against the colonial Power and the proclamation of the Sahrawi Democratic Arab Republic were always followed by acts of repression, as a result of which many Sahrawis were imprisoned, tortured or reported missing.

42. Tony Hodges, a British journalist writing in Le Matin de Paris, a French newspaper, from 14 to 19 December 1978, had described how detainees were tortured and how the authorities refused to provide any information about political prisoners. Women detainees were described as prostitutes, and persons accused of subversive acts could be arrested and detained without trial on the grounds that questions of State security were involved.

43. History had shown that the march of peoples towards justice, sovereignty and peace could not be thwarted by political or diplomatic manoeuvring. It was to be hoped that the Commission would give the situation in Western Sahara the attention it deserved and would consider the problem at its next session. His organization had provided the Secretariat with lists of some of the persons detained by the occupying forces in Western Sahara.

44. Mr. TERCENIO (Inter-Parliamentary Union) said that the 76 Parliaments which belonged to the Inter-Parliamentary Union pursued the same objectives as the United Nations in promoting human rights. It dealt with such rights both in general terms and in terms of specific issues such as torture, apartheid and the situation in Chile.

45. In addition, since 1977, it had been applying a procedure for the examination and treatment of communications concerning specific cases of human rights violations, with special emphasis, of course, on defending parliamentarians. That procedure and the results which it had achieved were described in document E/CN.4/NGO/232. He wished to note in that connexion that nearly half of the parliamentarians whose arrests had been discussed publicly by the Inter-Parliamentary Council in 1978 had been released; it was likely that in several of those cases the Union's efforts, combined with those of other national and

international bodies, had contributed to that outcome. The effectiveness of that Council's resolutions was greatly enhanced by the fact that member Parliaments were obliged to make representations, either directly or through their respective Governments, to the authorities of the countries involved and that such bilateral action was occurring with increasing frequency.

46. To update the information contained in document E/CN.4/NGO/232, he noted that the Special Committee mentioned in paragraph 2 had in the past month studied communications concerning 39 cases of violations of the human rights of parliamentarians in 10 countries and had submitted recommendations regarding 24 of those cases, involving eight countries, to the Inter-Parliamentary Council, which would deal with them in public proceedings in April 1979. The Committee was continuing confidential consideration of 15 cases involving five countries. The number of cases made public as opposed to the number studied confidentially was characteristic of the way in which the Union had decided to proceed in that area. It was possible that some of the cases being considered by the Union were also being dealt with by the Human Rights Committee or the Commission itself; if that was so, it was to be hoped that the joint efforts of Parliaments and Governments would result in a rapid and satisfactory solution.

47. Mr. MEZVINSKY (United States of America) said that, as could be seen from the decision taken on Democratic Kampuchea, there was a danger of the Commission becoming a political device used to protect allies. It was essential that the Commission should continue to protect basic human rights and to examine freely the human rights policies of every country. No nation, including his own, should be immune from criticism. Within the United States, criticisms concerning alleged violations of human rights had been voiced by Congress, the courts and private citizens. Instances of police brutality, overcrowding in gaols and the denial of equal opportunity had been acknowledged, and a series of laws aimed at protecting civil rights had been enacted. Criticisms concerning such violations would be the focal point of a major study to be carried out within the framework of the Helsinki Agreements.

48. No regional or political solidarity should prevent the free examination of the human rights record of any country, since no culture or political doctrine sanctioned summary executions, torture or denial of the integrity of the person. If the Commission did not defend the persecuted, no one else would. To remain silent amounted to complicity, while to speak out gave hope. Who but the Commission would raise the issue of the thousands of missing persons in Argentina? Who would help the "Mothers of the Plaza de Mayo" find their sons and daughters? Who would put an end to the practice of dumping bodies into the sea from planes? Could the Commission close its eyes to the plight of hundreds of thousands of refugees in South-East Asia? The violations of human rights in Cambodia had been described as the worst in the world, and there had been reports alleging the use of poison gas in Indo-China. In Ethiopia, visiting politicians and diplomats had reported seeing dead bodies lying in the streets. In Indo-China, countries that had denied the existence of any violations of human rights in Cambodia before the Vietnamese invasion had subsequently argued that the invasion was justified by the policy of genocide to which the Cambodian people had been subjected.

49. Mr. HEREDIA PEREZ (Cuba), speaking on a point of order, said that the statement being made by the representative of the United States was in violation of the rules of procedure and previous decisions taken by the Commission.
50. The CHAIRMAN asked the United States representative to comply with the decisions taken by the Commission at the beginning of its public consideration of agenda item 12.
51. Mr. MEZVINSKY (United States of America) said that the Commission had decided not to discuss the report on Democratic Kampuchea, but that decision did not prevent members of the Commission from discussing the situation in Democratic Kampuchea in general.
52. In China, wall posters had been seen advocating such things as human rights, democracy, freedom of speech and better living conditions. The Chinese Government itself had acknowledged that there had been violations of human rights in China. In Burundi, several hundred thousand people had perished in the course of a few months, but nothing had been said. No one had raised his voice in defence of the signatories of Charter 77 in Czechoslovakia. No one had demanded the release of Hubert Matos, who had been held in a Cuban gaol for almost 20 years. No urgent measures were being taken to save the Greek minorities being persecuted and exterminated in Albania, and nothing had been done in respect of the allegations concerning the execution of scores of young people and the imprisonment of children in Nicaragua.
53. Labour camps, political prisoners and the harassment of those who sought to emigrate were all features of the political systems in countries that claimed to have given freedom a new meaning through the establishment of people's socialism. Contempt for human rights in those countries led to religious and ethnic discrimination. It must be said, however, that progress had been made in some of those countries.
54. Every individual had the right to freedom of thought, conscience and religion, but religious persecution was a widespread phenomenon. With regard to trade-unionism, black trade-unionism was stirring in South Africa, while free trade-unionism was beginning to appear in Poland, Romania and the Soviet Union, and it was to be hoped that the Commission would support such developments. However, in the Soviet Union, seven persons who had undertaken to promote the observance of human rights had been detained for over a year without a trial or defence counsel, and 22 persons had been exiled or sentenced to terms in labour camps or prisons. He read out the names of those 22 persons, as well as of three individuals in South Africa and Czechoslovakia who had been persecuted and imprisoned for supporting the human rights of their fellow citizens. Shortage of time prevented him from identifying more victims of human rights violations; it was important, however, for the members of the Commission to name names.
55. The Commission must set clear goals. It must concentrate on such matters as child abuse, the imprisonment of pregnant women, the separation of families and the use of relatives as tools of political vengeance. It should discuss publicly the question of the reunification of families and should investigate the fate of missing persons.

56. If the Commission prided itself on being the conscience of the international community in human rights matters and a forum for debating the subject, it could not take refuge in silence; the Commission was the hope of the persecuted, the imprisoned and the tortured, and it should not let them down.

57. Mr. RWAMIBANGO (Burundi), speaking in exercise of the right of reply, said that he was surprised at the United States representative's references to the human rights situation in his country. Burundi had a homogeneous population with no minorities. The United States, whose representative obviously had his own peculiar view of human rights, had a number of minorities and minority problems. Why should it attack those countries which were simply engaged in the process of national development? He asked the United States representative, whose views no one shared, to refrain from making any further references to Burundi in connexion with human rights.

58. Mr. ZORIN (Union of Soviet Socialist Republics) and Mrs. FLOREZ PRIDA (Cuba) reserved their delegations right to reply in due course to the remarks made by the United States representative.

59. Mr. EYA NCHAMA (International Movement for Fraternal Union among Races and Peoples) said that in his country, Equatorial Guinea, concentration camps were an everyday reality. He loved his country deeply and was sad to observe that it was currently undergoing the bloodiest repression in history. After the country's achievement of its independence from Spain, President Macias had begun a policy of arbitrarily arresting prominent individuals whose influence he feared, without informing them of the charges against them. At one point even the Minister for Foreign Affairs had been accused of conspiracy against the State, a matter which still had not been clarified. Persons who inquired about arbitrary arrests were themselves arrested. Such acts were part of Macias' policy of official terrorism and war against the entire people. It meant that the Fascist police entered the homes of suspects at any time, and hid the corpses of the victims afterwards. Countless cases of torture and detention under the present régime had resulted in a mass exodus of the population, 25 per cent of which was currently living in exile.

60. To implement those policies, Macias had formed the so-called Single National Party under his own control, had abrogated various articles of the Constitution and had declared himself President for life and the holder of supreme power. In all, Macias held 36 official titles. Not a single week passed without arbitrary arrests and executions. No stratum of the population had been spared from the repressive police apparatus. The entire country had been converted into one huge concentration camp. Words could not describe the gaols in his country. Those prisoners who opposed official policy, or even appeared to, were condemned to death. In 1974, to cite only one example, the inmates of one gaol had started a hunger strike, as a result of which 118 political prisoners had been shot on the spurious grounds that they threatened the security of the State. Women, children and old people were among the victims of the massacres. In 1975, a former Vice-President of the country had been assassinated, although the assassination had been labelled suicide. For 10 years, the entire country had been subjected to a bloodthirsty dictatorship designed to benefit a single individual, Macias. Its victims even included foreigners; he cited the case of Nigerians who had come to Equatorial Guinea to work and whose corpses had been repatriated to Nigeria in 1976. At least 25,000 persons were held under the

surveillance of the terrorist police in the plantations, in what amounted to a condition of pure slavery. All policies in the country were determined by Macias, and some persons had been killed even for venturing to advise him. He (Mr. Eya Nchana) was classified as an enemy of the régime, and his father had been assassinated purely on that account.

61. Macias had started his career with the colonial administration imposed by the Fascist Franco régime. His régime was the spiritual heir of Spanish fascism and one of the most important tasks of the Commission was to fight fascism wherever it existed, because fascism always meant gross violations of human rights.

The meeting rose at 1.05 p.m.