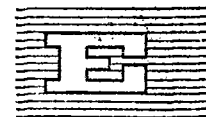


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COMMISSION ON HUMAN RIGHTS

Thirty-fifth session

SUMMARY RECORD OF THE 1519th MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 13 March 1979, at 3 p.m.

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

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The meeting was called to order at 3.25 p.m.

QUESTION OF INTERNATIONAL PROTECTION OF THE HUMAN RIGHTS OF INDIVIDUALS WHO ARE NOT CITIZENS OF THE COUNTRY IN WHICH THEY LIVE (agenda item 24) (E/CN.4/1336; E/CN.4/Sub.2/392; E/CN.4/Sub.2/L.682 and Add.1; E/CN.4/L.1473)

1. Baroness ELIES (Special Rapporteur) introduced the "Study on the problem of the applicability of existing international provisions for the protection of human rights to individuals who are not citizens of the country in which they live" (E/CN.4/Sub.2/392) and the revised text of the draft declaration on that subject (E/CN.4/Sub.2/L.682 and Add.1; E/CN.4/1336). The question of the protection of such individuals had been taken up six years previously. Subsequently, the Economic and Social Council had adopted resolutions 1790 (LIV) and 1871 (LVI) and the Commission on Human Rights had adopted resolutions 8 (XXIX) and 11 (XXX); it was on those resolutions that the documents now before the Commission were based. During that period, the events which had caused the matter to be taken up had continued, and today there were many examples of complex situations to which attention was continually drawn in the press, such as mass expulsions of Democratic Kampuchea nationals to Thailand, Vietnamese relegated to the high seas with no right of landing, Cypriots moved to southern Cyprus or in some cases to unknown destinations, the denial to Palestinians of the right to return to their homeland, the arrival in western Europe of millions of migrant workers and similar migratory movements to economically advantaged areas of the world, etc. Referring to article 2 of the Universal Declaration of Human Rights, she emphasized the need to ascertain whether receiving States recognized their responsibilities to those who lawfully entered their territory and whether that recognition found expression in their domestic law and administrative practice.

2. The objectives of the study in document E/CN.4/Sub.2/392 were fourfold: to determine whether existing provisions contained in human rights instruments afforded adequate protection; to examine whether a new instrument should be drawn up, taking into account the principles of international law already established in relation to the treatment of aliens; to make proposals to ensure the full application of existing international instruments; and to recommend effective and comprehensive measures for the protection of individuals who were not citizens of the country in which they lived. The study was based on the following assumptions: first, that the alien was resident on a long-term basis; second, that he was engaged in peaceful pursuits and was not involved in international or internal conflict of any kind; finally, that he was not a person specifically protected by a convention which provided certain privileges and immunities, such as a diplomat or a member of the armed forces.

3. The exegesis of the draft declaration was the following: first, the concept of codification of international law applicable to the alien had been considered by the International Law Commission 30 years previously, and Mr. Amador and Mr. Ago had devoted a number of years to the formulation of draft principles relating to State responsibility for damages caused in their territory to foreigners. It was noted in paragraph 95 of the study that such protection was relative and was totally denied to the stateless and to refugees. Second, customary international law contained two

conflicting principles: that an alien must accept the treatment given by a State to its nationals and could not expect to be in a privileged position, and that there was an international minimum standard which every individual had a right to expect and below which no State should go in relation to the treatment of aliens. Third, the existing human rights instruments were imprecise in their application to non-citizens, and even specific conventions such as the Convention on the Status of Refugees did not cover all refugees; in that connexion she referred the Commission to recommendations 2 to 12 contained in paragraph 401 of her study. The many recommendations set out in paragraph 401 took particular account of the needs of stateless persons, refugees and migrant workers and could serve as guidelines and encouragement to States in their treatment of non-citizens.

4. The publication and wide dissemination of the study recommended in resolution 9 (XXXI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities would contribute to education at the international level for the benefit of States, specialized agencies, non-governmental organizations and other interested bodies and individuals. The most important of the recommendations, as indicated in Economic and Social Council resolution 1790 (LIV), related to a new declaration on the obligations of States towards non-citizens, based on the international standards laid down in the Universal Declaration of Human Rights. That question of State responsibility was the direct consequence of the obligation embodied in the Charter to promote respect for human rights and fundamental freedoms for all.

5. The provisions of the draft declaration (E/CN.4/1336) were drawn from existing international human rights instruments and multilateral and bilateral treaties; they also took into account decisions of courts, the works of scholars and State practice. Documents E/CN.4/1336 and E/CN.4/L.682 and Add.1 contained the replies received from Governments, which had been taken into account for the preparation of the text now before the Commission. She expressed appreciation to the 38 Governments which had sent replies, and said that the vast majority of them had expressed support for a new declaration. Such a declaration would have a number of advantages it would guide States in their conduct both towards non-citizens and towards their own citizens abroad; it would express a consensus which had not yet been reached in international relations, thus contributing to the development of international law; it would serve to dispel conflict in customary and traditional international law and protect the interests of economically weaker States; and it would focus world attention on universal problems. By transmitting the draft declaration to the Economic and Social Council, for subsequent consideration by the General Assembly, the Commission would be fulfilling its task of guaranteeing protection of the human rights of all individuals.

6. The CHAIRMAN thanked the Special Rapporteur and said that the Commission would take a decision on the matter at a later stage.

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.4/1315; E/CN.4/1317; E/CN.4/L.1446/Rev.1; E/CN.4/L.1447/Rev.2; E/CN.4/L.1448; E/CN.4/L.1452; E/CN.4/L.1455; E/CN.4/L.1456; E/CN.4/L.1457/Rev.2; E/CN.4/L.1461)

7. Mrs. FLOREZ PRIDA (Cuba) noted that several very important actions had been taken in connexion with agenda item 12, in particular, the submission of draft resolution E/CN.4/L.1455, by which the Commission would decide to include in its agenda the question of the violation of human rights situation in Western Sahara.

8. Commenting on a statement by the observer for Nicaragua, she said that Mr. Somoza's tyranny was one of the most shameful examples in history of human rights violations. For the past 45 years, the Somoza dynasty had imposed a régime unparalleled in its barbarity. After the murder of General Sandino in February 1934, the United States had imposed on Nicaragua a Government submissive to its interests; since then, that Government had always been protected by the most reactionary forces in the United States. In that connexion, she denounced the role played by that country, which posed as the champion of human rights but supported the policy of apartheid in South Africa and had kept Puerto Rican patriots in prison for the last 25 years.

9. Since it had been in power, the tyrannical régime of the Somozas supported by the National Guard, had been carrying out mass repression against the Nicaraguan people, especially the young and the poor. That repression had intensified after the people's revolt over the past few months: murder and torture were becoming increasingly common, there had been summary mass executions and even two members of the Red Cross, Mr. Estrada and Mr. Salazar, who were caring for the wounded, had been murdered on 14 September 1978; hundreds of young people had been imprisoned, and churches were occupied by the soldiery of the National Guard. There was not a single human right that was not being violated by the Somoza régime. The Commission must therefore examine the question of the violation of human rights in Nicaragua.

10. The representative of Uruguay, a country where torture and the disappearance of persons were widespread, had expressed regret that in draft resolution E/CN.4/L.1447/Rev.2 on the situation in Nicaragua, submitted by Cuba and Venezuela, no specific reference had been made to the Inter-American Commission on Human Rights. Yet, a few days earlier, that same representative had questioned the value of the activities of that Commission, and had made accusations which she would not mention, because they had been made during a confidential discussion.

11. With regard to sending a telegram to Guatemala, which had been proposed in particular by the delegation of Cuba, */ she emphasized the atmosphere of insecurity and the absence of safeguards in that country; such was the background to the murder of Mr. Fuentes Mohr. The observer for Guatemala had moreover admitted to the Commission that an atmosphere of violence existed in his country. Her delegation considered that the current situation in Guatemala, and in particular the murder of Mr. Fuentes Mohr, justified a pronouncement by the Commission, followed as soon as possible by a study of the situation in that country and an appropriate decision.

*/ A draft telegram to the Guatemalan Government proposed by Colombia, Cuba, Panama and Peru was circulated as document E/CN.4/L.1479.

12. Mr. ZORIN (Union of Soviet Socialist Republics) expressed regret that during the discussion on agenda item 12, the Commission had listened not only to concrete statements corroborated by facts but also to many uncalled-for allegations and affirmations which deformed the truth; there had even been slanderous statements unearthed from the cold war armoury, as if those who had made them wished to divert attention from the real violations of human rights, in particular violations and sometimes even crimes for which they themselves bore a responsibility and which were increasingly arousing the indignation of people, Governments and world public opinion.

13. During its work, the Commission had already dealt with violations in several parts of the world; in southern Africa, where colonialism, apartheid and racial intolerance continued to perpetrate crimes against the fundamental rights of the indigenous inhabitants and the widespread struggle for the rapid and total elimination of those infamous phenomena of the twentieth century was being intensified; in the Middle East, where the human rights of the Arab peoples, and especially the right to self-determination of the Arab people of Palestine, were being systematically and flagrantly violated by Israel; in Chile, where the Fascist Junta had deprived the Chilean people of its elementary rights and instituted an exceptional régime with its accompaniment of mass arrests, torture, "clandestine" murders and disappearances, without distinction as to sex, language or religion.

14. Those violations did not always evoke the same reaction. The representatives of the countries of Africa, Asia and most of Latin America, as well as those of the socialist countries, had condemned them and proposed measures to put an end to them and to prevent them from recurring. Unfortunately, the Western capitalist countries, under various pretexts, had not supported those proposals and some of them, above all the United States, had on different pretexts voted against essential provisions of those draft resolutions, thus encouraging the colonialists.

15. At the current session, reference had been made to new areas which were the scene of mass violations of human rights, violations which it was impossible to ignore. Resolution 32/130, which had been adopted by the General Assembly without opposition, outlined the action to be taken in that respect. During the discussion, mention had been made of countries such as Nicaragua, Guatemala and others where there were dictatorial régimes which had come to power as a result of coups d'état and with the help of imperialist forces. During the past year, one question had made a particularly sharp impact on public opinion; namely, the flagrant and mass violations of human rights in Nicaragua. The representative of Cuba had just spoken at length about Nicaragua, a country in Central America, rich in natural resources but with a poverty-stricken population, where men and women were murdered in their thousands merely because they refused to allow their country to remain the special preserve of a clan and opposed the violations and crimes perpetrated under foreign domination.

16. To quote a United States journalist, the revolution at present occurring in Nicaragua was not an ordinary political movement in which the left fought the right and civilians fought soldiers; rather, it was a national uprising in which almost all groups of the population had united against the dictatorship of a dynasty which was maintained only with the help of the bayonets of the National Guard and the support of foreign forces.

17. In resolution 33/76, the General Assembly had censured the repression of the civilian population of Nicaragua and the violation of the sovereignty of Costa Rica by the Somoza régime and had called upon the Nicaraguan authorities to ensure respect for human rights and cease their interference in the internal affairs of neighbouring countries. However, nothing had changed since the adoption of that resolution. The dictatorial Somoza régime was pursuing, in expanded form, its policy of genocide with respect to its own people. The Commission could not ignore such blatant violations of human rights, because they concerned not only a few individuals, but a whole people. The authorities of Nicaragua and those who supported them must be strongly condemned, and they must be called upon to ensure respect for human rights. For that reason, his delegation supported the draft resolution submitted on the matter and requested that the question of the violation of human rights in Nicaragua should be considered in all its aspects at the Commission's next session.

18. He then referred to the situation in South-East Asia, where the long war waged by the United States against the peoples of Viet Nam and Cambodia had left bloody marks and was still a cause of suffering for those peoples. What was at stake was the right to life of a whole people, and its human rights and fundamental freedoms. When the war waged by the United States had at last ended, the recovery efforts of the people of Viet Nam had run up against a new threat, that time coming from its neighbour to the north, which had tried to bring it under its domination and to deprive it of its independence and freedom. The leadership in Peking, true to the expansionist and hegemonistic policy of Mao Tse-tung, had begun subjugating Cambodia after installing its puppets and establishing the cutthroat régime of Pol Pot, which had thrown in its lot with the Chinese leaders and established a system of slavery of a new type, subjecting the people of Kampuchea to generalized genocide. The leaders of Peking had tried to make that country into a base from which to launch war on neighbouring countries in order to further their expansionist policy in South-East Asia. However, Pol Pot's criminal clique, which had clung to power through a reign of terror and had launched a war against the brother country of Viet Nam, had collapsed in the face of a national revolt. The Chinese representatives and their acolytes were trying to evade their responsibility in the heinous experiment made by the Peking leaders in Kampuchea through the puppet régime of Pol Pot, allegedly in order to constitute a so-called "peasants' community socialism" which had nothing in common with socialism. That experiment had, however, been condemned and rejected by the people of Kampuchea. The Chinese policy of diktat and interference in the internal affairs of other peoples had been a fiasco, and that had aroused the wrath of the leaders of Peking. China had begun by threatening to inflict a bloody lesson on Viet Nam.

19. The CHAIRMAN requested the Soviet representative to confine his comments to matters relating to the item under discussion and not to take up questions that were dealt with in document E/CN.4/1335, consideration of which had been postponed until the Commission's next session.

20. Mr. ZORIN (Union of Soviet Socialist Republics) said that he was taking up an entirely new matter, which was not dealt with in the report mentioned by the Chairman. Nevertheless, he would take account of the Chairman's comments.

21. After Mr. Deng Xiaoping's visit to Washington, a war of aggression had been launched by the People's Republic of China against the heroic Vietnamese people. The representatives of Peking could not deny that China was waging a war of aggression against socialist Viet Nam and making ready for further aggression against the peaceful people of neighbouring Laos. In the name of the combat against flagrant and mass violations of human rights, the Commission had a duty strongly to condemn the Chinese aggression against Viet Nam and to demand that it be brought to an end forthwith.

22. Turning to the question of human rights violations in the Middle East, he said that the statement made the previous day by the observer for Israel had demonstrated yet again that the authorities of that country, far from seeking constructive co-operation within the United Nations framework, were interested only in justifying their policy of aggression and racism by slandering other States, in particular the Soviet Union. He emphatically rejected Israel's slanderous allegations against his country. The statement by the observer for Israel was nothing but a tissue of calumnies about the actual situation in the Soviet Union, and its aim was totally unrelated to human rights. The world at large was perfectly aware that all citizens of the Soviet Union enjoyed and were fully guaranteed equal rights, without distinction as to nationality or race. Soviet citizens of Jewish nationality enjoyed all the democratic rights and freedoms embodied in the Constitution of the USSR, on an equal footing with citizens of all other nationalities living in the Soviet Union. They were active in all spheres of economic, political and social life and participated in the development of the national economy, science and culture, and neither Zionist propaganda organs nor their spokesmen in the Commission would succeed in veiling that truth, however hard they might try. In their mendacious calumnies against the Soviet Union, the Israeli representatives went so far as to defend persons guilty of criminal offences that were sanctioned by law in all countries. For example, the observer for Israel had spoken of a certain Shcharansky, who had also been mentioned earlier that day by the representative of the United States of America, as if there were some sort of common denominator between that representative and the observer for Israel. From the juridical standpoint, however, Shcharansky had deliberately committed acts which were defined in the Penal Code of the RSFSR as constituting a threat to the national independence and military capacity of the Soviet Union. Acting on instructions from a foreign intelligence service, Shcharansky had started in autumn 1976 to collect information constituting State secrets. He had drawn up a list of enterprises engaged in national defence work, indicating the location of their plants and the names of their directors. That information had been transmitted by Shcharansky to an agent of the foreign intelligence service in question, who had been working at Moscow at the time under the cover of a press correspondent's post. During the investigation, the "correspondent" had published an article in the Western press in which he had attempted to mask his activities during the period in question but had nevertheless confirmed that he had received documents from Shcharansky. In their conclusions, the court experts had declared that the totality of the information communicated by Shcharansky constituted a State secret of the Soviet Union. Consequently, from the juridical standpoint, Shcharansky had been guilty of an offence under article 64, paragraph (a) of the Penal Code of the RSFSR. He had also been found guilty of anti-Soviet propaganda under article 70 of the Penal Code. He had been sentenced to 13 years' imprisonment in accordance with Soviet legislation. That was the type of individual which the

observer for Israel and the United States representative were trying to defend. It was indeed surprising to see official Government representatives defending common criminals. The observer for Israel was going altogether too far when he taxed with anti-Semitism the country which had made the greatest sacrifices in defence of the freedom and independence of peoples during the Second World War, a country whose legislation sanctioned any direct or indirect restriction of rights, any direct or indirect system of privileges based on considerations of national or racial origin and any propaganda involving exclusivism or hostility or contempt towards others by reason of racial or national origin. The stubborn efforts of the observer for Israel, who presumed to speak on behalf of Jews throughout the world, were an expression of Zionist imperialist ideology; they were aimed at stirring up hostility and hatred between peoples and they were in direct violation of basic human rights standards. Indeed, Israel's continuous and manifest violations of basic human rights were not limited to the occupied territories. In Israel itself, individuals were divided into first-class and second-class citizens, and a policy of racism and racial discrimination was applied. In keeping with Zionist ideology, which was rightly condemned by the United Nations as a form of racism and racial discrimination, Israel was forging a criminal alliance with the racist régimes of southern Africa in utter disregard of United Nations decisions, but even so the representatives of Israel attempted to portray action to combat Zionism as a manifestation of anti-Semitism. The action taken in the Soviet Union and other countries to combat Zionist imperialist policy and ideology could in no way be assimilated to anti-Semitism.

23. The statements made by the observer for Israel concerning the emigration of Jews from the Soviet Union had been refuted by that observer himself, for the figures he had quoted clearly demonstrated that no obstacle or prohibition was placed in the way of the emigration of Soviet Jews to Israel. The reason for which a certain number of Soviet Jews remained in the Soviet Union was not that they were prevented from leaving but that they did not wish to go to Israel; they felt sufficiently at home in the Soviet Union to perform useful work which served their country.

24. The United States representative's contentions concerning the situation of human rights and of certain individuals in the Soviet Union were also regrettable. However, they had their root in the United States itself. The recent, albeit very tardy, debates in the United States Congress had demonstrated yet again that the United States authorities were quite unable to reassure those who were genuinely concerned about the cause of human rights and the fundamental freedoms of United States citizens. Indeed, the Commission had already heard three statements by representatives of the Indian population of the United States, who had referred to monstrous instances of the racial discrimination, persecution and assassinations perpetrated on United States territory against that national minority, which represented the former indigenous population of America.

25. The Commission should not allow itself to be led astray by the United States representative, who was attempting to divert its attention from serious and urgent problems relating to the protection of human rights. The Commission was not meeting in order to examine cases of individuals who were portrayed by a particular representative or intelligence service as defenders of human rights but who were in fact carrying out missions for an intelligence service. In putting forward his

accusations of human rights violations, the United States representative was failing to observe the principles embodied in international agreements, in particular that concluded between President Roosevelt and Mr. Litvinov concerning non-interference by either party in the domestic affairs of the other. For instance, a world congress of anti-Soviet emigrant organizations held in New York at the end of 1978 had called for the dismemberment of the Soviet Union. An official representative of the United States of America, Mr. Edward Mezvinsky, had extended a welcome to that gathering on behalf of President Carter and the United States Government and had even stated that his country endorsed the objectives of the world congress of anti-Soviet organizations, thus violating the provisions of the Helsinki Agreement which had been signed by the President of the United States and in which the signatory States had undertaken to refrain from granting direct or indirect assistance to activities aimed at overthrowing the régime of a participating State by force. It might be asked what basis the United States representative had for acting, even in his own country, in contradiction to a decision which bore the signature of the President of the United States.

26. It would also be recalled that, one year previously, he had asked Mr. Mezvinsky to provide information about what had happened to Mr. John Harris, who had been sentenced to death for advocating black equality and combating persecution. A subsequent endeavour had been made to have the case reviewed, but the court in question had confirmed the iniquitous sentence passed a year earlier. In any event, he had never received a reply from Mr. Mezvinsky to one question concerning one person, and he could therefore see no good reason for replying to the questions concerning some 20 individuals put to him by the United States representative.

27. In conclusion, the Commission should perform the tasks assigned to it in General Assembly resolution 32/130. It should avoid fallacious accusations such as those made by the United States against the Soviet Union and other countries both inside and outside Europe, and concentrate on its task of taking effective action to combat mass and flagrant violations of human rights, drawing up international standard-setting legal instruments, preparing draft international agreements and treaties and, within the limits of its competence, making recommendations to States concerning measures that were consistent with the Charter.

28. The CHAIRMAN called on the representative of Bulgaria to speak.

29. Mr. GARVALOV (Bulgaria) said that he wished to speak after the observers who had indicated their desire to comment on the subject under discussion.

The meeting was suspended at 4.30 p.m. and
resumed at 4.45 p.m.

30. The CHAIRMAN said that the observers for China, Democratic Kampuchea, Viet Nam and the Mongolian People's Republic and the representative of Bulgaria were included in the list of speakers in that order. He requested speakers to be brief and drew attention to the fact that observers did not have the right of reply and were not entitled to raise points of order.

31. Mr. AN Chih-yuan (Observer for China) asked to be allowed to speak after the observer for Democratic Kampuchea.

32. Mr. M'BAYE (Senegal) said that, in his view, such a request was consistent with the Commission's practice and should be granted.

33. The CHAIRMAN said that, if there was no objection, he would take it that the Commission agreed to hear the observer for Democratic Kampuchea first.

34. It was so decided.

35. Mr. GARVALOV (Bulgaria) said he wished to make it clear that his delegation did not recognize the observer for Democratic Kampuchea as the representative of the people of Kampuchea, in whose name only the representatives of the People's Republic of Kampuchea - which was recognized by the Bulgarian Government - were entitled to speak.

36. Mr. LOPATKA (Poland) said that the Polish Government recognized only the Government of the People's Republic of Kampuchea, which was the de facto ruler of the country and represented its people.

37. Mr. CHAN YOURAN (Observer for Democratic Kampuchea) said that the people of Kampuchea had made great sacrifices and was continuing to do so, in order to realize its deep-seated aspirations for equality, justice and true democracy in a society in which all would live in harmony, concord and national unity. Such aspirations were all the more justifiable in that on 17 April 1975, the day of national liberation, the people and Government of Democratic Kampuchea had found the country utterly devastated, and its population decimated, after five years of war. That war had taken a heavy toll: more than 300,000 persons had been killed and more than 240,000 disabled; in the vicinity of the front, 80 per cent of factories, plantations, fields and rice paddies had been destroyed, as had 80 to 85 per cent of the forests, 90 to 100 per cent of towns and villages, 90 per cent of the pagodas and 50 or 60 per cent of the cattle; animal life had been severely affected and several species had disappeared; 70 to 80 per cent of bridges, lines of communication and strategic roads had been destroyed, in addition to 50 to 60 per cent of the ports and 80 per cent of the railways; the entire country was pitted with bomb craters - in 1973 United States bombing had reached a daily figure of 4,000 to 5,000 tonnes of bombs. He mentioned a statement concerning the extent of the damage made by a senior official of the Swedish Ministry of Foreign Affairs after an 800-kilometre journey along the Mekong and national highways Nos. 1, 5 and 6 and added that in Phnom Penh 3 million people had been suffering from starvation and armed gangs had been endangering the security of towns.

38. Despite that situation, the people of Kampuchea had immediately set to work. Since 1976, the Government of Kampuchea had sought to enlighten the international community on the situation in the country, as attested by its statements to the General Assembly in 1976, 1977 and 1978. It had always been the desire of that Government to establish friendly relations with all countries, on the basis of equality, non-interference and non-aggression. However, Democratic Kampuchea had been subjected to much criticism, hostility, even calumny, as had historically been the case for many countries which had recently thrown off the yoke of their foreign oppressors. The Government of Kampuchea was attached to the principles of non-alignment and had great faith in the Charter of the United Nations and was entitled to regard such slanders as unjust and even immoral.

39. He would describe the true activity of that Government. From 17 April 1975 until 25 December 1978, Democratic Kampuchea had been a fully independent and sovereign country, following a policy of peace, neutrality and non-alignment. The material, moral and cultural rights of the people had been safeguarded and the people had come to control its own means of production. Today, the inhabitants of

Kampuchea had ample supplies of food, were decently clothed and housed, received both medicines and medical care and were able to raise their cultural level. It was particularly noteworthy that Democratic Kampuchea had solved the food problem by its own means only two years after the liberation of the country. Foreign visitors could see that the country had become a vast building site producing wooden houses with tiled roofs for every family. Those who had lived in comfortable circumstances before the liberation now found themselves on the same level as everyone else.

40. Unfortunately, all those achievements had now been destroyed by the barbarous war of aggression launched by Viet Nam on 25 December 1978. An invading army of more than 100,000 men, subsequently increased to 180,000, had trampled on the independence of Democratic Kampuchea and the principles of the Charter of the United Nations, with the support of the Soviet Union. That army was perpetrating extremely serious violations of human rights. Several hundred thousand citizens of Kampuchea had been massacred. He cited various specific violations of human rights: the Vietnamese army had used poisonous chemical gas in the eastern region and at Rattanakiri; tens of thousands of persons living in the districts of Snuol Krek, Memot, Romeas Hek, Romduol, Svay Teap, Kampong Rau, Koh Andet, Kirivong, Banteay Meas and Kampong Trach had been forcibly removed to Viet Nam where, according to survivors, almost all of them had been massacred; many others had been massacred on the spot. In the province of Takeo, the Vietnamese army had killed members of co-operatives by hanging them from trees and bleeding them. In the province of Svay Rieng, farmers had been bound and burned alive. In the south-west, the Vietnamese army had threaded string through the hands and ears of inhabitants of the region before leading them to the place of execution. In the province of Kompong Chnang, thousands of inhabitants had been bound and kept in confinement and had died slowly from the effects of hunger and gangrene. The Vietnamese hordes had mutilated, disembowelled and put out the eyes of the families of Kampuchean officials and soldiers before massacring them. Vietnamese soldiers had rounded up young girls - some barely 12 years old - and women and had then raped them. In certain places, such as Mimit, Vietnamese soldiers had massacred young girls of dark complexion and had led away the light-skinned girls in order to rape them. In the province of Takeo, they had thrown babies into the air and transixed them with their bayonets. On reaching Phnom Penh on 7 January, the Vietnamese army had massacred more than 2,000 patients in the hospitals. Furthermore, the Vietnamese had indiscriminately bombed all the towns and villages bordering national highways Nos. 1, 2, 7 and 15, killing thousands of inhabitants. In general, the Vietnamese hordes destroyed everything in their path, massacred the population, plundered the crops and took them to Viet Nam, and destroyed the cultural treasures of Kampuchea.

41. Viet Nam's goal was to exterminate the people of Kampuchea and to make the country one of its provinces. The administration set up in Phnom Penh was wholly Vietnamese and survived only because of the presence of the Vietnamese occupation forces. However, those forces controlled neither the population nor the countryside, where they were encircled by the revolutionary army of Kampuchea. Of the present population of Phnom Penh, 90 per cent consisted of Vietnamese invaders and 10 per cent of Soviet and Cuban advisers. The people of Democratic Kampuchea had united to form a broad national front and its revolutionary army was eliminating hundreds of Vietnamese invaders every day. The people was determined to drive out the colonialist occupation forces from Viet Nam and to restore national sovereignty and the integrity of the national territory.

42. He called upon the Commission on Human Rights to condemn the genocide of the people of Kampuchea committed by the Vietnamese armed forces and to demand that Viet Nam should terminate its aggression forthwith, carry out a total, unconditional and immediate withdrawal of all its armed forces and respect the independence, sovereignty and territorial integrity of Democratic Kampuchea, together with the right of the people of Kampuchea to decide its own future.

43. Mr. AN Chih-yuan (Observer for China) said he wished to inform those who had questioned the representativity of the preceding speaker that the Government of Democratic Kampuchea was the sole legitimate Government of an independent, sovereign State which was a Member of the United Nations and a member of the non-aligned movement.

44. The statement made by the observer for Democratic Kampuchea had laid bare the atrocities perpetrated against thousands of persons in Democratic Kampuchea by the Vietnamese authorities, which had hegemonistic ambitions in South-East Asia and were backed up by political, economic, military and diplomatic support from the Brezhnev clique and Soviet imperialism. The Vietnamese army had inflicted death and suffering on the country, violating its sovereignty and territorial integrity as well as the principles laid down in the Charter of the United Nations. Recently the Security Council, with the exception of the Soviet Union and a handful of its followers, had strongly condemned Viet Nam's aggression and had called upon it to cease its aggression immediately and to withdraw all its troops from Democratic Kampuchea. The Commission should condemn the extremely serious violations of human rights by the Vietnamese authorities and call for their immediate cessation. There could no longer be any doubt as to who was the aggressor.

45. Viet Nam had not spared China either: it had struck out at Chinese residents and Vietnamese of Chinese origin, who had been expelled in large numbers after having heavy taxes levied on them. In addition, taking advantage of its alliance with the Soviet Government, which sought to impose its hegemony on the world, Viet Nam had brazenly threatened the security of southern China and China's sovereignty, territorial integrity and socialist construction by means of a series of encroachments which had numbered more than 3,400 since 1974 and had caused heavy losses. Under the circumstances, the victorious counter-attacks of the Chinese frontier guards and troops were just and justified.

46. The people and Government of China needed a peaceful international environment and did not want a single inch of Vietnamese territory, but neither would they tolerate incursions into Chinese territory. They had always been in favour of fair, reasonable and peaceful settlement of disputes between countries. For that reason, they had begun to withdraw their troops from Viet Nam and had proposed negotiations at the level of Vice Foreign Ministers - despite the total lack of good faith on the Vietnamese side.

47. Mr. TRUONG QUAN PHAN (Observer for Viet Nam) said that many delegations had emphasized the flagrant violations of human rights in Kampuchea under the bloody, dictatorial, military and Fascist domination of the Pol Pot-Yeng Sary clique, which had been overthrown by the people of Kampuchea itself in legitimate defence of its fundamental rights and freedoms. Those rights were set forth in the International Covenants on Human Rights and other instruments, in particular the many declarations of the non-aligned movement, which stressed that the right of peoples to self-determination, independence, sovereignty and territorial integrity was the basis of

the enjoyment of the human being's inherent rights and freedoms. That statement was true of all peoples and all men fighting for their independence and national liberty and was a matter of life and death for the people of Viet Nam in general and for each Vietnamese in particular.

48. The political events in Kampuchea, Viet Nam and Laos since the defeat of the imperialist troops and their withdrawal from those countries showed yet again the urgent necessity of putting an end to the perfidious intervention and aggression, either direct or indirect, practised by a Power foreign to that region - in other words, by the reactionary leaders of Peking - as part of a long-term policy of hegemony and expansion throughout South-East Asia.

49. During recent years, all those throughout the world who loved peace, justice and freedom had vehemently condemned the tragic situation in Kampuchea, where the culture, traditions, morality and customs and fundamental rights and freedoms of the people had been trampled under foot by the former Pol Pot-Yeng Sary clique, propped up by the Chinese authorities, which should be condemned just as severely. Freed from that yoke, the People's Republic of Kampuchea, under the guidance of the People's Revolutionary Council, had solemnly proclaimed and applied human rights and freedoms in Kampuchea: the right to work, to rest, to study, to freedom of belief and thought, to respect for the human dignity and privacy of all citizens, to equality between men and women and between the different ethnic groups of the Kampuchea community.

50. However, the aggressive expansionist circles in Peking had not become resigned to the fall of their agents and were showing themselves to be more bellicose than ever. They were continuing to supply those agents with arms, ammunition and money to enable them to regain power and were helping them to preserve a place in international organizations which rightly belonged to the People's Revolutionary Council, the only genuine and legitimate representative of the people of Kampuchea. They had also invaded Viet Nam with half a million soldiers, destroying towns and villages and massacring old people, women and children. Contrary to the fallacious statements of the leaders of Peking, that war was not a limited one; it was a veritable war of aggression launched against a people which wished to live in peace in order to rebuild its country, devastated by terrible wars for over 30 years, but which had been forced to take up arms again in order to punish the aggressor as he deserved and to defend its independence, sovereignty and territorial integrity and consequently the human being's inherent rights and freedoms. Having failed to achieve their aims of carrying out "punitive action" against Viet Nam and "giving it a lesson", isolated in their own country and in the international community the aggressors of Peking had been obliged to declare that that war would be shorter than the one they had launched in 1962 against another independent, sovereign country, India, and to state that they had withdrawn their troops. However, their aggression was continuing, their troops were still occupying many parts of the Vietnamese territory and at certain points they were strengthening and extending their positions, without interrupting their daily massacres, pillage, and atrocities against the civil population. Moreover, they reserved the so-called right to recommence their aggression against Viet Nam, were preparing to attack Laos and were continuing to support the political corpse of the Pol Pot-Yeng Sary régime in Kampuchea.

51. The people of Viet Nam demanded a definitive end to the war of aggression and the immediate, total and unconditional withdrawal of Chinese troops from its territory. That was the only way of re-establishing peace and stability in South-East Asia and creating the conditions necessary for the defence of the fundamental national rights of the peoples and the fundamental rights and freedoms of the inhabitants of that part of the world.

52. With regard to the slanderous references to the people of Viet Nam, it was pertinent to ask what credence should be given to remarks about justice and human rights made by imperialists and international reactionaries, in other words by those who had massacred millions of Vietnamese and perpetrated innumerable crimes against the people of Viet Nam. Those remarks merely reflected a deep-seated hypocrisy.

53. The delegation of Viet Nam, like many other delegations, wished to state clearly that it did not recognize the representatives of the régime of the former Democratic Kampuchea, because that régime had ceased to exist.

54. Mr. ERDEMBILEG (Observer for Mongolia) said that his delegation endorsed the statement by the observer for Viet Nam, a country which was now the victim of Chinese aggression. The Mongolian People's Republic recognized the new Government of Kampuchea and not that which the person who had addressed the Commission claimed to represent. It hoped that the true representatives of Kampuchea would soon take their seat in the Commission.

55. He wondered how it was possible to speak of human rights in the case of a country which had been deprived of its independence. In any event, China, which did not respect human rights, was not qualified to speak about them. It was waging a war of aggression against a sovereign socialist State and its soldiers had destroyed day nurseries and schools constructed on Vietnamese soil with the help of the United Nations. A few years earlier, the representative of Taiwan had made a statement against Mongolia, because he had not wanted it to become a member of the United Nations. Mongolia had, however, become a Member; the People's Republic of China had also taken its seat, but its representatives had become aggressors. Mongolia rejected the lying statements of China and of its puppet, the Pol Pot régime.

56. Mr. GARVALOV (Bulgaria) said that his Government recognized the Revolutionary Council of Kampuchea, which was undeniably the legitimate authority of that country at the present time. After the adoption of the decision concerning consideration of document E/CN.4/1335, some delegations had referred to past and present violations of human rights in Kampuchea. He wondered on what the allegations concerning current violations of human rights were based. The new Government had adopted effective measures to restore human rights and fundamental freedom in Kampuchea. In a statement made on 11 January 1979, the Revolutionary Council of the People's Republic of Kampuchea had undertaken to eliminate the inhuman practices of the former régime and to restore democratic and religious freedoms and human rights, including the right to work and the right to rest. In a manifesto, it had also indicated that the rights to education, to dignity and to privacy would be respected, and that there would be equality between men and women and between the different ethnic groups.

57. The Pol Pot régime had been installed by China, and the Chinese leaders had approved its murderous policy. In its scope and motives, that experiment was not dissimilar to the experiment carried out by the Nazis during the Second World War. The time had come to recognize the true nature of the policy of expansion and hegemony pursued by China on an extensive scale. China had proved its intention to extend its domination by attacking the Vietnamese people: it had shown that it was an aggressor and that its leaders were the allies of the imperialists who had earlier attacked Viet Nam. Was there any people which had fought harder for its independence since the Second World War than Viet Nam? Must it also fight the Chinese aggressor? That aggression had brought with it untold suffering; village populations had been massacred and the human rights and fundamental freedoms of the Vietnamese people had been violated by the Chinese aggressors.

58. In the light of those events, the Bulgarian Government had made a statement on 18 February 1979, characterizing China's war of aggression as a flagrant violation of the most elementary principles of international law and the Charter of the United Nations. The Chinese Government had endangered peace and security in South-East Asia. It was well known that China's aggression against Viet Nam was the result of Maoist ideological, political and military preparation, which aimed at dominating the world. China had become a veritable bastion of reactionaries. The Bulgarian Government therefore condemned the aggression perpetrated by China in the strongest terms. Bulgaria and the Bulgarian people would always side with the Vietnamese people in its efforts to rebuild the country, repel the aggressor, preserve the territorial integrity of Viet Nam and defend its right to self-determination and social progress.

59. The CHAIRMAN invited the Commission to take decisions on the various draft resolutions related to agenda item 12.

Draft resolution E/CN.4/L.1446/Rev.1

60. Mr. TOŠEVSKI (Yugoslavia), speaking on a point of order, reminded the Commission that the preceding day it had adopted a decision to postpone until its next session consideration of the question of Democratic Kampuchea. He therefore considered that draft resolution E/CN.4/L.1446/Rev.1 should not be put to the vote.

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

62. Mr. ERMACORA (Austria), speaking on a point of order, said that the preceding day, the Commission had voted on a motion made under rule 49 of the rules of procedure. In accordance with that rule, it had been decided to adjourn the debate on the question under consideration at that time, namely document E/CN.4/1335. However, the draft resolution now before the Commission (E/CN.4/L.1446/Rev.1) did not mention that report. Consequently, that draft resolution was still valid and should be put to the vote.

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

64. Mr. LIVERMORE (Canada) endorsed the statement made by the representative of Austria. The preceding day, the Commission had decided to postpone until its thirty-sixth session consideration of the report contained in document E/CN.4/1335. The draft resolution under consideration did not refer to that document. Canada, as a sponsor of draft resolution E/CN.4/L.1446/Rev.1, therefore requested that it should be put to the vote.

65. Mr. EL-SHAFFI (Egypt) said that as a sponsor of draft decision E/CN.4/L.1453, which had been adopted the preceding day, he had stated that the adoption of that decision meant that there would be neither a debate nor any other proceedings concerning the question of human rights in Democratic Kampuchea. The discussions at the current meeting, during which that question had been referred to, were not altogether in accordance with that decision. Moreover, draft resolution E/CN.4/L.1446/Rev.1 referred indirectly to the document the consideration of which it had been decided the previous day to postpone until the Commission's thirty-sixth session. The question of violation of human rights in Democratic Kampuchea would be discussed in detail at the next session of the Commission and no premature decision should be taken at the current meeting concerning that matter.

66. Mr. DIEYE (Senegal) endorsed the comments made by the representative of Egypt. As the Senegalese delegation saw it, the Commission had voted the preceding day not on the adjournment or closure of the debate but, rather, on draft decision E/CN.4/L.1453. According to that text, which was very clearly worded, the Commission on Human Rights decided to postpone until its thirty-sixth session consideration of the report contained in document E/CN.4/1335. That therefore specifically excluded a vote on draft resolution E/CN.4/L.1446/Rev.1. The report submitted by the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities would be considered by the Commission, but not until its thirty-sixth session. The Commission could not reverse that decision. His delegation therefore urged the members of the Commission to consider the vote of the preceding day as binding and not to vote on draft resolution E/CN.4/L.1446/Rev.1.

67. Mr. MARKER (Pakistan) endorsed the remarks made by the representatives of Egypt and Senegal.

68. Mr. EL-FATTAL (Syrian Arab Republic) said that the preceding day, the Commission had voted on the closure of the debate and on a draft decision presented by the representative of Yugoslavia, according to which the discussion was to be postponed until the next session. Any change would require a two-thirds majority.

69. Mr. DAVIS (Australia) said it was evident that the preceding day's discussion had been confused, because some considered the vote to have concerned the adjournment of the debate while others thought it had related to draft decision E/CN.4/L.1453. In any case, the Commission had continued to discuss Democratic Kampuchea at great length. If one kept to the text of decision E/CN.4/L.1453, it could be seen that there had been no question of closing the general debate. It had merely been a question of postponing consideration of a specific document. That decision had been respected, since the draft resolution under consideration did not mention the document concerned. In any event, it was permissible to ask why certain delegations which had shown such eagerness to denounce the behaviour of the former Kampuchea régime should now refuse to vote on a draft resolution condemning it.

70. Mr. ERMACORA (Austria) reminded the Commission that, the preceding day, rule 49 of the rules of procedure had been invoked in order to adjourn the debate. However, that debate had been resumed at the current meeting and the matter had been the subject of a discussion lasting much of the afternoon without the Chairman intervening to interrupt it. A decision must now be taken on draft resolution E/CN.4/L.1446/Rev.1.

71. Mr. McKINNON (Canada) said that the aim of the decision adopted the preceding day had been to avoid a pointless debate on the human rights situation in Democratic Kampuchea. The current discussion had shown clearly the existence of violations of human rights in Kampuchea. The Commission now had before it a draft resolution whereby it would conclude on the basis of the evidence available - and no mention was made of document E/CN.4/L.1335 - that violations of human rights had occurred in Democratic Kampuchea and would decide to keep the matter under review in order to be able to discuss it the following year. The delegations which considered that there were no violations of human rights in Kampuchea that justified such a review and which thought that the matter should not be considered at the thirty-sixth session could express their opinion by means of their vote. Questions of procedure were superfluous at the present stage. Delegations should now assume their responsibilities.

72. Mr. CHAVEZ-GODOY (Peru) pointed out that although the current discussion had been very instructive, it did not constitute evidence, because it had consisted essentially of statements by the interested parties. He considered, therefore, that the Commission should not vote on draft resolution E/CN.4/L.1446/Rev.1.

73. The CHAIRMAN expressed regret that the Commission's time should be wasted over procedural questions. If some delegations did not wish to vote on the draft resolution under consideration, they might invoke paragraph 2 of rule 65 of the rules of procedure.

74. Mr. M'BAYE (Senegal) said that he could not understand why some delegations wished to reverse a decision which had already been taken. He appealed to the Chairman, who had applied that decision several times the preceding day. It was at the following session that the question of Democratic Kampuchea should be considered.

75. The CHAIRMAN said that he could not go beyond the text adopted the preceding day (E/CN.4/L.1453).

76. Mr. M'BAYE (Senegal) requested the application of the last sentence of paragraph 1 of rule 65 of the rules of procedure, according to which after each vote, the Commission could decide whether to vote on the next proposal.

77. The CHAIRMAN suggested that the Commission should decide not to vote on draft resolution E/CN.4/L.1446/Rev.1 and the Cuban amendment thereto (E/CN.4/L.1448) and that that suggestion should be the subject of a roll-call vote.

78. Iran, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Benin, Brazil, Bulgaria, Burundi, Cuba, Cyprus, Egypt, India, Iran, Iraq, Ivory Coast, Morocco, Nigeria, Pakistan, Panama, Peru, Poland, Senegal, Syrian Arab Republic, Uganda, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Austria, Canada, France, Federal Republic of Germany, Sweden, United States of America.

Abstaining: Colombia, Portugal, Uruguay.

79. The suggestion that the Commission should decide not to vote on draft resolution E/CN.4/L.1446/Rev.1 and the amendment thereto (E/CN.4/L.1448) was adopted by 22 votes to 7, with 3 abstentions.

Draft resolution E/CN.4/L.1447/Rev.2

80. Draft resolution E/CN.4/L.1447/Rev.2 was adopted by 23 votes to none, with 6 abstentions.

81. Mr. MEZVINSKY (United States of America) said that his delegation had voted in favour of the draft resolution which had just been adopted. He hoped that the Nicaraguan Government would show a spirit of co-operation and that the human rights situation in Nicaragua would improve.

Draft resolution E/CN.4/L.1452

82. Mr. SANON (Deputy Director, Division of Human Rights) informed the Commission that the total financial implications of paragraphs 3 and 4 of draft resolution E/CN.4/L.1452 would amount to \$51,100.

83. Mr. EL-FATTAL (Syrian Arab Republic) proposed a number of amendments to the draft resolution under consideration. The first was to add the following phrase at the end of the second preambular paragraph: "particularly from southern Africa and occupied Arab territories including Palestine".

84. The second amendment was to add, at the end of the preamble, a new paragraph reading: "Recognizing that colonialism and settler-colonialism anywhere constitute the root cause of mass exodus".

85. The third amendment was to add, at the end of paragraph 2, the words "particularly repatriation".

86. The fourth amendment was to replace paragraph 3 by the following: "Requests the Chairman of the Commission on Human Rights, after consultations with the United Nations High Commissioner for Refugees and other competent United Nations bodies, to study the causes of mass exodus, in particular in southern Africa and in the Middle East, and to submit a report to the Commission at its thirty-sixth session".

87. The fifth amendment was to delete paragraphs 4, 5 and 6.

88. Mr. McKINNON (Canada) observed that the amendments proposed by the representative of the Syrian Arab Republic changed the substance and sense of the draft resolution submitted by the Canadian delegation and were therefore unacceptable.

89. Mr. EL-FATTAL (Syrian Arab Republic) said that he had advised the sponsor of the draft resolution under consideration to submit that text only at the next session of the Commission. Having learnt the preceding day that large-scale exoduses were being encouraged, and as the draft resolution had already been submitted, he had considered it his duty to propose amendments to it.

90. Mr. ERMACORA (Austria) said he also considered that the amendments proposed by the Syrian delegation were amendments of substance and should therefore be submitted in writing in a separate document.

91. Mr. McKINNON (Canada) requested the application of rule 63 of the rules of procedure.

92. The CHAIRMAN invited the Commission to decide whether or not the amendments proposed by the Syrian delegation to draft resolution E/CN.4/L.1452 constituted a new draft resolution.

93. The Commission decided, by 18 votes to 6, with 4 abstentions, that the amendments proposed by the Syrian delegation did not constitute a new draft resolution.

94. Mr. McKINNON (Canada) said that the amendments requested by the Syrian delegation were nevertheless substantive and should therefore be submitted in writing in accordance with rule 52 of the rules of procedure.

95. Mr. EL-FATTAL (Syrian Arab Republic) announced that he would submit the amendments he had just made to draft resolution E/CN.4/L.1452 in writing.

96. The CHAIRMAN pointed out that the Commission could not vote on draft resolution E/CN.4/L.1452, as amended by the Syrian delegation, until it had been informed of the financial implications.

Draft resolutions E/CN.4/L.1455 and L.1461

97. The CHAIRMAN noted that consultations had been held between the sponsors of draft resolutions E/CN.4/L.1455 and L.1461. If there was no objection, he would take it that the Commission wished to postpone consideration of those two draft resolutions submitted under agenda item 12 until its next session.

98. It was so decided.

Draft telegram E/CN.4/L.1456

99. Mr. CHARRY SAMPER (Colombia) said that the Colombian and Peruvian delegations would like to replace the draft telegram proposed by the Cuban delegation by the following text, which changed the wording slightly:

"The Commission on Human Rights, meeting in Geneva at its thirty-fifth session, has learnt with deep sorrow of the assassination on 25 January 1979 of Dr. Alberto Fuentes Mohr, member of the Congress of Guatemala, former Minister for Foreign Affairs and of the Treasury, and former member of the United Nations Secretariat.

The Commission on Human Rights notes with satisfaction the declaration of the Government of Guatemala according to which it is acting with all due diligence to apprehend those responsible and to elucidate the facts. It would be grateful for any information on this subject before the beginning of its thirty-sixth session."

100. Mr. ORTIZ (Cuba) said he would prefer the draft telegram submitted by his delegation to be retained.

101. Mr. CHAVEZ-GODOY (Peru) pointed out that the text proposed by the Colombian and Peruvian delegations did not make any substantive changes to the text submitted by the Cuban delegation, but merely modified the wording in order to take into account the official communiqué published by the Guatemalan Government after the Cuban delegation had submitted its draft telegram.

102. The CHAIRMAN said he considered that the Commission would be better able to take a decision if the text of the draft telegram proposed by the Colombian and Peruvian delegations was circulated in writing. He suggested that the vote on the draft telegram to the Government of Guatemala should be postponed.

103. It was so decided.

Draft resolution E/CN.4/L.1457/Rev.2

104. Mr. SANON (Deputy Director, Division of Human Rights) said that the financial implications of paragraphs 1 and 2 of the draft resolution under consideration would be \$22,100 for 1979 and \$2,200 for 1980, making a total of \$24,300.

105. The CHAIRMAN put draft resolution E/CN.4/L.1457/Rev.2 to the vote.

106. Draft resolution E/CN.4/L.1457/Rev.2 was adopted by 20 votes to 3, with 9 abstentions.

107. The CHAIRMAN suggested that the Commission should hear the members of the Commission, the observers and the representatives of non-governmental organizations who had asked for the floor.

108. Mr. de VRIES-REILINGH (International Confederation of Free Trade Unions) said that one of the main tasks of ICFTU since its inception, had been to defend and promote human rights in all countries irrespective of their economic and social systems. ICFTU generally acted through ILO, because the activities of ILO were essentially concerned with the rights of workers and its supervisory machinery was so effective that it should be taken as a model by the whole United Nations system. However, there were special circumstances which had led ICFTU on the present occasion to place before the Commission on Human Rights two cases of flagrant violation of human rights - Nicaragua and Equatorial Guinea.

109. ICFTU had been prompted to draw the Commission's attention to the human rights situation in Nicaragua because there was at present a wave of intimidation and persecution of trade unionists there, which had gone so far that Luis Medrano Flores, General Secretary of the organization affiliated to ICFTU in Nicaragua, had been assassinated in January while distributing leaflets in preparation for a demonstration. The authorities had failed to make a serious investigation into the circumstances of his death; they had not even tried to find the guilty persons or to obtain the statements of eye witnesses. In view of the serious violations of human rights in Nicaragua, ICFTU welcomed the resolution which the Commission had just adopted and which condemned the practices of the Nicaraguan authorities.

110. With respect to Equatorial Guinea, the information published in various reports on the massive and appalling violations of human rights in that country and the stubborn refusal of the Government to co-operate with the Commission on Human Rights fully justified a public debate, the adoption of a resolution and the publication of the confidential material that had hitherto been before the Commission under Council resolution 1503 (XLVIII). He drew attention to one particular aspect of the human rights situation in Equatorial Guinea, namely, the large-scale use of forced labour in the plantations. As Equatorial Guinea was not a member of ILO, the Commission on Human Rights was the only United Nations body in which ICFTU could express its indignation, especially as the abolition of forced labour was one of the fundamental aims in the promotion of human rights. Moreover, a special procedure had been established for that purpose in 1956 by a resolution of the Economic and Social Council, which had instructed the Secretary-General of the United Nations to transmit any information received on forced labour to the Director-General of ILO. In the same resolution, the Council had invited ILO to include an account of the action taken in that field in its annual report to the Council. ICFTU consequently urged the Commission to transmit to ILO, in accordance with those procedures, all material on forced labour in Equatorial Guinea which might come into its possession in order to enable ILO to take the appropriate action.

111. Mr. Essy (Ivory Coast) took the Chair.

112. Mr. van der VAART (International University Exchange Fund) explained that his organization assisted refugees from Africa and Latin America and in particular the victims of colonialism and apartheid. In recent years it had become actively involved in assistance programmes for refugees from Equatorial Guinea. In 1978 it had completed a detailed study of the situation in Equatorial Guinea, which had

been carried out partly on the spot and partly in neighbouring countries. Testimony obtained in the country itself revealed the existence of a consistent pattern of gross violations of human rights since the end of the 1960s - forced labour, arbitrary arrests, torture, the ill-treatment of prisoners and random killings.

113. The forced labour undertaken in the cocoa and coffee plantations was unpaid and conditions were harsh. The working day was 12 hours, throughout the year, the workers were brutally treated, their meagre food rations were withheld and there were occasional killings, while women of all ages were violated. The workers had no medical care, nor were they able to communicate with their families or to go home.

114. In the prisons, the conditions were appalling and prisoners were beaten with truncheons when they were taken out for interrogation. During the interrogations, prisoners had to lie face down; they were beaten and torture was sometimes used to extort confessions from them. The IUEF report which he had mentioned gave a detailed account of the current methods of torture. Most executions took place inside the prisons. The most common method was to crush a prisoner's head by hitting it with an iron bar, but other prisoners had been beheaded, strangled or beaten to death. A former Minister of Health had witnessed the beating to death of 157 prisoners during his own stay in jail. At Bata, in 1974, 36 prisoners had been ordered to dig a ditch and to step down into it and had then been buried up to the neck. By the following morning, all but two of them had died. Their eyes had been missing and their faces had been partly eaten by insects.

115. He then referred to the massacres in which entire villages had been wiped out. Some of them had been burned for having harboured suspected opponents. People were therefore fleeing the country, and the number of refugees was thought to be 120,000, i.e. between a third and a quarter of the estimated population of Equatorial Guinea. It was a hazardous matter to take flight in view of the severe restrictions on travel inside, and even more so outside, the country.

116. The people were not passive in the face of the situation, and refugees and exiles had organized a movement known as the National Association for the Restoration of Democracy (ANRD), despite the efforts of the régime to extend its campaign of terror beyond the frontiers of Equatorial Guinea through assassinations and the activities of agents provocateurs.

117. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) drew the Commission's attention to the fact that there was a third version of draft resolution E/CN.4/L.1457. The first two versions had been distributed in a public meeting, which was a breach of the principle of confidentiality. His delegation had always defended that principle and regarded it as inadmissible to refer in a public meeting to situations which the Commission had considered in a closed meeting. The previous year, however, certain delegations had begun to contravene that principle. It was not surprising, therefore, that there were leaks in the Western press. With regard to the second preambular paragraph of the draft resolution, which referred to Council resolution 1235 (XLII), he pointed out that the latter was concerned with situations in southern Africa, mass violations of human rights in Namibia and other similar situations; it was an anti-racist and anti-colonialist resolution which was applicable only to certain situations and should therefore not have been mentioned in the resolution which had just been adopted.

118. Mr. NSANZE (Burundi), speaking in exercise of the right of reply, informed the United States representative that although tradition had determined the division of certain peoples into tribes, ethnic groups and clans, etc., the origins of the problems should not be sought there. Those problems sprang from the political and ideological differences which existed within a country, and the countries possessing a so-called democratic system should be the first to encourage the political majority and not the ethnic or tribal majority. In the United States, for instance, there were two parties and in Burundi it was also the political majority which had come to power. He was all the more gratified to say that in the Commission as the United Nations itself had supervised the conduct of the legislative elections which had carried the political majority to power in Burundi. On that occasion the Burundi people had not opted for a particular ethnic group or ideology but for a political party, the party which had been governing the country before its independence, and which periodically organized elections with universal suffrage for adults of both sexes over 18 years of age. Consequently, the statement made by the United States representative was not applicable to Burundi. Moreover, when trouble-makers had caused disturbances in the country, the Government itself had sent an official written invitation to the Secretary-General, who had dispatched a delegation to Burundi, so that the real causes of the climate that had been created there would be made known to the world.

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

120. Mr. ZORIN (Union of Soviet Socialist Republics) observed that it was a long time since the Commission on Human Rights had heard a statement by a Chinese representative. In his view, however, the observer for China had not attended the meeting in order to demonstrate his country's interest in the concept of human rights but, rather, to use the Commission as a platform from which to slander peaceful States, for the obvious purpose of enabling China to evade its responsibility for expansionist acts of aggression against neighbouring States, particularly the Socialist Republic of Viet Nam. That purpose had not been achieved and today the Chinese aggressors, whose contention that China was defending its frontiers against Viet Nam was merely comical, were being put to shame by the world at large. As had been stated by Mr. Leonid Brezhnev, the Soviet people, together with all peace-loving peoples of the world, was demanding that the Chinese aggression against Viet Nam should be brought to an end forthwith and that every last soldier of the interventionist forces still on Vietnamese territory should be withdrawn.

121. As to the statement made by a person who represented nobody, he emphasized once again that Kampuchea could be represented only by persons who had been duly accredited by the Government of the People's Republic of Kampuchea.

122. Mr. NUCETE (Observer for Venezuela) said he wished to reply to the insult proffered against his country and its democratic system. In a spirit of humanity and justice, guided by the dictates of its conscience, Venezuela had endeavoured to save Nicaragua from the massacre perpetrated by one of the most bloodthirsty régimes in the history of Latin America, which was flagrantly violating human rights and depriving the Nicaraguan people of its fundamental freedoms, as evidenced in the report by the Inter-American Commission on Human Rights and illustrated by the annihilation of entire towns such as Esteli, Matalcalpa, León, Rivas, Chinandeca and Masaya. The French television

had shown pictures of village streets strewn with corpses. Genocide was being used by the Somoza dynasty to continue to exploit an entire people. Today, the very idea of power changing hands had faded from the minds of the people of Nicaragua. The Presidency passed from father to son in the Somoza family, whereas democratic countries where law and justice reigned considered it natural for power to change hands.

123. His country strongly condemned those who violated human rights because its foreign policy was in keeping with its democratic principles and because institutionalized torture and aggression by a country against its own people was intolerable to it. Venezuela had exported development, contributed to the International Monetary Fund and the Inter-American Development Bank, established its own organization for granting assistance to Latin American countries and financed a large number of economic development aid programmes.

124. For all those reasons, his delegation wished to express appreciation to the delegations which had voted in favour of the resolution relating to Nicaragua.

125. Mrs. QUIROS (Observer for Costa Rica) stated that, contrary to what had been said by the observer for Nicaragua that morning, the Government of Costa Rica had taken, was taking and would continue to take all necessary steps to ensure that the country was not used as an operational base by the Nicaraguan National Guard or any other group. Two Costa Rican civil guards had already died at the hands of the Nicaraguan national guard while keeping watch along the common frontier between the two countries, which was 400 kilometres long. Nevertheless, the Government of Costa Rica would stand by its commitments and maintain frontier surveillance.

126. Mr. CAJINA MEJICANO (Observer for Nicaragua) said that, as he had foreseen, the juridical monstrosity of which he had spoken at the previous meeting had come to pass. That had been a foregone conclusion, for what else could be expected of people who smothered their conscience and their intelligence? Political considerations had won the day, but the Commission was the main loser. Although he could not exercise the right of reply, he was entitled under rule 69 of the rules of procedure to speak on matters concerning his country. First, he wished to state that Nicaragua was the second Latin American country to have put communism to rout in the Americas. He would not resort to calumny and insult like the communist representatives, but confine himself to facts. The Nicaraguan authorities had proof of Venezuela's involvement for they had in their possession weapons bearing Venezuelan trade marks which had been taken from the subversive forces. The lure of oil had not made Nicaragua lose its sense of hearing, sight, speech and honour, as had happened in the case of other countries. He wished to thank the Government of Costa Rica for its vigilance regarding the subversive forces. The Organization of American States itself had stated that its missions had almost fallen victim to shots fired from the other side of the frontier. With regard to the elections in Venezuela, it was not he but the international press, particularly the Swiss press, which had stated that the electorate had abandoned the party in power because it was corrupt and did not respect the sovereign rights of countries.

127. The representative of Cuba was to be commended for the discipline he had shown towards his leader in slandering the Nicaraguan Government, which he had accused, in particular, of the murder of Mr. Pedro Joaquin Chamorro. In fact, those who had physically committed that abominable crime were in prison and on trial in Nicaraguan courts, but the real culprit in the case was a Cuban, Mr. Pedro Ramos.

128. Mr. TERREFFE (Observer for Ethiopia) said that the United States representative, in his statement at the previous meeting, had once again masqueraded as a self-appointed advocate of human rights. That prophet of doom, who in his ignorance had referred to Ethiopia as Abyssinia, was disappointed to see political and economic progress and respect for human rights where he had expected to find a blood bath.

129. His delegation refuted all the allegations made by that representative and asserted that the Ethiopian people, after a long struggle against feudal oppression and United States imperialism, now enjoyed all the fundamental human privileges and rights.

130. The CHAIRMAN said that although the Commission still had to take a decision on draft resolution E/CN.4/L.1452, draft telegram E/CN.4/L.1456 and the related amendments, it had completed consideration of agenda item 12.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS THIRTY-FIRST SESSION (agenda item 22) (E/CN.4/1296)

131. Mr. van BOVEN (Director, Division of Human Rights), introducing agenda item 22, said it was unfortunate that so little time remained for consideration of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session (E/CN.4/1296). The Commission had made quite extensive use of the Sub-Commission's work during its consideration of several agenda items, in particular those relating to the procedure laid down in Economic and Social Council resolution 1503 (XLVIII), action to combat racism and racial discrimination, the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa, the question of self-determination and that of the protection of human rights in Chile. However, a certain number of issues were still outstanding, such as torture and the rights of detainees and prisoners which were to be examined at the current session under agenda item 10. Certain other matters and draft proposals by the Sub-Commission might be considered in connexion with item 22: first, Sub-Commission resolution 6 A(XXXI), which recommended to the Economic and Social Council that the Sub-Commission be authorized to entrust Mr. Whitaker with the further extension and updating of the Report on Slavery; second, on the same subject, the Commission was requested to approve and adopt a list of experts whose advice was available to Governments at their request (E/CN.4/1299 and Addenda); third, still on the subject of slavery, Sub-Commission resolution 6 B(XXXI) requested that the period of work of the Working Group on Slavery should be extended to five working days; fourth, Sub-Commission resolution 7 A(XXXI) suggested, in respect of the organization of the Sub-Commission's work, that two three-week sessions should be held each year, one at the United Nations Headquarters in New York, if possible, and the other at the United Nations Office at Geneva. If the Commission wished, those matters might also be considered in connexion with agenda item 11.

132. One of the decisions and resolutions of the Sub-Commission on which the Commission was required to take action was decision 4 (XXXI), in which the Sub-Commission had decided to transmit Mr. Ruhashyankiko's report on the prevention and punishment of the crime of genocide (E/CN.4/Sub.2/416) to the Commission for consideration at its thirty-fifth session and to recommend to the Commission and to the Economic and Social Council that the report should be given the widest possible distribution.

133. The Sub-Commission was to be commended for its work, which deserved close attention and a larger share of the Commission's time.

The meeting rose at 8.25 p.m.