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SUMMARY RECORD OF THE 48th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 3 March 1989, at 10 a.m.

Chairman: Mr. BOSSUYT (Belgium)

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The meeting was called to order at 10.10 a.m.

QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (continued) (E/CN.4/1989/7, E/CN.4/1989/72, E/CN.4/1989/NGO/9, E/CN.4/1989/NGO/20, E/CN.4/1989/NGO/29, E/CN.4/1989/NGO/45, E/CN.4/1989/NGO/58, E/CN.4/1989/NGO/60, A/43/624 and Corr.1)

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 (agenda item 12):

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued) (E/CN.4/1989/23, E/CN.4/1989/24, E/CN.4/1989/25, E/CN.4/1989/26, E/CN.4/1989/27, E/CN.4/1989/28, E/CN.4/1989/58, E/CN.4/1989/64, E/CN.4/1989/71, E/CN.4/1989/NGO/1, E/CN.4/1989/NGO/5, E/CN.4/1989/NGO/6, E/CN.4/1989/NGO/7, E/CN.4/1989/NGO/10, E/CN.4/1989/NGO/31, E/CN.4/1989/NGO/47, E/CN.4/1989/NGO/54, E/CN.4/1989/NGO/57, E/CN.4/1989/NGO/61, E/CN.4/1989/NGO/62, E/CN.4/1989/66, A/43/624 and Corr.1, A/43/630, A/43/705, A/43/736, A/43/742, A/43/743)

1. Mr. STRUYE DE SWIELANDE (Belgium) speaking on agenda item 12, said that his delegation would avoid being selective in dealing with violations in various countries. His delegation recognized that selectivity did sometimes occur and noted that there was also selectivity in co-operation: one country would refuse to receive a Special Rapporteur, another geographical group would vote against a resolution on a country, and another country, which had promised increased co-operation the year before, had not even bothered to send a representative to the current session.

2. However, in 1989 there seemed to be many more signs of hope than areas of gloom. First of all in the USSR, there was a movement for reform and the Government of Belgium was sure that it would gather strength, particularly in respect of the freedom of movement of persons and their participation in elections. There were also encouraging developments in Poland and Hungary. By contrast, the situation in Bulgaria gave less reason for optimism, and in two other Eastern European countries the repression of spontaneous popular demonstrations was not compatible with genuine respect for human rights. Furthermore, in Romania, recent events constituted a denial of human rights; the Government of Belgium found the "systematization" policy particularly disturbing. His Government would intensify its dialogue with all the countries of Eastern Europe in the spirit of the Helsinki and Vienna accords.

3. With respect to other regions, he said he was hopeful that free elections would soon be held in Paraguay and that genuinely democratic candidates could stand in future Chilean elections. Pakistan should soon be able to accede to the International Covenants and respect human rights in the spirit of a humanitarian and tolerant Islam. Algeria had just adopted a new constitution which allowed a multi-party system and provided safeguards for the freedoms of expression and association. In Burundi, the appointment of a more representative Government and the establishment of a national advisory commission seemed to be steps in the direction of establishing peace within the country.

4. In Burma, where there had been many allegations of torture and disappearances, it was to be hoped that the Government would commit itself more firmly to restoring democracy, which was the basis of greater respect for human rights. Furthermore, the United Nations' increased prestige - due to the solution or the hope of solving a number of regional conflicts - should ensure stricter observance of human rights, particularly in Cyprus.

5. Turning next to the situation in countries for which the Commission had decided to appoint a special representative or rapporteur, he regretted that the Special Representative appointed for the Islamic Republic of Iran had not been able to visit the country. In his report (E/CN.4/1989/26) Mr. Galindo Pohl had nevertheless noted with concern that there had been a further series of executions in July and August 1988 and that the Bahá'ís were still being persecuted. He concluded that a number of measures taken by the Islamic Republic of Iran were incompatible with respect for international instruments concerning human rights. The member countries of the European Community had also just pointed that out after a particularly serious initiative taken by the Iranian authorities. In Iraq also, serious violations persisted: one non-governmental organization, whose objectivity was universally recognized, had just notified the Commission of the cruel treatment of children in some Iraqi prisons.

6. In the report of Mr. Pastor Ridruejo, Special Representative on the human rights situation in El Salvador (E/CN.4/1989/23), it was stated that members of the armed forces had summarily executed a large number of people and that there were disturbing cases of persons who had disappeared. On the other hand, the guerrilla movements were causing losses among the civilian population. It was to be hoped that the discussions currently taking place between all the parties concerned would bear fruit, since presidential elections were going to be held. Apart from El Salvador, disquieting information was also coming in from Guatemala, Colombia and Peru.

7. The report of the Special Rapporteur on the human rights situation in Afghanistan (E/CN.4/1989/24) spoke of persistent violations which were well known to the international community; he hoped that a representative Government chosen through free elections would safeguard respect for human rights without delay. Lastly, the delegation of Belgium was concerned over the numerous human rights violations in the Horn of Africa, particularly in the Sudan.

8. Mrs. AVELLA (World Confederation of Organizations of the Teaching Profession) said that her organization had 11 million members in 111 countries; she herself was the national leader of the trade union in the Ministry of Education and of the United Federation of Colombian Workers. Over 250 trade union leaders and activists had been assassinated in Colombia since August 1986, especially among agricultural workers, cement workers, oil workers, journalists, judges, magistrates and teachers. She would make particular reference to the acts that had been committed against members of the teaching profession.

9. Forty-nine teachers had been killed since 1987 and more than 1,000 had been threatened with death. She mentioned in particular the cases of Muriel Velasco and José Nonato Navia, who had been killed in front of their students; Angela Tobón, Chairman of the Teachers' Union of Antioquia, whose

house had been blown up by dynamite; and Fermin Melendez, who had been killed as he held his young child in his arms. Professor Isidro Caballero Delgado had been arrested on 7 February 1989 and had not been heard of since. Those and other acts had led to complaints being lodged with the International Labour Organisation. Those acts were mainly carried out by paramilitary groups in the pay of powerful economic interests especially the large landholders and drug dealers.

10. The Government of Colombia had been given up to one year to show what specific action it was taking to defend human rights, but at present the situation was even more serious. According to the Permanent Human Rights Committee, during the past year there had been more than 3,000 homicides, committed mostly by paramilitary groups which enjoyed impunity. As recently as the week before, two leaders of the United Federation of Colombian Workers had been murdered: Luis Eduardo Yaya, on 23 February, and Jorge Eliecer Agudelo. A few days before, Francisco Dumar, Vice-President of the trade union of the Avianca company, had been murdered in Monteria. On 27 February also there had been a massacre in Bogotá involving the assassination of Teofilo Forero, an old trade union militant and secretary of the Colombian Communist Party, his wife Leonilde Mora, José Antonio Sotelo, a member of the Central Committee of the Communist Party, and José Toscano, all of whom were militants in the Patriotic Union. In the wake of all those murders, nation-wide demonstrations had been planned for 9 March to demand guarantees of the right to life and freedom of association.

11. Far from solving the problem, the measures taken by the Government to counter those Fascist methods only served to worsen it. Decrees Nos. 180, 181 and 182 of 1988, adopted by virtue of the state of siege, granted even greater powers to the military and to the security forces. With brief interruptions, the country had been living in a state of emergency for close to 40 years, and the political will was lacking to solve the social conflicts created by injustice and poverty. The military forces were gaining more and more power every day; they had created hundreds of "self-defence" groups whose structure and allegiance were described in an official guidebook entitled "El Manual de Combate de Contraguerrillas", as confirmed by the Working Group on Enforced or Involuntary Disappearances in paragraph 49 of its report.

12. The Colombian people were expectantly awaiting the visit by the Working Group on Summary or Arbitrary Executions and the trade union and popular organizations would co-operate with the Group to the fullest extent possible. Colombia needed international mobilization to put an end to the massacres, disappearances and torture.

13. Mr. BANDIER (International Association of Educators for World Peace) presented a statement by Mrs. Christina Meindersma, summarized in the following paragraphs.

14. Mrs. Meindersma, a Dutch national, said that she had visited Tibet three times and worked there for three months as a translator for a doctor of the Swiss Red Cross. On several occasions she had seen the Chinese authorities react with extreme violence, even with summary executions, when the Tibetans had held peaceful demonstrations. Since then she had observed that accurate information had not been received abroad concerning these events.

15. The report of the Special Rapporteur on Summary or Arbitrary Executions (E/CN.4/1989/25) referred to an incident which had occurred on 10 December 1988 during the commemoration of the fortieth anniversary of the Universal Declaration of Human Rights, an observance which had been encouraged by the People's Republic of China. That day some 50 young monks, nuns and lay persons had wished to celebrate the occasion by staging a peaceful demonstration in front of the central temple in Lhasa; many foreigners had also been present. Mrs. Meindersma, who had been standing about 50 yards away from the demonstrators, had seen an armed people's police unit advance in formation towards them. Foreign eye-witnesses had given signed statements declaring that they had seen an officer approach a monk who was carrying a Tibetan flag and kill him on the spot with his pistol. Other police officers had fired on the demonstrators and on the spectators. Mrs. Meindersma had seen several persons fall to the ground and had herself been shot in the shoulder.

16. The Chinese authorities claimed that bottles and stones had been thrown at the police and that warnings had been given. Mrs. Meindersma categorically denied those assertions and said that there had been neither provocation nor warning. If, as the authorities claimed, only a handful of people objected to the Chinese presence and took part in demonstrations, why then had the police fired on hundreds of persons? Mrs. Meindersma did not think that the police had panicked, because many Tibetans from Lhasa had told her that, the day before, they had been informed by the authorities that anyone who demonstrated on Human Rights Day would be shot at. Furthermore, the incident had not been an isolated one: during the previous 16 months there had been some 20 small demonstrations of that kind.

17. Mrs. Meindersma further reported that Yulu Dawa Tsering, a philosophy lecturer at the University of Tibet, had been sentenced to 14 years' imprisonment on 19 January 1989 because he had talked with a foreign tourist in his own home, that Lhakpa Tsering had been arrested on 28 September 1988 for writing letters and putting up posters and that at least one Tibetan, Tenpa Phunchung, had been detained at Sangyip since October 1987 for writing a letter to the United Nations (an act showing a lack of respect for the Commission on Human Rights).

18. The information provided by the Chinese authorities to Mr. Wako, Special Rapporteur on Summary or Arbitrary Executions, was inaccurate as Mrs. Meindersma stated. She added that she had been interrogated while wounded and had not been given any medical treatment. She had even been denied any direct contact with her Ambassador or her family. During her visits to Tibet she had spoken with people who claimed to have been tortured by the police. She stated that the Tibetans were not allowed to speak out, assemble or demonstrate peacefully.

19. In conclusion, Mrs. Meindersma said that the Tibetans were demanding the right to self-determination which was recognized in General Assembly resolution 1723 (XVI). She called on the Chinese Government, if it denied her claims, to say why it did not allow foreign journalists and human rights organizations free access to Tibet.

20. Mr. PALACIOS (Spain) speaking on agenda item 5, said that the plebiscite that had been held in Chile in October 1988 had demonstrated the determination of the Chilean people to have democracy restored and had nurtured a hope that would certainly be confirmed by the forthcoming elections to choose the President of the Republic and the National Congress. Nevertheless, the international community should not relax its vigilance, in order to ensure that the return to democracy was not jeopardized by any de facto regression or by a resurgence of violence.

21. His delegation thanked the Special Rapporteur, Mr. Volio Jiménez, for his report (E/CN.4/1989/7) and acknowledged that the Chilean authorities had collaborated with him and allowed him complete freedom of movement during his recent visit. Mr. Volio Jiménez's report clearly showed that there had been an improvement in the human rights situation in Chile during the past year, although much still remained to be done.

22. The Chilean Government's decision to publish in the official journal the anti-torture Conventions of the United Nations and of the Organization of American States was a positive move but, at the same time the Special Rapporteur noted that the phenomenon of torture had not been completely removed. Torture was not as systematic as in the past but its persistence caused a problem. The delegation of Spain agreed with the Special Rapporteur that in order to put an end to torture, the Government of Chile should in particular strictly enforce the agreements concluded with the ICRC and adopt the bill drafted by the Advisory Commission of the Ministry of the Interior. Furthermore, it was essential that the Government should repeal article 11 of the Arms Control and Anti-Terrorism Act, which allowed prisoners to be kept in solitary confinement for long periods.

23. Another disquieting feature was the situation concerning justice in Chile. Military justice had to be abolished because it had misapplied the penalties stipulated in that Act, used extrajudicial confessions, brought illegal pressure to bear on people in order to extract confessions, held people incommunicado for prolonged periods, violated the secrecy of proceedings and hindered the exercise of the right to a defence. With regard to civil justice, the authorities should provide the judges investigating important cases of human rights violations with the necessary means. Accordingly, the delegation of Spain supported the proposal to establish a judicial police corps to facilitate prompt clarification of murders and disappearances. The Amnesty Act should not stand in the way of the search for the truth in such cases, nor should it allow the guilty to go unpunished.

24. He hoped that it was the last time he would have to speak on that agenda item. After many long years of waiting and because of the international community's vigilance, a situation that had appeared desperate was about to return to normal. That merely served to reinforce the confidence inspired by the work of the Commission.

25. Mr. ROMARE (Sweden), speaking on agenda items 5 and 12, recalled the importance that the Government of Sweden attached to the mechanism of asking special rapporteurs or representatives or working groups to observe situations in specific countries or specific human rights violations in whatever country they occurred. The Commission's credibility demanded that it investigate all situations involving serious human rights violations and that in doing so its

aim should be to assist the victims of those violations and not condemn any Government. The discussion of items 5 and 12 had clearly shown how useful those mechanisms were, beginning with the report of the Special Rapporteur on Summary or Arbitrary Executions (E/CN.4/1989/25), which had furnished convincing proof of the need to use the mechanism of rapporteurs. The Special Rapporteur on that matter had been obliged to launch urgent appeals to 23 Governments for purely humanitarian reasons and ask them to protect the right to life of a number of persons. He had also been forced to send letters to 36 Governments in connection with allegations of summary or arbitrary executions in their country.

26. In Afghanistan, the situation was very confused. He hoped that the Afghan people could unite to form a viable Government and make a start on rebuilding their country which had been devastated by the war. In the present uncertain situation, it was important that the Special Rapporteur's mandate should be extended.

27. Although there had been some improvements, the human rights situation in Chile remained serious. Political cases continued to be tried by military courts. The practice of arbitrary arrests and torture continued, although to a lesser extent and there were still cases of internal exile. No new cases of disappearances had been reported in 1988. He hoped that the plebiscite held the year before was an important step towards the restoration of democracy, but neither the political system nor the judicial system in Chile had yet been altered, and the undemocratic Constitution of 1980 was still in force.

28. In El Salvador, the human rights situation had deteriorated. There had been an increase in the number of summary and extrajudicial executions and enforced disappearances perpetrated by death squads for political reasons. The civil authorities had less power over the military than before and a dangerous climate of immunity existed for persons guilty of serious human rights violations. It would be necessary to end the civil war in order to reduce those violations. To that end, a dialogue should be established between the parties to the conflict in order to create a less violent climate conducive to general elections in accordance with the provisions of the Esquipulas II Agreement.

29. A Special Representative responsible for studying the human rights situation in the Islamic Republic of Iran and establishing a constructive dialogue with the Government had not yet been able to visit the country. The Special Rapporteur on Summary or Arbitrary Executions had reported on a number of allegations concerning the execution of numerous prisoners who were said to be members or supporters of groups or organizations opposing the Government. The report also referred to allegations that a number of prisoners already sentenced to prison terms had had their penalty commuted to a death sentence and had been executed. In some cases the executed prisoners had already served their sentence. The Special Representative on the Situation of Human Rights in the Islamic Republic of Iran and the Special Rapporteur on Summary or Arbitrary Executions had requested information from the Government of Iran on a number of specific cases. No detailed reply had been received. Sweden appealed to the Government of Iran to co-operate with the Special Rapporteurs appointed by the Commission and with the Special Representative, whose mandate should be extended for another year.

30. Since the forty-fourth session, the Special Rapporteur on Summary or Arbitrary Executions had received a number of allegations concerning extremely serious violations of the right to life in Iraq. According to the report, over 2,000 civilians, mostly women and children, had been killed during air raids on Kurdish communities by the Iraqi air force using chemical and incendiary weapons. Sweden had on several occasions expressed its grave concern over the situation of the Kurdish minority and the general human rights situation in Iraq. The report on summary or arbitrary executions included allegations of executions of Kurds as well as other citizens. Particularly worrying was the information that minors between 14 and 17 years of age had been executed. In addition, the Special Rapporteur on Torture referred in his report to serious human rights violations in Iraq which Amnesty International also mentioned in its report. In Sweden's view, the situation in Iraq deserved particular attention by the United Nations.

31. His delegation regretted that the Commission had decided in 1987 to stop monitoring the situation of Guatemala under agenda item 12, but rather to deal with it under agenda item 21 concerning advisory services in the field of human rights. That decision was premature and the situation in Guatemala would be helped by continued observation by the international community, considering in particular the serious violations of the right to life constituted by the numerous summary or arbitrary extrajudicial executions and enforced disappearances. The rights to personal liberty and to the safety and integrity of the person were being violated as well. Sweden also regretted the situation in Haiti, although there were differences between the situation there and the one in Guatemala.

32. In 1988, the Commission had taken the decision to cease consideration of the situation in Albania under the confidential procedure laid down in Economic and Social Council resolution 1503 (XLVIII) and to examine it instead under agenda item 12. A recommendation to the Economic and Social Council that all communications concerning Albania should be made public had been rejected by the Council. The result was that, at the current session, Albania was absent from the agenda. It would be unfortunate and detrimental to the Commission's credibility to leave matters there, and his delegation hoped that the Commission would give serious consideration to that question at the current session.

33. In Paraguay, it was to be hoped that the long and repressive dictatorship had come to an end. The new provisional Government should now take practical steps to restore democracy and ensure full respect for human rights in accordance with its declared intentions. On the other hand, the Government of Sweden followed with increasing concern the developments in Peru and Colombia with regard to respect for human rights.

34. The Government of Sweden had expressed its deep concern over the human rights situation in Somalia on several occasions. It welcomed the Government of Somalia's promise to rectify the situation and hoped that the measures announced would be fully implemented. Sweden was also concerned about the situation in Ethiopia.

35. In Burma, popular protests had been put down violently. Since September 1988, there had been frequent reports of serious human rights violations such as torture, arbitrary arrests and summary executions. The

recent announcement by the military Government that elections would be held was an indication that an effort was being made to improve the situation. It was important for the Commission to pay close attention to developments in Burma.

36. Human rights and fundamental freedoms were violated in all parts of the world, including Europe. While Europe was undergoing a process of encouraging change, with a new awareness and greater respect of human rights, there was, however, one country which had remained aloof from those developments, namely Romania. The situation there was characterized by massive repression whereby everyone, except for a few people at the top, was denied the most fundamental freedoms - such as freedom of opinion, expression and conscience - by a huge apparatus that probed into the privacy of individuals. In Romania, official authorization was required to own a typewriter, because a typewriter could reproduce words that might displease the Government. Special permission was also required to travel abroad. An application for such permission could be refused and it was usually followed by harassment and humiliation because the applicant was regarded as being politically unreliable. Romania was a poor country but one with rich agricultural resources and yet its population was near starvation because of an economic policy which no one in the country had the right to question.

37. The Government of Romania had presented a programme which involved the destruction of thousands of villages and, consequently, cultural values and long-standing traditions, and the forced relocation of their inhabitants. The Government seemed to have stayed its hand under pressure from the international community. That pressure should be kept up because the programme had by no means been abandoned. The rights of individuals belonging to national minorities, in Romania, were increasingly being curtailed. In Romania, there was no unrest to explain why the authorities saw fit to employ their repressive apparatus. If the widespread misery had not caused major demonstrations, that was simply because demonstrations of that kind were not allowed. Any expressions of discontent that had occurred had been brutally silenced. Human rights violations in Romania were the wilful act of the Government, which refused to heed any appeal to reason.

38. In view of those considerations, the delegation of Sweden was submitting a draft resolution on the human rights situation in Romania (E/CN.4/1989/Add.76) on its own behalf as well as on behalf of the delegations of Australia, Austria, France, Hungary, Portugal and the United Kingdom. Under the draft resolution, which recalled that Romania had signed or was a party to the two International Covenants on Human Rights, the Commission would decide to request its Chairman, after consultation with the Bureau, to appoint a Special Rapporteur of the Commission with the mandate to investigate the human rights situation in Romania.

39. Miss ATTAH (Nigeria) made a statement on agenda item 12 (a) (Question of human rights in Cyprus). Her delegation was pleased to note from the Secretary-General's report (E/CN.4/1989/28) that the leaders of the two communities in Cyprus had engaged in talks aimed at settling all aspects of the Cypriot problem. It was noteworthy that the parties concerned had agreed to a dialogue without any preconditions and that they were determined to arrive at a negotiated settlement by 1 June 1989. Her delegation congratulated the United Nations force in Cyprus for maintaining contact between families that had been separated.

40. The Cypriot problem was a complex one and deserved not only the attention of the Commission but also the assistance extended by the United Nations to both the Government and people of the country. However, nothing could replace the need for the Cypriots themselves to work out a fair and just solution to their problem because that was the only guarantee for a lasting peace and the restoration of all human rights to the people.

41. A just and fair solution called for the display of all the highest qualities: statesmanship, courage, goodwill, accommodation and perseverance. The parties to the dispute should show restraint, especially during the current negotiations. Her delegation urged the leaders to refrain from any initiative which might endanger the efforts being made for a negotiated settlement. Nigeria was certain that, despite the difficulty of the task, the Cypriot leaders would succeed.

42. Mrs. KRAMARZYK (German Democratic Republic), speaking also on behalf of the delegations of the People's Republic of Bulgaria, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics, made a statement on agenda item 5 concerning the question of human rights in Chile.

43. For more than 15 years, the gross and massive violations of human rights in Chile had been on the agenda of various United Nations bodies, but the situation had not improved. The results of the plebiscite held on 7 October 1988 had given the Chilean people new hope for the restoration of democracy in the short term and that hope was shared by the members of the Commission on whose behalf she was speaking.

44. However, the régime itself had remained unchanged. The measures taken by the Government were designed to consolidate the rule of the Junta for another eight years. That was also the purpose underlying the October 1988 plebiscite for which the opposition's rights of expression had been considerably curtailed. Immediately after the plebiscite, there had been a bloody confrontation with the democratic forces and the Government's use of force and terror made it plain that the régime was resolved to remain in power by every means available.

45. In 1988, human rights violations had affected more than 5,000 persons. In his two reports (E/CN.4/1989/7 and A/43/624) the Special Rapporteur had provided a wealth of material attesting to flagrant human rights violations: murders, the extensive use of fire-arms, and torture and arbitrary arrests. The security organs were depending increasingly on clandestine groups: death threats, abductions and torture had sown fear among the people. By using those paramilitary commandos and other criminal groups, the Government was hoping to escape all responsibility in order to defuse international pressure. The Junta used yet another method: that of legalizing terror by enacting a series of laws, including a number of secret laws directed against the opposition. The Special Rapporteur denounced those practices in his reports and referred in particular to the law under which alleged slandering of the armed forces and the police brought a prison term of up to 10 years.

46. Even today, almost than 85 per cent of the trials of opponents of the régime were held before military courts and that was one more example. In such cases, the rights of the defendants were even more restricted than in civil proceedings and very often the confessions extracted through torture formed the basis of the indictment. Furthermore, the Commission could not

close its eyes to the fact that the country's economic ruin was coupled with a deterioration in the population's living conditions. Almost one third of the able-bodied workers were unemployed and 5 million people found difficulty in surviving. Hundreds of thousands of Chileans were forced to the outskirts of the big cities, where they lived in hovels.

47. The delegations of the People's Republic of Bulgaria, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the German Democratic Republic believed that the reports currently before the Commission showed that there was no justification for the Commission to cease considering the question of human rights in Chile as a separate agenda item. The socialist members of the Commission also advocated a renewal of the Special Rapporteur's mandate. Today, it was more imperative than ever to support the just struggle of the Chilean people against the repressive régime and for the return of democracy. The international community should encourage the Chilean people in its efforts to compel the military régime to recognize the results of the plebiscite. In future reports, the Special Rapporteur should make relevant proposals to help the democratic opposition in Chile to achieve its goals, in particular the release of all political prisoners, the cessation of harassment of Clodomiro Almeyda and the creation of the requisite conditions for holding free elections.

48. Mr. H.W. JAYEWARDENE (Sri Lanka) said that the human rights violations in his country were the result of a secessionist attempt against a multi-ethnic, multi-religious and multi-linguistic society. For many years, Sri Lanka had been subject to barbaric acts perpetrated by anti-democratic elements seeking to destabilize its institutions. The country had nevertheless co-operated with the United Nations, frankly admitting its difficulties, and had volunteered information to the Working Group on Disappearances and to the Special Rapporteurs concerned. The Government welcomed the assistance of UNHCR and intended to expand its ties with the ICRC.

49. Since he had last spoken to the Commission on the subject of the human rights situation in his country, elections to Provincial Councils had been held in the nine provinces. The Northern and Eastern Provinces had been temporarily merged; it was in those areas that the main areas of ethnic conflict occurred. In the Northern Province the Tamil community was in the majority and in the Eastern Province the Sinhala, Tamil and Muslim each represented one third of the population. At present, the Council of the North-East Province offered the groups which had used terror and violence an opportunity to play a more productive part in the political process and thus more effectively represent the interests of the Tamil community, the vast majority of which rejected violence. All of those groups except one were currently effectively represented. Within the framework of the new administrative structure which had just been established, the Provincial Councils now appointed their Governors and substantial autonomy had been granted in the provinces.

50. Furthermore, in the presidential elections held on 19 December 1988, Mr. J.R. Jayewardene of the United National Party had been replaced by Mr. Premadasa of the same party, who had won around 2.5 million votes, as compared with 2.3 million for Mrs. Bandaranaike of the Freedom Party. In his inaugural address, the new President had launched an appeal to those who had not yet joined the democratic process to do so. The new President had made the effective functioning of the Provincial Councils a matter of high

priority. At the same time, some \$500 million received from donor countries would be allocated to a massive reconstruction programme in the areas affected by terrorist activities.

51. The state of emergency, which had been in operation in Sri Lanka since 1 May 1983, had been revoked by a presidential proclamation of 11 January 1989. After the state of emergency had been revoked, 1,519 persons out of a total of 2,569 detained under the emergency regulations had been released. With regard to the others, 445 were being prosecuted under the Penal Code and 382 had already been sentenced under the emergency regulations. The number of persons currently detained under the Prevention of Terrorism Act had been reduced to 223 and those were persons against whom there was evidence that they had committed very grave offences. He recalled that 3,400 detainees had been released in 1987 by President J.R. Jayewardene when the agreement between Sri Lanka and India had been signed.

52. Parliamentary elections had been held on 15 February 1989. The United National Party had been returned once again and the level of participation had been particularly high. Furthermore, the Constitution had been radically changed in 1978 in order to safeguard the full independence of the judiciary and to ensure stricter observance of the fundamental rights of individuals and to guarantee the exercise of the remedy of habeas corpus. Furthermore, the electoral system had been amended and a new system of proportional representation had been adopted so as to establish a more democratic form of government and to make it more accurately reflect political opinion in the country.

53. Sri Lanka's deeply ingrained democratic tradition had been sorely tested at the latest elections, when extremist groups had perpetrated ruthless acts of brutality and cruelty. However, despite the sacrifices it was called upon to make, the population of Sri Lanka had made a point of exercising its right to vote and in that regard, he paid tribute to all the members of the civil service who, despite threats and intimidation, had discharged their duties to ensure that the democratic way of life would endure.

54. The agreement signed between India and Sri Lanka in July 1987 had ended the violence caused by clashes between ethnic groups. Consequently, the Government of Sri Lanka, in discharging its obligations under the agreement, had declared a general amnesty for more than 3,400 detainees and the problems caused by terrorism and violence had been gradually solved.

55. His delegation would, however, be failing in its duty if it did not inform the Commission of the acts of violence and terrorism committed in the country following the announcement that a referendum would be held on 15 July 1989 to decide whether to merge the Eastern and Northern Provinces. The persistence of those acts of terrorism naturally had negative consequences for security and political, economic and social stability in the country, but he hoped that that painful conflict would soon be settled. From a humanitarian standpoint, it was clearly impossible to begin any investigations into cases of disappearance of people before the situation had returned to normal.

56. Under the democratic system established in Sri Lanka, even the radical political parties were granted freedom of expression. The violence resorted to by certain groups was still creating an obstacle to the establishment of

peace in the country. The Government was, however, prepared to continue negotiations and to ensure that all the political groups were involved in building a united country.

57. Mr. JEBARI (Morocco) said that more than 40 years had elapsed since the aspirations to freedom, dignity and respect for human rights and democracy had been solemnly proclaimed in a universal declaration. In the course of history, countless persons had sacrificed their lives to defend human rights. The international community should now take stock of the situation regarding those rights in the world and analyse the obstacles hindering their effective enjoyment. In that connection, the efforts made by United Nations agencies and by the Commission in particular gave cause for optimism, although the international community still had much to do to ensure that fundamental human rights were universally respected. Thus, great success had been achieved in the fight against racial discrimination in many regions of the world, and many countries that had long been subjected to dictatorial régimes could now enjoy the gradual establishment of democracy. In that connection, the United Nations Secretary-General had made considerable efforts to encourage parties to conflicts to negotiate peacefully and he should be warmly congratulated. Nevertheless, human rights violations were continuing in some countries, causing serious concern to the international community. Consequently, the Commission, which in no way acted as a court but, rather, as a forum where all States could report on the progress they had achieved, had rightly included in its agenda item 12, which concerned the question of the violation of human rights and fundamental freedoms in any part of the world.

58. With regard to the situation of the Arabs in Palestine, who were deprived of the exercise of their fundamental rights because of the Israeli occupation and of the régime which had been forcibly imposed on them, it was obvious that only if an international conference were held under United Nations auspices and with the participation of all the parties concerned, including Palestine, could the peace which all desired be established. The human rights situation of the Palestinian citizens in South Lebanon, which was occupied militarily by Israel, was also extremely disturbing and the Government of Israel should be forced to abide strictly by the provisions of Commission resolution 1988/60 and to provide all the information requested of it, as stated in document A/43/630.

59. The delegation of Morocco felt that it would be useful for the Commission to obtain more information on the events which were taking place in southern Africa, where a minority was oppressing a majority and using methods quite unworthy of a civilized people in the twentieth century. It was indeed high time for the last bastion of colonialism to fall and for the black minority of Namibia and South Africa to be freed at last from the scourge of apartheid and be allowed fully to exercise all their rights. He hoped that all the provisions of the tripartite agreement on Namibia reached in December 1988 would be respected and, in particular, that free elections could take place.

60. The Secretary-General's efforts had fortunately led to the establishment of an atmosphere conducive to negotiations which would settle the situation in Cyprus, taking into account the interests of the two communities involved. He hoped that that first step towards building harmony in the region would be followed by other measures which were essential to the creation of an atmosphere of peaceful understanding.

61. In Afghanistan, the withdrawal of foreign troops, which was the essential prerequisite for the Afghan people freely to exercise their right to self-determination, had been welcomed. The agreement signed in Geneva on 14 April 1988 now had to be implemented and the way opened to a new era of peace, reconstruction and development in Afghanistan.

62. With regard to the situation in Latin America, his delegation welcomed the efforts made by the Contadora Group and the peace plan proposed by the President of Costa Rica. He had no doubt that the stability which would thus be established in the region and respect for the principle of non-interference from outside would enable all the peoples in the region to exercise their rights. He welcomed the fact that more democratic régimes had been established in many Latin American countries in recent years and that the right of citizens to participate in the running of public affairs had been more widely recognized.

63. One aspect of human rights violations that had not always been sufficiently taken into consideration was the phenomenon of massive exoduses, which was the subject of the secretariat note in document E/CN.4/1989/27. Millions of people were forced to leave their home countries to flee oppression, discrimination and violations of their most fundamental rights. Thus, for example, millions of Afghan citizens had sought asylum in Iran and Pakistan and countless refugees had come from south-east Asia. In that connection, the United Nations High Commissioner for Refugees had played a vital role in bringing assistance and protection to the refugees, but the international community should do still more to ensure that they were welcomed and that their human rights were respected and that they were assisted in returning to their countries of origin if they so desired.

64. Lastly, his delegation welcomed the announcement of an agreement between Turkey and Bulgaria concerning the situation of the Turkish minority in Bulgaria. He hoped that the agreement would help to create peaceful relations between the two neighbouring countries.

65. The CHAIRMAN gave the floor to representatives of non-governmental organizations under rule 76 of the rules of procedure.

66. Mr. TALEGHANI (International Falcon Movement - Socialist Educational International) said that the aim of his Movement was to defend peace, social justice and equality, especially through education. Consequently, the Movement was particularly interested in the situation in the Islamic Republic of Iran, where the young represented 60 per cent of the population and had been the main victims of the war and the régimes relentless repression. Furthermore, during the past year, the infant mortality rate had risen dramatically under the system in force and the number of drug addicts, mentally ill and disabled had reached alarming proportions. Moreover, the population which had endured war was also suffering from all the scourges caused by misery and poverty and was living under the boot of the barbarous dictatorship of the Iranian Government which did not hesitate to subject young children and adolescents, to particularly inhuman treatment and to all sorts of physical and psychological torture. Human Rights violations in Iran had been denounced by the Special Representative of the Commission in his report published as document E/CN.4/1989/26 and by Amnesty International in its report of October 1988.

67. The Iranian authorities claimed divine order as justification for the mass executions and hence young people under 18 and even under 13 had been arbitrarily executed, as the Special Representative had stated in his report.

68. The human rights violations committed in Iran were not comparable with those committed elsewhere in the world. People's entire lives were the subject of inquisition: teaching, leisure activities, food, clothing and travel abroad. That situation deserved to be strongly condemned and it was important for the international community not to yield to the pressure exerted by the Iranian régime, whether through terrorism or through other manoeuvres to which the Iranian Government resorted in order to deceive international public opinion.

69. Mrs. REVIRIEGO (World Movement of Mothers) said that the Movement she represented defended first and foremost the right of children to live in freedom and attached particular importance to protecting the interests of the family. She had observed on the spot the deplorable way in which women were treated in Cuba and, in the face of the suffering of so many mothers, she had undertaken to inquire into the situation in order to make a report to the Commission on the condition of Cuban women and their children.

70. First of all, the Movement was worried about the many cases of enforced disappearances in Cuba. Young people were executed without their mothers even knowing where they were buried. One man's testimony, that of Mr. Teodoro Gonzalez Alvarado, could give the Commission an idea of the torture and the sham trials which took place in that country. He had been detained between the ages of 17 to 42 and he described how all his companions, including his brother, had been executed.

71. Mrs. LUETTGEN DE LECHUGA (Cuba), speaking on a point of order, recalled that at a previous meeting the Commission had completed its consideration of agenda item 11 bis concerning the report of the mission to Cuba under its decision 1988/106. Consequently, the question of the situation in Cuba could not be discussed under agenda item 12.

72. Mr. JOHNSON (United States of America) recalled that agenda item 12 dealt with the question of the violation of human rights and fundamental freedoms "in any part of the world". It was reasonable then that the representatives of Governments and non-governmental organizations should be able, under that item, to speak on any subjects which they considered relevant to human rights violations committed in the world.

73. The CHAIRMAN said that the same point of order had been raised by the delegation of Cuba at the 47th meeting of the Commission. He had reminded the meeting that any question pertaining to violations of human rights and fundamental freedoms could be raised under agenda item 12, but had added that the debate on the report of the mission to Cuba had already lasted long enough. He had, therefore, asked all speakers to refrain from again raising the issue stated in the report. The representative of the World Movement of Mothers had had the opportunity to speak on agenda item 12 and therefore, if she so wished, could now speak only on item 5, which concerned human rights in Chile.

74. Miss CAUTIVO (World Student Christian Federation) said that she was 16 years old and that, as Carmen Gloria Quintana had done at the forty-fourth session of the Commission, she represented all Chilean students who were fighting for the establishment in Chile of a truly democratic Government that respected human rights.

75. On 31 December 1988, she, accompanied by a number of other people including her brother and sister, had been writing graffiti on a wall to express her opposition to the military régime when she had been chased by police who had killed her brother before her eyes and then taken her to the police station after stripping her and covering her head with a mask. During the interrogation which had followed she had been beaten and threatened with death several times. She had been imprisoned for 11 days, 5 of which she had spent incommunicado in an extremely cramped and unhealthy cell before being released. Her sister had been subjected to the same treatment but she had been kept in prison for a longer time. At her brother's funeral, many policemen and members of the repressive forces had tried to break up the funeral procession and had arrested five young people, who were still in prison.

76. Pinochet's accomplices had committed and were still committing particularly heinous crimes with impunity. Consequently, the World Student Christian Federation urged the Commission to demand that the Chilean Government should stop the human rights violations in Chile and take steps which would enable law and order and fundamental freedoms to be restored in the country. In the meantime, the Commission should extend the mandate of the Special Rapporteur on Chile for a further year with a view to continuing its consideration of the human rights situation in Chile at its forty-sixth session.

77. Mr. GIACOSA (International Youth and Student Movement for the United Nations) said that his Movement welcomed the progress that had been made as a result of the improved relations between the great Powers and the decisive role played by the United Nations in seeking solutions to a number of conflicts that endangered world peace and stability. His Movement, however, deplored the fact that the progress made had not been accompanied by a significant improvement in the situation regarding human rights and fundamental freedoms, which continued to be systematically violated in various parts of the world.

78. Consequently, in Cyprus, 15 years after the invasion and occupation of 37 per cent of the Cypriot territory by the Turkish army, close to 170,000 people had been violently evicted and were still being refused the legitimate right to return to their homes. Many restrictions had been imposed on the freedom of movement and religion of Greek Cypriots living in the occupied area and they had also been deprived of a number of civil and political rights, such as the right to participate in elections, the right to work and the right to own property. Furthermore, Turkey had brought thousands of settlers into the island and imposed them there and expelled tens of thousands of Greek Cypriots, thus violating a considerable number of international instruments and, in particular, the Additional Protocol to the Geneva Convention of 1949. The International Youth and Student Movement for

the United Nations hoped that the Commission would help to find an equitable solution to the Cypriot tragedy, condemn those violations and demand the immediate withdrawal of all occupying forces as well as respect for the territorial integrity and non-alignment of the Republic of Cyprus.

79. The members of the Movement were also very concerned over the closure of all the teaching institutions in the territories occupied by Israel. They hoped that the Israeli Government would finally heed the voice of the international community and that the decisions adopted by the Commission would help to advance the peace process in that region and give practical effect to the relevant Security Council and General Assembly resolutions, in particular resolution 38/58 C which stressed the urgent need to convene an international peace conference on the Middle East under United Nations auspices, with the participation of all the parties to the conflict, including the Palestine Liberation Organization.

80. In Guatemala, despite the fact that some improvements could be observed since the new Government had been elected, violations of human rights had continued. The difficult economic situation of the country could not in any way justify the 99 disappearances and 434 extrajudicial executions which had been reported in 1988. The persons responsible for those violations as well as for many acts of torture had been identified in most cases as being Government officials, but they had usually gone unpunished, largely because the judiciary was not independent. Furthermore, according to many religious and humanitarian organizations and the Guatemalan Human Rights Commission, the civilian population was the main victim of the Government's anti-insurgency drive. Measures should therefore be taken to facilitate access by the International Committee of the Red Cross to all areas of the country. The International Youth and Student Movement for the United Nations hoped that the Commission would continue to follow closely developments regarding human rights in Guatemala and urged the Government there to guarantee its citizens' rights.

81. Mr. SALAZAR (Andean Commission of Jurists) said that notwithstanding the positive changes that had occurred in Chile in 1988, which gave hope that democracy would be restored there - as, for example, the lifting of the state of siege and of the ban on many Chilean exiles - the human rights situation had improved only slightly. The right of individuals to physical integrity continued to be violated, as demonstrated by the 57 cases of torture reported in 1988. The persons responsible for those acts had, for the most part, gone unpunished because the courts were submissive to the Government. Although the state of siege had been lifted, freedom of expression and information was still subject to restrictions under Act No. 18662 which supplemented article 8 of the Constitution, and opponents of the régime, especially the leaders of political parties and trade unions, continued to be worried. In that regard the Andean Commission of Jurists reasserted its solidarity with the Vicaría de la Solidaridad organization, whose activities in defence of the respect of human rights were well known and whose members were being intimidated and threatened by the Government for refusing to hand over to the military prosecutor documents which contained evidence given by victims of the dictatorial régime, which was trying to remove all traces of that evidence.

82. Nothing, therefore, guaranteed that the rights and safeguards of citizens would soon be respected in Chile. Consequently, the international community should remain vigilant and continue to follow developments regarding the human rights situation in that country.

83. Mr. RYDER (International Confederation of Free Trade Unions) said that the purpose of the International Confederation of Free Trade Unions (ICFTU) was to promote human rights in general and trade union rights in particular in all countries, regardless of their economic and social system or level of development. The ICFTU, therefore, welcomed the positive developments in many parts of the world. Thus, in some countries in eastern Europe, the courageous struggle of the workers was beginning to yield results and in another part of the world, in Paraguay, the sudden change of régime would perhaps enable Paraguayan workers at last to exercise their right to freedom of association. The ICFTU was, however, concerned about the serious violations of human rights and trade union rights in a number of other countries, especially in Romania, where any opposition was violently repressed. His organization had, furthermore, asked the Romanian Government through the ILO to explain the massive detentions, forced transfers of workers, cases of collective disappearances, ill-treatment and harassment of many workers and Romanian trade union members which had reportedly occurred since the demonstrations in Brasov in November 1987. In his opinion, it was essential for the Commission to appoint a special rapporteur to investigate the human rights situation in Romania.

84. Colombia was a country where particularly serious violations of the right to life were occurring. Murder and enforced disappearances were endemic and it was obvious that trade unionists were the chief victims. The ICFTU did not understand why the Government of Colombia, which had appealed for international aid to fight against international drug traffickers - whom it claimed were responsible for most of the human rights violations - was not as anxious for the Commission to play a more direct role in combating the human rights violations committed in Colombia. Its reticence gave the impression that some of its officials were implicated in those violations, an impression reinforced by the increase in repressive measures against Colombian trade unionists and by the several hundreds of trade union leaders who had been murdered in 1988. The Commission could not turn a blind eye to the serious events which were taking place in Colombia. The need to appoint a special rapporteur was obvious. By co-operating with the Commission, the Government of Colombia would demonstrate both its authority and its determination to improve the situation.

85. In Haiti also, none of the Governments that had succeeded one another in power since February 1986 had shown any genuine determination to ensure respect for fundamental human rights. The Autonomous Confederation of Haitian Workers had been dissolved in 1987, its assets confiscated and several of its activists dismissed, detained and ill-treated. No judicial inquiries had been made into any of these cases and the freedom of association continued to be violated with impunity, indeed with the active complicity of the authorities. Haitian workers were not only deprived of their basic political and civil rights and constantly threatened with physical violence but they were also living in the worst economic and social conditions imaginable.

86. The IFCTU was convinced that democracy was one of the indispensable conditions for the respect of human rights, but experience had shown that such respect alone was not a sufficient guarantee. Even democratically elected Governments, in Europe and elsewhere, were increasingly guilty of flagrantly violating international labour standards and were refusing to apply the decisions of the ILO's supervisory bodies. Such an attitude, which was more usually associated with dictatorial régimes, not only infringed the rights of workers in their own countries but also represented a growing threat to the standing and efficiency of international bodies such as the Commission.

The meeting rose at 1 p.m.