



**Economic and Social
Council**

Distr.
RESTRICTED

E/CN.4/Sub.2/1989/SR.31
16 November 1989

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-first session

SUMMARY RECORD OF THE FIRST PART (CLOSED)* OF THE 31st MEETING**

Held at the Palais des Nations, Geneva,
on Monday, 28 August 1989, at 3 p.m.

Chairman: Mr. YIMER

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* All persons handling this document are requested to respect and observe its confidential nature.

** The summary record of the second part (public) of the meeting appears as document E/CN.4/Sub.2/1989/SR.31/Add.1.

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The meeting was called to order at 3.20 p.m.

COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII) (agenda item 8) (continued)

Communications concerning the Philippines (E/CN.4/Sub.2/1989/R.1/Add.13, Add.14 and Add.14/Annex (English only) and E/CN.4/GR.1989/7/Add.4) (continued)

1. The CHAIRMAN recalled that, at the previous meeting, Mr. Sadi had proposed that the Sub-Commission should file the communications before it concerning the Philippines.
2. Mr. DESPOUY, Mr. TURK and Mrs. KSENTINI supported that proposal, pointing out that the Philippine Government had made serious efforts to put an end to human rights violations in the Philippines.
3. Mr. ALFONSO MARTINEZ requested that Mr. Sadi's proposal should be put to a vote and reserved the right, if it was not adopted, to submit another.
4. At the invitation of the Chairman, Mrs. Warzazi and Mr. Eide acted as tellers.
5. The vote was taken by secret ballot.
6. Mr. Sadi's proposal that communications concerning the Philippines should be filed was adopted by 14 votes to 6, with 3 abstentions.
7. Mr. ALFONSO MARTINEZ asked for the floor for an explanation of vote.
8. The CHAIRMAN pointed out that for a member to explain his vote after a vote by secret ballot entailed his revealing how he had voted, in contradiction with the very principle of a secret ballot.
9. Mr. ALFONSO MARTINEZ said that, in deciding to vote by secret ballot, the Sub-Commission had suspended the application of rule 59 of its rules of procedure, under which a member could request a roll-call vote. He would, therefore, like to know whether that decision automatically entailed suspension of the application of rule 60, which was concerned with explanations of vote.
10. After a procedural discussion on the question raised by Mr. Alfonso Martinez in which Mr. SADI, Mr. BHANDARE, Mr. CHERNICHENKO, Mrs. PALLEY and Mr. ALFONSO MARTINEZ took part, the CHAIRMAN suggested that the Sub-Commission should request a legal opinion which would be presented only at the next session.
11. It was so decided.

Communication concerning Somalia (E/CN.4/Sub.2/1989/R.1/Add.15; E/CN.4/1989/R.2/Add.6)

12. The CHAIRMAN said that the Sub-Commission had before it a new communication (No. 89/5/194 762) and that the Commission on Human Rights, at

its forty-fifth session, had adopted a confidential decision to postpone until its following session any decision concerning the human rights situation in Somalia.

13. Mr. van BOVEN said that it was true that the human rights situation in Somalia was already being monitored by the Commission but that, in the case in point, the Sub-Commission had before it a new communication dated May 1989 and the Government had quite recently - on 24 August 1989 - sent a reply in which it stated that the new communication contained hardly any new elements (Note No. GVA/C-1/160/89 from the Permanent Mission contained in the file handed to members), which was not the way he saw the situation. In particular, it was stated in the communication that government forces had summarily executed members of the Issaq clan at Berbera in June 1989, and that on 2 October 1988 over 100 persons, including merchants, old people and nomads, had been machine-gunned and killed by soldiers, apparently as a reprisal for an attack launched by the SNM (Somali National Movement).

14. He noted that the communication in question, which admittedly confirmed an already existing situation, also provided new information. Since the Commission had decided to monitor the human rights situation in Somalia despite the reply supplied to it by the Somali Government at its forty-fifth session, he considered that the Sub-Commission should transmit the new information to the Commission so that it could study the situation in the light of the latest information.

15. Mr. TURUNJI pointed out first of all that communication 89/5/194 762 differed very little from the communications to which the Somali Government had replied in detail at the forty-fifth session of the Commission on Human Rights; it made only three new allegations. The first was that children of barely 11 years of age, whose names were not given and about whom no details were supplied, were reported to have been imprisoned for political reasons. That accusation was absurd and absolutely incorrect, since violating the rights of children was contrary to the teachings of Islam and to the traditions of the Somali people.

16. The second allegation concerned the treatment of old people held as political prisoners. It was clearly contradicted by the documentary film made on the occasion of the National Holiday, which showed that the persons mentioned by Amnesty International in its communication were in good health and had been well treated during their detention.

17. The third allegation, according to which persons expelled from Saudi Arabia had been summarily executed, was based on malicious rumours designed to sully the reputation of the Somali Government and also, perhaps, to upset the Saudi authorities by making them believe that by expelling Somalis residing illegally in Saudi Arabia they would be sending them to their death. He challenged the authors of the accusation to supply the names of the alleged victims. The truth was that several towns, villages and military camps had been attacked by heavily-armed dissidents who were continually threatening the security, stability and territorial integrity of the country. The Government had an obligation to counter those attacks if it wished to maintain public order.

18. He also pointed out that, just after the communication in question had been sent, an Amnesty International mission had visited Somalia and had been able to observe the situation quite freely and independently; that showed the

extent to which the Somali Government was willing to engage in an open debate on the accusations brought against it. Amnesty International had submitted to the Somali Government a list of 167 names of alleged political prisoners. When the list had been checked, it had appeared that most of the persons mentioned had not been political prisoners at all, and the Amnesty International mission had been informed accordingly.

19. It should also be pointed out that, at its forty-fifth session, the Commission on Human Rights had adopted a resolution congratulating the Somali Government on its spirit of co-operation in the field of human rights, and that the favourable climate thus created had made it possible to institute further co-operation between Somalia and international or non-governmental human rights organizations. In view of the foregoing, he requested members of the Sub-Commission to decide against transmitting the communication concerning Somalia to the Commission on Human Rights.

20. Mr. JOINET and Mr. EIDE agreed with Mr. van Boven that the communication should be transmitted to the Commission on Human Rights.

21. Mr. DIACONU considered that any decision on the communication should be postponed until the next session; since the Somali Government had refuted most of the allegations made in it, including those concerning the 167 alleged political prisoners, it must be allowed an opportunity to reply in greater detail and members of the Sub-Commission would be able to take a decision only after they had carefully examined the Government's comments. That was not possible at the present session.

22. Mrs. BAUTISTA noted that the communication did not give the names of the children who had allegedly been imprisoned and that, according to the Somali Government's reply, most of the persons allegedly detained were no longer being held. Moreover, the Sub-Commission should give the Government an opportunity to reply in greater detail and should therefore keep the communication under review.

23. Mr. TURUNJI said that the Somali Government's reply was amply sufficient to contradict the accusations made in the communication; in particular, it should be borne in mind that nearly all the persons on Amnesty International's list had been released. He emphasized that consideration of the communication should be concluded.

24. Mr. SADI and Mr. ALFONSO MARTINEZ took the view that the communication might be kept under review.

25. The CHAIRMAN said that the Sub-Commission had before it three proposals concerning the communication under consideration: Mr. van Boven's proposal to transmit the communication to the Commission, Mr. Turunji's proposal to file the communication, and Mrs. Bautista's proposal to keep the communication under review. Since proposals should be put to the vote in the order in which they had been made, the Sub-Commission was invited to vote on Mr. van Boven's proposal.

26. A vote was held by secret ballot on the proposal to transmit the communication concerning Somalia (No. 89/5/194 762) to the Commission on Human Rights.

27. The proposal was adopted by 15 votes to 7, with 1 abstention.

Communications concerning the Syrian Arab Republic
(E/CN.4/Sub.2/1989/R.1/Add.16)

28. The CHAIRMAN recalled that, at its forty-fifth session, the Commission had adopted a confidential decision by which it had approved a procedural motion providing that no action should be taken with regard to the Working Group's recommendation concerning the situation in the Syrian Arab Republic and that the Chairman of the Commission had made a statement on the implications of that decision (E/CN.4/1989/R.9 and Annex 2).
29. Mr. ALFONSO MARTINEZ noted that the communication annexed to note G/SO/215/1/SYRAR had been transmitted to the Government of the Syrian Arab Republic on 19 August 1988 - in other words, almost one year previously - and that, according to the Working Group, the Government had not replied. However, it appeared that the Government of the Syrian Arab Republic had sent a reply dated 10 August 1989, accompanied by six annexes, as well as another reply dated 16 August 1989. The Secretariat might wish to clarify the matter.
30. Mr. JOINET said that he, too, would like the Secretariat to provide some clarification, since he considered that Governments should refrain from replying so late that the Sub-Commission had no option but to postpone consideration of the situation in the country concerned to its next session. As it was, since no reply had been received from the Government of the Syrian Arab Republic for one year, it would be better to transmit the communications in question to the Commission.
31. Mr. MOLLER (Secretariat of the Centre for Human Rights) confirmed that the communications had been sent to the Government of the Syrian Arab Republic on 19 August 1988. As far as the replies dated 10 and 16 August 1989 were concerned, the Secretariat had done everything possible, having regard to the short time available to it, to have the texts translated and to submit them to the Sub-Commission for consideration.
32. Mrs. KSENTINI pointed out that the clarifications sought were in fact included in the reply of the Government of the Syrian Arab Republic dated 10 August 1989, which indicated that the contents of the most recent communications were identical to those of the previous communications, to which the Government had already replied in its Note No. 69/88 dated 16 December 1988, which had been considered by the Commission at its forty-fifth session. Furthermore, the Commission had clearly decided to conclude its consideration of the human rights situation in the Syrian Arab Republic. It would therefore not be advisable to transmit identical communications to it again. The Sub-Commission should file the communications concerning the Syrian Arab Republic.
33. Mr. DESPOUY noted that in some of its oral or written replies the Government of the Syrian Arab Republic had stated that certain persons were not being detained, that others were not mentioned in the registry office records, and that others had been brought before a court. Nevertheless, the situation remained rather unclear and it would be advisable, in future, for the Working Group to facilitate the Sub-Commission's work as far as possible by making a thorough study so that the facts could be accurately established.
34. Mr. SADI considered that the Sub-Commission was in a delicate situation, since the Commission had already decided to take no further action regarding

communications concerning the Syrian Arab Republic. How could the Sub-Commission transmit communications to the Commission unless completely new facts were involved? In the circumstances a technical opinion on the procedure to be followed seemed to be required.

35. The CHAIRMAN explained that the communications before the Sub-Commission were new and had not yet been submitted to the Commission for consideration.

36. Mr. DIACONU said that, even if the communications were new, the Sub-Commission could not reasonably transmit them to the Commission, since the Commission had decided to take no action regarding the human rights situation in the Syrian Arab Republic. The fact remained, however, that the Government had supplied several replies concerning the cases of disappearance and detention. It would no doubt be preferable, as Mrs. Ksentini had proposed, to file the communications concerning the Syrian Arab Republic.

37. Mrs. KSENTINI reaffirmed that the contents of the communications before the Sub-Commission were identical to those of the communications which had already been communicated to the Commission, and that no new element justified their transmission to the Commission. Furthermore, the replies supplied by the Government on 10 and 16 August 1989 made it possible to shed more light on the allegations made against the Government of the Syrian Arab Republic. She therefore emphasized that the Sub-Commission should decide to file the communications concerning the Syrian Arab Republic.

38. Mr. van BOVEN, responding to the concern expressed by Mr. Despouy, said that the Working Group had closely followed the work of the Commission at its forty-fifth session and had ascertained that the Commission, not having available all the information needed for a thorough consideration of the question, had decided, in accordance with a procedural motion adopted under rule 65, paragraph 2, of its rules of procedure, not to continue its consideration of the human rights situation in the Syrian Arab Republic. Furthermore, the Working Group had received the Government's supplementary information only at a very late stage and had not been in a position to verify whether the lists of names supplied had been correct and in conformity with the previous lists. That was why the matter should be given further consideration. He proposed that the communications should be kept under review for the moment.

39. Mr. ALFONSO MARTINEZ pointed out that he, too, had had occasion to participate in the work of the Commission at its forty-fifth session and had been able to ascertain on several occasions that the communications concerning the Syrian Arab Republic transmitted by the Sub-Commission had been very thoroughly discussed. The decision that no action should be taken on the subject had therefore not been merely procedural.

40. The CHAIRMAN invited the Sub-Commission to vote on Mrs. Ksentini's proposal that the communications concerning the Syrian Arab Republic should be filed.

41. At the invitation of the Chairman, Mr. Eide and Mrs. Warzazi acted as tellers.

42. The vote was taken by secret ballot.

43. The proposal was rejected by 17 votes to 7.

44. The CHAIRMAN said that, in the absence of any objection, he would take it that the Sub-Commission approved Mr. van Boven's proposal to keep the communications concerning the Syrian Arab Republic under review.

45. It was so decided.

Communications concerning Turkey (E/CN.4/1988/R.1/Add.20; E/CN.4/GR.1988/7; E/CN.4/Sub.2/1989/R.2/Add.4; E/CN.4/Sub.2/1989/R.1/Add.17; E/CN.4/GR.1989/7/Add.5)

46. Mr. ILKAHANAF said that the new communication concerning Turkey before the Sub-Commission was similar to the one it had had before it at its previous session; on that occasion the Sub-Commission, having been unable to decide on a proposal to file the communication, had decided to defer consideration of it to its forty-first session.

47. Turkey had recently freed itself from a military dictatorship in order to move ahead along the road to democracy. Such a transition was very difficult, since the army was not always willing to give up the powers it had formerly possessed. The civilian Government was certainly doing everything possible to ensure respect for the civil, political, economic, social and cultural rights of the population, but its efforts were sometimes impeded by individuals, particularly members of the security forces, who abused their prerogatives. The Turkish Government had recognized that such abuses had occurred, but it had explained that all the necessary inquiries had been made and that the proceedings before the courts had been public.

48. In its communication dated 15 May 1989, Amnesty International affirmed that serious violations of human rights were continuing in Turkey. In reply to those affirmations, the Turkish authorities had indicated that Turkey had ratified the United Nations Convention against Torture, article 15 of which, in particular, was fully applicable in Turkey, and that the Turkish Government had recognized the jurisdiction of the Committee against Torture. Furthermore, all cases of ill-treatment were brought before the courts and any person concerned could, once domestic remedies had been exhausted, take his case to the European Commission of Human Rights. Furthermore, the Turkish National Assembly had established a commission to conduct periodic checks on prison conditions and to make the necessary recommendations for their improvement. In addition, a special department had been created within the Prime Minister's office to gather information on the human rights situation in Turkey and to make proposals for the elimination of any violations. Finally, the Penal Code was being thoroughly reviewed, and a group of parliamentarians was to submit to the National Assembly a bill to amend certain articles and, in particular, to abolish the death penalty.

49. Turkey was making every effort to be accepted into the European Economic Community, but it was hampered in its endeavours by a hostile international campaign against it. For example, pressure was being brought to bear in most western countries for a boycott of tourism in Turkey, and Amnesty International itself, in a particularly regrettable move, was distributing brochures to that end.

50. In view of the situation he had described, he proposed that the communications concerning Turkey should be filed.

51. Mrs. DAES said that Amnesty International's 1988 communication showed that gross and systematic violations of human rights were still occurring in Turkey; in a further communication dated 15 May 1989 Amnesty International had again denounced the confinement of prisoners of conscience, cases of torture or ill-treatment and unfair trials. Furthermore, the Council of Europe had recently condemned Turkey for its violations of the European Convention on Human Rights. In view of those violations, the European Economic Community was in no way disposed to welcome Turkey as a member.

52. She therefore requested that both communications should be transmitted to the Commission on Human Rights for more thorough consideration.

53. Mr. JOINET expressed surprise that there was a campaign to boycott tourism in Turkey, since it seemed to him that, on the contrary, a great effort was being made to advertise the country.

54. It was true that the allegations contained in the communications before the Sub-Commission could be more firmly supported, but in his opinion the comments made on them by the Turkish Government were no more convincing. Admittedly, Turkey had ratified certain international human rights instruments, but it would be interesting to know what steps had been taken to give them practical effect and to have more detailed information on the extent to which the Penal Code was being reformed.

55. He also pointed out that the recommendations made by the Special Rapporteur on Torture with regard to the measures to be taken to eliminate the factors giving rise to that practice had apparently not been implemented in Turkey. Since the Turkish Government had not given sufficient proof of its willingness to change the situation at present prevailing in the country, he supported Mrs. Daes' proposal.

56. Mr. SADI said that the most important point to note was the restoration of democracy in Turkey, which constituted a gigantic step forward for the country and gave rise to great hopes for human rights. Furthermore, the Turkish Government itself had admitted that cases of torture or ill-treatment of prisoners had occasionally occurred in prisons or police stations. However, the cultural aspect of the problem must not be overlooked. Most police officers came from the poorest and least-educated strata of the population and sometimes sought to compensate for an inferiority complex. The Turkish Government was currently trying to exercise stricter control over the activities of the police and its efforts to do so ought to be taken into account. Accordingly, he proposed, as a compromise, that the Sub-Commission should keep the communications concerning Turkey under review.

57. Mr. DIACONU considered that some of the allegations contained in the communications concerning Turkey were vague and groundless. For its part, the Turkish Government recognized the existence of certain practices which constituted violations of human rights, but it had taken specific steps to put an end to them and to punish members of the armed forces or the police who were guilty of such acts. Also, the teaching of human rights formed part of the curriculum at police training centres. The Turkish Government should therefore be encouraged to persevere along those lines and, in order to take account of the efforts which it had already made in that respect, it would be better to file the communications under consideration, as Mr. Ilkahanaf had proposed. If, however, that proposal was rejected, he would support the proposal to keep the communications under review.

58. Mr. BHANDARE said that, in the case of Turkey, three main elements were to be taken into account. First, Turkey had been a democratic State for only a short time. Second, Turkey wanted to become a member of the European Economic Community and must, in order to do so, put an end to all violations of human rights - something that could not be done overnight. The Turkish Government had, however, already made great efforts to that end, as was shown by its detailed replies. For example, in its reply No. 3354, issued under the symbol E/CN.4/GR.1989/7/Add.5, it gave accurate information on the inquiries made into certain cases of torture mentioned by Amnesty International (para. 29) and on the prosecution of persons found responsible for such acts (para. 37). In paragraph 30 it also stressed the terrorist problem which it was constantly having to face and which ought not to be forgotten.

59. Third, as Mr. Sadi had pointed out, the cultural factors that might be the root cause of certain situations must not be overlooked; it was therefore essential to give those responsible for applying the law a training in human rights.

60. Instead of condemning Turkey, the Sub-Commission ought rather to encourage it to persevere in its efforts to eliminate all those problems and to ensure that human rights were respected.

61. Mr. ILKAHANAF agreed with Mr. Bhandare that the Sub-Commission should show understanding for the position of the Turkish Government, which was doing its best to put an end to the problems it had had to face for years. The Sub-Commission would not encourage it to continue along those lines if it transmitted the communications under consideration to the Commission.

62. He had also had confirmation by Amnesty International of the existence of a brochure calling for a boycott of tourism in Turkey, whose publication Amnesty International regretted.

63. Mr. VARELA QUIROS expressed astonishment that some members of the Sub-Commission should be surprised to learn of the existence of the brochure, which had already been mentioned by the Turkish Government itself in paragraph 7 of its general remarks (E/CN.4/Sub.2/1989/R.2/Add.4) on one of the communications from Amnesty International. He agreed with Mr. Bhandare that the Sub-Commission should adopt towards Turkey a position which took into account the efforts being made to improve the human rights situation in that country. In his view, the situation was not so disturbing as to require further consideration, and he therefore joined the other members of the Sub-Commission who had proposed that the communications concerning Turkey should be filed.

64. The CHAIRMAN invited the Sub-Commission to vote on Mr. Ilkahanaf's proposal that the Sub-Commission should file the communications concerning Turkey.

65. At the invitation of the Chairman, Mr. Eide and Mrs. Warzazi acted as tellers.

66. The vote was taken by secret ballot.

67. The proposal was rejected by 12 votes to 9, with 2 abstentions.

68. The CHAIRMAN invited the Sub-Commission to vote on Mrs. Daes' proposal that the Sub-Commission should transmit the communications concerning Turkey to the Commission on Human Rights.

69. The vote was taken by secret ballot.

70. The proposal was rejected by 14 votes to 7, with 2 abstentions.

71. The CHAIRMAN said that, if he heard no objection, he would take it that the Sub-Commission adopted without a vote Mr. Sadi's proposal to keep the communications concerning Turkey under review until the next session.

72. It was so decided.

Communications concerning Bangladesh (E/CN.4/Sub.2/1987/R.1/Add.18; E/CN.4/Sub.2/1988/R.1/Add.25 and Add.25/ANNEX (English only); E/CN.4/Sub.2/1989/R.2; E/CN.4/Sub.2/1989/R.2/Add.1 and Add.7; E/CN.4/GR.1987/6/Add.1; E/CN.4/GR.1988/7/Add.2)

73. The CHAIRMAN announced that the Sub-Commission had no new communication concerning Bangladesh before it; it therefore had to take a decision on the communications that it had decided, at its previous session, to keep under review.

74. Mrs. WARZAZI said that the Sub-Commission had been right, in 1988, to decide to keep the communications concerning Bangladesh under review in order to see how the situation there developed. Bangladesh had adopted a new policy towards the tribal population of the Chittagong Hill Tracts. The Minority Rights Group, a non-governmental organization, had itself acknowledged that the Bangladeshi Government had embarked upon a process to allow a certain degree of regional autonomy for the population concerned that permitted it to manage its own affairs.

75. She therefore formally requested the Sub-Commission to conclude its consideration of the communications concerning Bangladesh.

76. Mr. TIAN JIN said that full account should be taken of the efforts made by Bangladesh, a poor country facing great economic difficulties, to improve the conditions of the tribal peoples of the Chittagong Hill Tracts. He therefore supported Mrs. Warzazi's proposal.

77. Mr. DIACONU commended the Bangladeshi Government on the measures it had taken to improve the conditions of the tribal peoples of the Chittagong Hill Tracts in all fields and to combat the terrorists. Also noteworthy was the fact that the Bangladeshi Government had always replied to the Centre for Human Rights and to non-governmental organizations, thereby showing an excellent spirit of co-operation. He, too, would therefore support Mrs. Warzazi's proposal.

78. Mr. EIDE, supported by Mrs. MBONU, Mr. SADI, Mr. ILKAHANAF, Mrs. DAES, Mrs. BAUTISTA and Mr. ASSOUMA, proposed that the Sub-Commission should not only file the communications concerning Bangladesh but that it should also congratulate the Bangladeshi Government on all the efforts it had made and on the legislative and administrative measures that it had taken to improve the conditions of the tribal peoples of the Chittagong Hill Tracts and to secure respect for human rights in Bangladesh.

79. Mr. TURK supported the proposals made by the previous speakers. In his opinion the Bangladeshi Government should also be thanked for its co-operation with the Sub-Commission. There were certainly lessons to be drawn from the constructive way in which Bangladesh had settled a minority problem, and the Sub-Commission should bear that example in mind when it considered the matter under item 15 of its agenda.

80. Mr. ALFONSO MARTINEZ supported the proposal that consideration of the communications concerning Bangladesh should be concluded. With regard to the congratulations that the Sub-Commission might wish to send to the Bangladeshi Government, he pointed out that, unfortunately, the confidential nature of the proceedings made it impossible for the Sub-Commission to do so.

81. Mrs. KSENTINI supported the proposal to file the communications concerning Bangladesh and asked whether it would not be possible to find a way of expressing the Sub-Commission's satisfaction to the Bangladeshi Government.

82. Mr. DESPOUY proposed that the Sub-Commission should adopt, under its public procedure, the following draft decision: "The Sub-Commission decides to thank the Bangladeshi Government for its co-operation and to express its satisfaction regarding the progress it has made in the human rights field, particularly with regard to the treatment of minorities."

83. The CHAIRMAN said that, in the absence of any objection, he would take it that the Sub-Commission decided without a vote to file the communications concerning Bangladesh.

84. It was so decided.

85. The CHAIRMAN invited the Sub-Commission to take a decision on the communications that had been kept under review at the 1988 session.

Communications concerning Singapore (E/CN.4/Sub.2/1988/R.1/Add.23 and 24; E/CN.4/Sub.2/1989/R.2/Add.6; E/CN.4/GR.1988/7/Add.5; E/CN.4/GR.1989/2)

86. Mrs. BAUTISTA said that Singapore was a small country with a remarkable economic system whose maintenance posed many problems. The measures taken by the Government to preserve the system and to maintain the fairly high standard of living of the population were, in her opinion, necessary. She therefore proposed that consideration of the communications concerning Singapore should be concluded.

87. Mrs. WARZAZI supported Mrs. Bautista. In addition, she considered that resolution 1503 (XLVIII) could not be applied to the communications in question. Furthermore, Singapore had replied to the Sub-Commission, thus displaying its willingness to co-operate.

88. Mr. van BOVEN noted that some time previously, before the communications under consideration had been received, Singapore had adopted security legislation which had led to serious political repression. It was true that since the Sub-Commission had decided to keep the communications concerning Singapore under review, it had not received any important further communication regarding that country. Nevertheless, he had reason to believe that, although the situation had not deteriorated, it had not improved

either. If the members of the Sub-Commission considered that consideration of the communications concerning Singapore should be concluded, he would not be opposed but he would subscribe to such a consensus with misgivings.

89. Mrs. PALLEY shared Mr. van Boven's view. Although she was perfectly aware of the difficulties facing Singapore in its attempts to maintain an economic system such as the one it had in that part of the world, she was also aware that the Government of Singapore did not apply acceptable democratic measures to the opposition. Consequently, it was with the greatest regret that she proposed that the communications should be kept under review.

90. Mr. JOINET acknowledged that the situation in Singapore was not as serious as that in other countries, although it was not as satisfactory as Mrs. Bautista seemed to think. He was therefore prepared to support the proposal to keep the communications under review.

91. The CHAIRMAN invited the Sub-Commission to vote on Mrs. Bautista's proposal to file the communications concerning Singapore.

92. The vote was taken by secret ballot.

93. The proposal was rejected by 15 votes to 6, with 3 abstentions.

94. The CHAIRMAN said that, in the absence of any objection, he would take it that the Sub-Commission decided without a vote to adopt Mrs. Palley's proposal to keep the communications concerning Singapore under review.

95. It was so decided.

96. Mr. ALFONSO MARTINEZ recalled that, at the beginning of the Sub-Commission's consideration of agenda item 8, he had asked to take the floor, at a time considered appropriate by the Chairman, concerning a question that had been a source of great concern to him. At Havana in February or March 1989 he had received from the Centre for Human Rights the copy of a letter which Mrs. Palley had sent to Mr. Martenson in September 1988. The copy transmitted to him had been accompanied by comments concerning the action to be taken on the letter and by documents. In his opinion, the step taken by Mrs. Palley and the action taken on it were particularly serious, and that was why he had been anxious to raise the matter not merely in writing but by making a statement before all the members of the Sub-Commission.

97. He would refer to a few essential facts. First of all, Mrs. Palley's concern regarding the confidential nature of the procedure used for the consideration of communications was clearly shared by all members. Her concern was derived, in particular, from a talk which she had had with an observer for Turkey, in the course of which the latter had reportedly told her that he had had knowledge of confidential information. It was obvious that all experts of the Sub-Commission could, one day or another, be exposed to questions or insinuations designed to make them talk from Government observers, journalists or non-governmental organizations. In the case in point, the facts set forth by Mrs. Palley clearly showed that she herself was the only person who could in fact have violated the confidential nature of the procedure followed pursuant to resolution 1503 (XLVIII) by replying to questions designed to make her reveal confidential information. Experts must therefore be aware of that danger and display the greatest vigilance.

98. The last part of the first paragraph of Mrs. Palley's letter was particularly serious since in it she stated that the Secretariat could not have been at the origin of the violation reported. Closed meetings of the Sub-Commission were attended only by authorized members of the Secretariat and by experts. If Mrs. Palley was claiming that the Secretariat had not been the source of the information in the possession of the Turkish delegation, it must necessarily be concluded that one of the experts had violated the principles of confidentiality, thus implicating all the experts.

99. Furthermore, the action taken on the letter in question was creating a precedent. He did not know how much time and effort had been required to respond to Mrs. Palley's concerns, but if it was considered that she was entitled to call for an inquiry, as she had done, such a right must then be recognized for all members of the Sub-Commission, possibly with important implications for the Secretariat. In his opinion, the incident that had motivated Mrs. Palley's step had been given more importance than it probably deserved.

100. Mr. DESPOUY, noting that the Sub-Commission was concluding its consideration of agenda item 8, said that its experience of voting by secret ballot had been absolutely positive. Moreover, the Sub-Commission's decision to grant Governments a period of five months in which to reply to it was reasonable provided that the period concerned applied only to future communications and not to communications already before the Sub-Commission.

101. Mrs. PALLEY, referring to the matter raised by Mr. Alfonso Martínez, said that the latter was right to point out that sometimes the person with whom an expert was speaking might be acting as an agent provocateur, although that had not been so in the case in question. The United Kingdom Government had made a request to the Turkish Government, which had supplied it with information. The Turkish Government had provided information and the United Kingdom Ambassador had informed her of it. However, she had been unaware of that fact at the time she had written the letter in question, in September 1988.

102. She wished, however, to make it clear that there had been no inquiry by the Sub-Commission or the Secretariat concerning the conversation she had had with the Observer for Turkey, since she had expressly requested that none should be made. The only request for information she had made concerned the precedents for the decision taken by the Chairman at the previous session not to record the results of a roll-call vote which she had requested under the confidential procedure. She had, in fact, misinterpreted the Chairman's decision, which was well founded, and there had been no inquiry into the matter.

The closed meeting rose at 6.10 p.m.