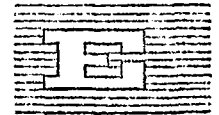


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COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)\* OF THE 47th MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 8 March 1985 at 10 a.m.

Chairman: Mr. CHOWDHURY (Bangladesh)

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\* The summary record of the second part (closed) of the meeting is contained in document E/CN.4/1985/SR.47/Add.1.

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The meeting was called to order at 10.45 a.m.

COMMEMORATION OF INTERNATIONAL WOMEN'S DAY

1. The CHAIRMAN congratulated women throughout the world on the occasion of International Women's Day and on their growing role and influence both in their own societies and at the international level.

STATEMENT BY SENATOR ALBERTO ZUMARAN, SPECIAL REPRESENTATIVE OF THE GOVERNMENT OF URUGUAY

2. The CHAIRMAN said that he was especially honoured to welcome, on behalf of the Commission, Senator Alberto Zumarán, special representative of the new Government of Uruguay. Senator Zumarán was demonstrating the highest traditions of democracy by fully co-operating with the new Administration, whose leader had been his opponent in the recent presidential elections. He was accompanied by Senator Luis Hierro Gambardella, who had fought alongside him to defend human rights during the long years of military dictatorship.

3. As article 21 of the Universal Declaration of Human Rights indicated, democracy was essential for the protection and promotion of human rights. In a democracy, the Government and the people could together bring about the economic independence which was vital to peace and prosperity and without which political independence was meaningless. He had no doubt that the people and Government of Uruguay would be successful in achieving those goals.

4. Mr. ZUMARAN (Special Representative of the Government of Uruguay) thanked the Chairman for his welcome. Referring to the statement made by the Argentine Minister for Foreign Affairs and Religion at the Commission's fortieth session (E/CN.4/1984/SR.29), he said that his country, too, had just emerged from a long night during which essential human rights had been violated with unprecedented brutality. He represented a constitutional Government which had taken office on 1 March 1985 following nearly 12 years of military dictatorship. That dictatorship and, in particular, its systematic violations of human rights had left an indelible stain on the national conscience. The exemplary national elections of 1971 had seen the end of a period of great social and political unrest, when Uruguayans had been plagued by guerrilla warfare and terrorist attacks. Unfortunately, that success had been followed on 27 June 1973 by the breakdown of the institutional order, the closing of parliament, and the prohibition of political and trade union activities. Law and order had collapsed, the judiciary had lost its independence and more than 5,000 civilians out of a population of barely 3 million had been tried in "courts martial" controlled by the military hierarchy. The judges had been not men of law but officers of the armed forces who were not even technically qualified to administer justice. The procedures had violated all guarantees of due process: detainees had spent protracted periods cut off from their lawyers and families before appearing in court, and habeas corpus had been a dead letter. Being held incommunicado had been a form of psychological torture in itself, which had become unbearable as the isolation had dragged on, sometimes for years. If one also took into account the physical duress involved, the horrors of the situation begged description.

5. Torture had been systematically and widely used: about 90 detainees had died and the whereabouts of at least 22 "disappeared" persons were still unknown. Internment camps had been turned into instruments for destroying the personalities of the internees: practices had included incessant persecution,

arbitrary and irrational application of discipline, the use of psychiatrists as a means of destabilizing detainees, constant uncertainty caused by transfers for further interrogation and ill-treatment, and other physically and psychologically damaging practices.

6. Members of the guerrilla movement and trade union and political leaders had tasted military justice. He himself had been arraigned because of a speech he had made at a public demonstration. Censorship had been rigorous: the Government had decided what news could be published and what could not, which international publications could enter the country and which could not. Daily and weekly publications and television and radio stations had been temporarily or permanently closed down. The political journal of which he had been the editor had been shut down five times and copies had been seized on six occasions. The climate of terror had been all-pervasive. Government officials had been classified according to their views and the most steadfast opponents of the regime had been removed from their posts. Repression had even insinuated itself into cultural life, with actors, musicians and other artists being forbidden to perform. Under the military dictatorship, the purchasing power of Uruguayan workers had been reduced by half, while the country's foreign debt had increased from \$7 million to \$5 billion. The means of production had been depleted and the economy had ended up in foreign hands.

7. During those long years, the only way to protest and seek assistance for those who had been suffering had been through the international forums, from which they had received countless demonstrations of solidarity. The Commission had handed down innumerable decisions on individual cases, all of which had been consistently disregarded by the dictatorship but had nevertheless greatly boosted the people's morale. He expressed appreciation to the Inter-American Commission on Human Rights, the International Committee of the Red Cross (ICRC), Amnesty International, the International Commission of Jurists and a number of other organizations for their efforts.

8. The work accomplished by UNHCR during those years had been simply stupendous; many Uruguayans owed their life and freedom to that agency. He recalled with particular gratitude the telegram sent by Mr. Kooijmans, Chairman of the Commission at its previous session, seeking information about the situation of Wilson Ferreira Aldunate, who had then been in captivity.

9. In all likelihood, the Uruguayan people were unaware of the invaluable services rendered by the United Nations in the cause of human rights, either because of the confidential nature of Commission meetings or because of the distorted information put out by the dictatorship concerning the members of the Commission. The direct contact procedure had also greatly restricted the scope for action by the special representatives of the Secretary-General, with whom the Uruguayan Human Rights Commission had never had any contact. He wished publicly to acknowledge the work done by many Uruguayans who had devoted their painful years of exile to informing the international community of the situation in Uruguay. Their names would go down in history.

10. Thanks to the irrepressible progress of political and social forces, the military **regime** in Uruguay had had to relinquish power to a constitutional Government elected by the people. Nevertheless, the elections held on 25 November had not been entirely in keeping with a time-honoured national tradition. Certain candidates had been prohibited; the candidate elected by

the convention of the National Party, Wilson Ferreira Aldunate, had been under detention in a military unit for six months prior to the elections and had not been released until five days after they had ended. However, when the election returns had indicated the victory of the Colorado Party, the traditional adversary of his own National Party, he had congratulated the President-elect, Mr. Julio María Sanguinetti, and his party had devoted all its efforts to supporting the new Administration.

11. The third political force in Uruguay, the Frente Amplio, headed by General Liber Seregni, who had also been prevented from standing for election, had lent its own spontaneous support to the task of "programmed national consultation", by means of which it had been possible for all political parties and workers', employers' and student organizations to establish a common basis for agreement on a number of primordial issues. The constitutional Government thus had the support of a wide range of political opinions and social organizations.

12. The constitutional Government had, in the words of its President, reaffirmed the traditional Uruguayan view that human rights were inherent in the individual and precursors of the State, whose first duty was precisely to ensure their full enjoyment. Speaking on Human Rights Day, President Sanguinetti had said that the Government and the authority it wielded would be exercised within the framework of the Universal Declaration of Human Rights and all the instruments deriving therefrom. His Government would ratify the American Convention on Human Rights recognizing the jurisdiction of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

13. The Government considered the Constitution of the Republic to be its ultimate guide, and every authority would be devoted to its strict observance and application. A free Parliament had been set up and was in the process of approving the following measures, some of which had been tabled by the Executive and others by members of the opposition:

- (i) The full re-establishment of an independent judiciary through the repeal of all measures adopted by the dictatorship which in any way had encroached upon such independence. Neither the people nor the Government were motivated by a spirit of revenge. However, anyone considering that he had suffered prejudice would be able to apply to a respected judicial power in order to seek redress for the violation or infringement of his rights during the dictatorship.
- (ii) Parliament was discussing a general Amnesty Bill. All parties agreed that all political prisoners should be released forthwith, and the deliberations simply concerned the legal instrument whereby such release would be effected.
- (iii) Measures had already been taken for the immediate return to office of public officials who had been dismissed from their posts for their ideological, political or trade union views, and legislation was being introduced to ensure stability of employment for public officials. Further legislation on that subject was currently under parliamentary discussion.
- (iv) Freedom of the press and of information in general was being reintroduced, and the restrictive laws introduced by the dictatorship were being repealed.

- (v) A series of regulations limiting or prohibiting the organization of workers and the exercise of the right to strike were being repealed.
- (vi) Legislation was being enacted to ratify the American Convention on Human Rights and accept the jurisdiction of the Inter-American Court of Human Rights.
- (vii) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, recently adopted by the General Assembly, was before Parliament for ratification.
- (viii) A "Defence of Democracy Bill", containing a number of provisions to prevent a tragic repetition of the coup d'état in Uruguay, was also before Parliament.
- (ix) An investigatory commission was already looking into the assassination of Senator Zelmar Michelini and Hector Gutierrez Ruiz, President of the Lower House, in Buenos Aires in 1975.
- (x) Another parliamentary commission, made up of representatives of all political parties, was looking into the fate of disappeared persons.
- (xi) A third commission was investigating the attacks perpetrated on various officers of the National Party, one of which had cost Mrs. Cecilia Fontana de Heber her life.
- (xii) The autonomy of the university was being restored, temporary university authorities were being appointed under the University Organization Act and university elections would be held within five months.
- (xiii) President Sanguinetti had already re-established diplomatic relations with Venezuela, which had been broken off in 1976 because of an unfortunate incident at the Venezuelan Embassy in Montevideo, which had resulted in the disappearance of Elena Quinteros. The restoration of diplomatic relations was linked to a clear undertaking on the part of the constitutional Government of Uruguay to effect whatever investigations might be necessary in order to elucidate the Quinteros case.
- (xiv) Punta Rieles prison had been closed down and the women prisoners there had been transferred to the Police Headquarters Central Prison in Montevideo.
- (xv) The competent Minister had visited Libertad prison and taken a personal interest in the conditions of detention of the political prisoners there pending enactment of the Amnesty Bill.
- (xvi) President Sanguinetti had granted a reprieve to Wilson Ferreira Aldunate and other political leaders whose cases had been pending before the military courts.
- (xvii) The President, with his Council of Ministers, had lifted the ban on the Communist and other left-wing parties, which could henceforth operate normally.
- (xviii) He had similarly taken steps to rehabilitate the Central Trade Union, the University Students' Union, the SERPAJ human rights organization and the "El Galpón" theatre, while rescinding all political banning measures imposed on individuals.

(xix) Various steps were being taken to induce exiled Uruguayans to return home and were provided for in the National Repatriation Commission Bill. A specific proposal to that effect would be submitted to the Intergovernmental Committee for Migration and UNHCR.

(xx) Legislation was to be introduced concerning the remedy of amparo.

14. One hundred and fifty years before, his country had won its independence and the right to equip itself with democratic institutions, to establish human rights, and gradually to improve its social and political organization on the basis of tolerance, respect for human dignity, protection of the worker, equality of women, and education for all. It had participated first in the League of Nations and later in the United Nations, of which it had been a founder Member. Democratic Uruguay would be playing an active role on the international scene. The understanding of all political parties in Uruguay was that human rights could not be considered a matter of domestic jurisdiction and that violations of human rights in any member State jeopardized the well-being of the entire international community. Uruguay would focus its concern on peoples in other countries still suffering under the yoke of dictatorial regimes which systematically ignored and violated human rights. In so doing, it intended to repay its debt of gratitude to the international community for the assistance it had received during the years of darkness.

15. The CHAIRMAN said that the firm, positive and clear statement by the special representative of the Government of Uruguay outlining that Government's action in every sphere of life should be a lesson to all, especially as it came soon after the victory of the people in Argentina. The steps that had been taken by the Government of Uruguay were the key to the success of the concepts which the Commission and the United Nations had been proclaiming every year.

16. Mr. CHARRY SAMPER (Colombia) said that the current session of the Commission had special significance for the members of the Latin American region, on behalf of whom he wished to express his joy at the rebirth of Uruguay. Among all the Latin American countries, Colombia had a special reason to celebrate, since it had always enjoyed friendly relations with Uruguay and had in the past turned to Uruguay for guidance in difficult times. Another fact he would like to stress was that Mr. Rivas Posada, his distinguished compatriot and Special Representative of the Secretary-General on the situation in Uruguay, symbolized the role of the Commission in its struggle to ensure the supremacy of human rights in all parts of the world. His country understood the terrible problems which Uruguay had suffered, and shared its belief that the rights of individuals were pre-eminent.

17. Mr. KLENNER (German Democratic Republic), speaking on behalf of the Eastern European States, congratulated the people of Uruguay on the recent development which had brought an end to almost 12 years of brutal military dictatorship. It welcomed the position of the new Uruguayan Government concerning the preservation of peace, social advancement and the defence of democracy, and wished the Government further success in the democratic development of the country.

18. Mr. LACLETA (Spain) expressed the great satisfaction of the Western European and other States at the restoration of a democratic regime in Uruguay, characterized by guarantees of human rights and fundamental freedoms. The establishment of constitutional government in Uruguay renewed a long democratic tradition which should never have been interrupted. He hoped that its return to democratic normality would set an example for other countries in Latin America which were still suffering repression and limitation of their human rights and fundamental freedoms.

19. Mr. BARAKAT (Jordan), speaking on behalf of the Asian States, welcomed the Uruguayan special delegation to the Commission and expressed his congratulations to the President, Government and people of Uruguay on the country's return to democracy. The statement made by President Sanguinetti on Human Rights Day 1984 had demonstrated Uruguay's commitment to the cause of human rights. His delegation had noted with appreciation the measures proposed by the Uruguayan Government to ensure the proper functioning of the Government in future.

20. Mr. SENE (Senegal), speaking on behalf of the African States, said that the return to democracy, first of Bolivia and Argentina, and now of Uruguay marked a victory for human rights in Latin America after many vicissitudes. The African States welcomed the reinstatement of the constitutional order and the rule of law, and expressed the hope that the measures proposed by the new parliament would lead to national reconciliation, cancel out the events of the past and give human rights their due place in the life of the Uruguayan people. The active participation and support of free countries, the United Nations system and the Commission had helped Uruguay in its efforts to restore human rights and democratic values.

21. Mr. RAVENNA (Argentina), recalling the sufferings of Uruguayan citizens under the military dictatorship, stated that the friendship between the Argentine and Uruguayan peoples had persisted despite their ordeals. The measures announced by the Uruguayan Government to release and reprieve political prisoners was proof of its determination to bring ideological persecution to an end. The attempt to locate missing persons would consolidate the democratic basis of Uruguayan society, and his delegation welcomed the Uruguayan Government's undertaking to investigate the fate of Uruguayan citizens who had disappeared in Argentina. His country, too, had succeeded in building a democracy founded on truth and justice, and Uruguay might, perhaps, benefit from Argentina's experience. Together, the two countries would take up the struggle for full respect for human rights.

22. Mr. GAGLIARDI (Brazil) welcomed the Uruguayan special delegation to the Commission and said that the Uruguayan statement marked a historic moment in the Commission's work. He expressed his delegation's gratification at the path chosen by the Uruguayan Government, which provided a noble example of Latin American civilization and humanity.

23. Mr. MONTAÑO (Mexico) said that the Uruguayan statement, which had described how good intentions had been transformed into positive achievements, would serve as an example to the other peoples of Latin America. Mexico had sheltered many Uruguayan citizens in their flight from persecution, and they had been a source of much cultural and artistic inspiration in his country. Mexico would continue to support the people of Uruguay as it had done for the past 12 years.

24. Mr. COLLIARD (France) said he was pleased that the Government of Uruguay had sent a special representative to the Commission. Representatives of the Government of France had been present at Montevideo to mark the accession of the new Government, and he wished to echo the fraternal wishes expressed on that occasion.

25. Mr. SOLER (Costa Rica) welcomed the return to democracy in Uruguay, since representative democracy was the corner-stone of human rights. The Uruguayan representative's statement had demonstrated the renewed faith underlying the values of Latin American society, and had shown the determination of the Uruguayan Government to defend democracy, respect human rights and fundamental freedoms, and combat totalitarianism.

26. Mr. GALLARDO (Observer for Panama) congratulated the people and Government of Uruguay on their country's return to democracy. The return of democracy to Argentina, Bolivia and Uruguay had created three new democratic forces which would promote respect for human rights throughout the world and three new enemies of repression and totalitarianism. His delegation echoed the joy of the international community at a historic event which would encourage all those who believed in the effectiveness of the Commission's work. No army, however large, could destroy the ideals of freedom and human dignity.

27. Mr. CRESPO (Observer for Bolivia) expressed his country's solidarity with the new constitutional Government of Uruguay after the heroic 12-year struggle against military dictatorship. Uruguay's achievements would encourage other Latin American countries in their fight for democracy.

28. Mr. HEVIA (Observer for Cuba) welcomed the special delegation of Uruguay at the beginning of a new stage in the history of that country. Its presence marked the end of a tragic period of crime and human rights violations which had been the cause of much concern in the Commission, but Uruguay's example showed that, sooner or later, the people would triumph. Despite its sufferings, the Uruguayan people had declared its commitment to the strengthening of the democratic process. He expressed his country's solidarity with that people.

29. Mr. de PIEROLA (Peru) said that Uruguay's long democratic tradition, which had begun with independence in the early nineteenth century, had served as a model of democracy in Latin America and throughout the world. In the previous 12 years, democratic institutions had suffered under a military dictatorship: the right to life and other fundamental rights and freedoms had been denied; enforced disappearances, torture and exile had been daily occurrences; and large numbers of the population had been forced to flee the country. The special representative of Uruguay had declared the return of his country to constitutional democracy, the rule of law, and respect for civil and political rights. Like many other Latin American and third-world countries, Uruguay faced severe difficulties in the implementation of economic, social and cultural rights: those rights were closely linked to the right to development and the establishment of the new International Economic Order. His delegation was confident that the new Government of Uruguay would not disappoint the hopes of its people and would continue to respect human rights.

30. Mr. SUCRE FIGARELLA (Venezuela) said that the Uruguayan statement was a clear indication of the Government's intention to fulfil its human-rights responsibilities and deserved the recognition of the Commission. The return to democracy in Uruguay after a gradual improvement over several years was a victory for the noblest human values in the struggle to restore power to the people. The Commission should convey its satisfaction at the heroic achievements of Uruguay by a unanimous decision to discontinue consideration of the human rights situation there, since the new Government was not responsible for that situation. President Sanguinetti of Uruguay had promised a peace programme and measures to guarantee the return to democracy.

31. His country had broken off diplomatic relations with Uruguay after an incident involving a Uruguayan political refugee in his country's embassy. The refugee had not yet appeared in public, but his country had nevertheless restored diplomatic relations with Uruguay on 1 March 1985 and three former Venezuelan Presidents had attended the swearing in of the new Government in Montevideo as a sign of solidarity with Uruguay.



32. Mrs. CASCO (Nicaragua) said that, on International Women's Day, she deemed it a signal honour, as a Nicaraguan and Latin American woman, to welcome the special representative of Uruguay on behalf of the Government and people of Nicaragua, a country which itself had long suffered under a dictatorship and therefore greeted with great joy the return to democratic rule of a country which had formerly had a long tradition of democracy. Her delegation appreciated the measures reported by the special representative of Uruguay and the new Uruguayan Government's avowed concern for the speedy restoration of respect for human rights. It felt sure that Uruguay, under its newly-elected Government, would succeed in re-establishing democratic rule, and hoped that certain other countries in the region would soon likewise succeed in freeing themselves from oppression.

33. Mr. ROSALES (Observer for El Salvador) said that his Government and people warmly welcomed Uruguay's return to democratic rule. They felt sure that Uruguay's newly-elected authorities and all the political parties, mindful of the mandate given by the people, would unite in common cause for the restoration of democracy and respect for human rights - two inseparable principles which, it was hoped, would remain forever upheld in Uruguay.

34. Mr. PUTZEYS-ALVAREZ (Observer for Guatemala) said that his delegation warmly associated itself with the greetings and good wishes expressed to the special representative of Uruguay, and welcomed the Uruguayan people's return to democratic rule. All Latin Americans could feel proud at the example set by Uruguay, including the democratic pluralism reflected in the differing political affiliations of the nation's representatives. For Guatemalans, the presidential inauguration ceremony at Montevideo, which their own President had attended, had been particularly auspicious since a similar ceremony would take place in Guatemala in January 1986.

35. Uruguay's experience showed that the forces of law and peace, striving to regain respect for humanitarian ideals, could ultimately prevail against violence and terrorism. Moreover, the restoration of fraternal relations between Uruguay and Venezuela testified to the Latin American nations' constant readiness to recognize and assist any genuine effort to achieve and uphold democracy.

36. Mrs. GARCIA-DONOSO (Observer for Ecuador) said that her Government welcomed the recent events in Uruguay, which had restored the requisite conditions for the observance of human rights and fundamental freedoms. The statement made by the special representative of Uruguay had revealed the new Government's determination to bring about full recognition of democratic rule and respect for human rights in that country.

37. Mrs. UNDERHILL (International Association of Penal Law), speaking on behalf of the non-governmental organizations which in the past had had occasion to voice concern about the situation in Uruguay, expressed their gratitude for the measures taken by the newly-elected Government, as described in the statement by the special representative of Uruguay, and their hope for future close co-operation with the Uruguayan authorities.

38. She paid tribute to the memory of the late Mr. Giambruno, Uruguay's former representative in the Commission; his constant efforts on behalf of human rights, including his respect for the International Covenant on Civil and Political Rights and the Optional Protocol thereto, would facilitate the new Government's co-operation with the Human Rights Committee. It was to be hoped that Uruguay, having reverted to its democratic tradition, would soon become known once again as the Switzerland of Latin America.