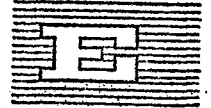


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COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 49th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 8 March 1985, at 7.30 p.m.

Chairman: Mr. CHOWDHURY (Bangladesh)
later: Mr. CHARRY SAMPER (Colombia)

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GE.85-15596

The meeting was called to order at 7.35 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued) (E/CN.4/1985/2, 7/Rev.1, 9 and Add.1, 17, 18, 19, 20, 21, 44, 54, 57, 58, 60; E/CN.4/1985/NGO/4, 8, 13, 14, 15, 20, 21, 25, 28, 29, 34, 36, 38, 44, 50, 52, 54; E/CN.4/1985/L.12/Rev.1, 30; A/39/635, 636)

1. Mr. SCHIFTER (United States) said that although apartheid might be an extreme form of discrimination based on ancestry, similar practices could be identified elsewhere. One such case was the persecution of Jews in the Soviet Union, where anti-semitic propaganda was becoming increasingly virulent in all the mass media. Since the media were under State control, they reflected the Government's point of view. Soviet anti-semitism had worn different labels; once described as anti-cosmopolitanism, it had more recently been called anti-zionism, but the theme and methods remained unchanged. The theme, of an alleged world-wide Jewish conspiracy, was taken from that ancient forgery, "The Protocols of the Elders of Zion", while the caricatures of Jews in Soviet publications bore a resemblance to those which had formerly appeared in the Nazi publication Der Stürmer. The effects of the anti-semitic propaganda campaign were felt throughout Soviet society: members of the general public subjected Jews to verbal and sometimes physical abuse, children suffered in school, Government institutions regarded Jews as not being entitled to the same rights as the rest of the population and Jews found themselves discriminated against with regard to employment and admission to higher education. Such discrimination was not applied on grounds of attitudes or political beliefs: the persons affected were the 2 million classified on their internal passports as being of Jewish nationality and those assumed to be of partially Jewish ancestry from their names, the maiden name of their mothers or their looks. The Soviet Union thus had the equivalent of the "coloureds" of South Africa.

2. Under such circumstances, many Jews had accepted their fate, but others had reacted by turning towards their religion and culture. In other words, they were seeking to derive something positive from the heritage for which they were persecuted. In 1984, the Soviet State had reacted harshly against such cultural activists, particularly teachers of Hebrew. A number of them had been convicted and sentenced to two to four years' imprisonment, some on the charge of slander of the Soviet Union (which often meant telling the truth about how that country treated its Jewish citizens) and others on trumped-up charges such as hooliganism, illegal possession of weapons, possession of drugs or resisting the militia. In addition to formal trials, Jewish cultural activists were also subjected to harassment, including administrative jailing for 15-day periods, sentencing to several months of corrective labour, commitment to psychiatric hospitals and beatings by plain-clothes policemen or gaolers. One teacher of Hebrew, serving a sentence for resisting the militia, had had an eye gouged out.

3. The result of the Government's campaign had been to increase the number of Jewish activists and of Jews eager to leave the Soviet Union. It was difficult to understand what the Government expected its policy to achieve. If the intention was to drive the Jews out, why were they not allowed to emigrate? If it was to show certain foreign countries, such as the United States, that tense foreign relations would lead to Jews being victimized, the result was precisely the opposite, since human rights violations by the Soviet Union served only to aggravate international tension, particularly in respect of relations between the Soviet Union and the United States. His delegation was therefore calling international attention to the matter in the hope that those who had it in their power to solve the problem would do so.

4. Mr. JAYEWARDENE (Sri Lanka) said that Sri Lanka had fulfilled its reporting obligations under the human rights covenants and had voluntarily co-operated with other United Nations human rights bodies, although it shared with other delegations serious misgivings about the overlapping of procedures within such bodies, the political use made of them by interested parties and the selectivity of approach to country situations. Both the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission had recognized, in relevant resolutions, the efforts of the Sri Lankan Government to promote national harmony.

5. The most important of those efforts had been the All Party Conference which had lasted from January to December 1984. It had constituted a political negotiating process designed to reach and implement a fair, peaceful and durable political solution, acceptable to the people of Sri Lanka as a whole, which would achieve a greater degree of popular participation at all levels of government. Thirty-seven official sessions and over 100 informal meetings had been held, and two committees of experts, one chaired by the Prime Minister and the other by a Sri Lankan Tamil Minister, had worked on proposals with a view to achieving a final package. The principal Sri Lankan Tamil political organization - the Tamil United Liberation Front (TULF), which had associated itself with the Conference, had indicated its willingness to accept the proposals in substance and, on the basis of agreement between the parties, they had been embodied in draft legislation, including a constitutional amendment. Suddenly, after the closure of the Conference, the TULF had announced that the proposals were not acceptable. The Government of Sri Lanka, surprised and disappointed, had decided not to proceed with the draft legislation, although the President was continuing his consultations in pursuit of a political solution, and certain amendments relating to a devolution of power at the local government level would be implemented throughout the country. It was significant that the terrorists had escalated their activities at crucial stages of the negotiations in order to sabotage the talks.

6. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had expressed the hope that the Government of Sri Lanka would submit information about the investigation of incidents of violence. The prime cause of that violence had been the acts of terrorists which the security forces of Sri Lanka were endeavouring to control in order to protect the human rights of all citizens of that country. Up to 31 December 1984, 475 persons of all ethnic groups including 282 civilians of whom 179 had been Tamils, had been killed by separatist terrorists. A number of prominent people, including the Tamil chief civilian administrator of the Mulaitivu district, had been abducted, killed after kangaroo trials and their bodies displayed on lamp-posts. The terrorists had perpetrated robberies of banks, co-operative stores and even school laboratories. They had bombed Buddhist temples and Roman Catholic churches and caused explosions at Madras airport and on a railway train. Innocent civilians, including groups of peasant farmers and fishermen, had been murdered by the terrorists as part of their plan to drive out non-Tamil residents from the area they wished to establish as a separate State on racist lines.

7. The Government had taken steps to punish those members of its security forces guilty of offences. All the complaints made following the July 1983 disturbances had been investigated, 700 high-ranking public officials having been appointed to assist the investigating authorities. Proceedings had been initiated against all persons identified as having been involved in offences. Six hundred and forty-eight cases had already been filed and a further 700 were in process of being instituted. In the trials which had been concluded, persons convicted had been sentenced to various terms of imprisonment, including imprisonment for life. In addition, the

Government had taken positive measures to ensure discipline among service personnel and had conducted programmes to inculcate a respect for human rights among them. Government law officers had delivered a series of lectures on the subject to military and police personnel. An organization was being set up under the aegis of the Human Rights Centre of Sri Lanka and the patronage of leading personalities to promote respect for human rights among members of the law-enforcement agencies. United Nations documents relating to law enforcement and human rights had been translated into national languages for distribution to all members of the military and police services. The Government had enabled complainants to seek compensation for loss of property caused by such forces in the course of their operations.

8. It was the fate of democratic and open societies, such as Sri Lanka, to have the offences committed by officials exaggerated while their subsequent punishment went unnoticed. It was also the fate of small third-world countries with limited resources to face a formidable propaganda challenge from well-financed expatriate groups, which exploited the credulity of non-governmental organizations and human rights groups with stories of alleged atrocities by majorities against minorities. The aim was to undermine the morale of the security forces and earn world-wide sympathy for terrorism. Exceptional situations were portrayed as the norm by political opponents, but in fact the discipline of the security forces had as a rule remained firm, as had been demonstrated in two recent terrorist attacks in which a number of policemen and soldiers had been killed. The terrorist propaganda machines and their sympathizers remained silent about such incidents.

9. The Government had encouraged community efforts towards national unity and tolerance, which were reported in the local newspapers. Fundamental human rights were entrenched under article 126 of the Constitution whereby any person who felt that his fundamental rights had been, or were about to be, violated by Executive action could invoke the jurisdiction of the Supreme Court. That provision had been invoked on numerous occasions and the Court had in some instances found for the complainant. In a recent case, one of the Supreme Court judges had commented that the relevant regulation was unclear. Within four days of delivery of judgement, the regulation had been amended in accordance with his expressed views. Why did those who alleged that human rights were violated in Sri Lanka not utilize the constitutional procedures to redress their grievances? The answer was that such allegations, which would not stand up in a court of law, could be exploited in human rights forums on behalf of political causes which could not be won through democratic elections.

10. His delegation hoped more than anyone else for the return of peace and harmony to Sri Lanka. His Government had offered the terrorists an amnesty provided they laid down their arms. The atmosphere for negotiations to achieve a democratic political solution could be created only by an end to terrorism. The Government had given a lead towards finding a way to give dignity to all the people of Sri Lanka without discrimination. Unfortunately, the TULF had succumbed to pressure from terrorists and their confederates abroad. Like many countries in other parts of the world, Sri Lanka faced the challenge of destroying terrorism or allowing terrorism to destroy democracy.

11. In his intervention, the Indian representative had dwelt on the alleged influx of refugees into India from Sri Lanka. He was not clear whether the Indian and Sri Lankan delegation shared the common definition of refugee which appeared in article 1, paragraph 2, of the Convention relating to the Status of Refugees. It was true that the July 1983 disturbances had caused displacement of people. The Government had undertaken an elaborate programme of rehabilitation for those affected. That situation had now reverted to normal, but another situation had been created by terrorist attacks on civilians in the north-eastern region of Sri Lanka. The Government and local non-governmental organizations had taken effective measures to deal with that, too.

12. With regard to persons leaving Sri Lanka, a distinction must be made between economic opportunity seekers and others. For many years, Sri Lanka had suffered from the brain-drain of professionally qualified personnel, educated at State expense. More recently, with the concurrence of his Government, semi-skilled and unskilled workers had left for various parts of the world in search of better-paid employment. The present Government, since its election in 1977, had abolished the exit permit system so that the constitutionally established freedom to leave and return to the country could be exercised. Foreign exchange was available for those leaving the country with valid passports. There was thus no barrier to prevent the exodus or entry of Sri Lankan nationals. Nevertheless, the figures of refugees quoted by the Indian representative must be viewed with caution. Sri Lankan terrorist groups were endeavouring to create an artificial refugee situation in order to drive a wedge between India and Sri Lanka and to exert pressure on New Delhi. He was confident that such attempts would fail.

13. Sri Lanka supported the establishment of joint naval patrols in the channel separating India and Sri Lanka as a means of maintaining co-operation between the two countries. The terrorists were endeavouring to evacuate certain areas in the northern province of Sri Lanka by force and intimidate people into leaving by boat for the Indian State of Tamil Nadu. It was perhaps relevant that the vast majority of Sri Lankan and Indian Tamils lived peaceably in Sri Lanka in addition to nearly 83,000 persons holding Indian passports who also preferred to remain there. It was also relevant that notorious and self-styled terrorist groups freely gave interviews to foreign journalists and there were many others whose activities contrasted strangely with their status as refugees. India's concern regarding the violence in Sri Lanka was well known, but the cause of that violence, which was terrorism, was less often mentioned. Nevertheless, India was well aware of similar problems at home, as could be seen from the description of terrorist tactics on page 2 of the Government of India's white paper on the Punjab agitation dated 10 July 1984. The problem of entering into a dialogue with terrorism of that type was the same throughout the world.

14. The Indian representative had referred to security regulations in Sri Lanka; similar regulations had been adopted in other countries, including India, as a means of combating terrorism, but the Government had sought to mitigate the impact of such regulations by a constant assessment of the situation and by arrangements for the payment of compensation. He reaffirmed his Government's commitment to a political solution to the problem.

15. Mr. GUDA (Observer for Suriname), referring to the report by the Special Rapporteur of his visit to Suriname (E/CN.4/1985/17, annex V), drew attention to the references in paragraphs 40, 41 and 50 to the fact that the highest authorities in the country

deeply regretted the summary and arbitrary executions of December 1982 and were determined that such events should never recur. Since that date, the political situation in general and the human rights situation in particular had improved significantly. As stated by the Special Rapporteur (paragraph 66), legislation had been enacted providing for the establishment of democratic institutions by creating a framework for dialogue between the military, the trade unions and the trade and industry organizations. As a result of consultations between those parties, a new Government had been formed with a mandate for one year, ending 31 December 1984. The Government had been entrusted with the task of preparing draft proposals for democratic structures for the Republic of Suriname and creating a climate propitious to the solution of the socio-economic and financial problems which had resulted from the world recession and the suspension by the Netherlands of development assistance. In January 1985, at the end of the mandate of the interim Government, a new cabinet had been sworn in and a National Assembly established consisting of 31 members, comprising 11 representatives of the trade unions, 6 representatives of the trade and industry organizations and 14 representatives of the military. The cabinet was accountable to the National Assembly and both bodies had a mandate for a maximum period of 27 months. The most urgent task of the National Assembly, which had embarked on its duties on 17 January 1985, was the preparation of a constitution for the Republic which would ensure optimal popular participation in the decision-making process at various legislative and executive levels. On the basis of an understanding between the Government and the news media, freedom of the press had been restored and at least one daily and two other weekly publications had reappeared and three privately-owned radio stations had resumed their broadcasts. The curfew had been lifted without further restrictions.

16. Another example of the efforts of the Government to improve the situation had been the enactment of Decree A-18, of 10 January 1985, relating to the establishment of a National Institute for Human Rights, which would be competent to receive, investigate and to take independent decisions on human rights matters. It was anticipated that the Institute would become operational during April 1985. A representative of the Inter-American Commission on Human Rights, visiting Suriname at the invitation of the Government, had told the press that the human rights situation in Suriname had improved significantly since 1982.

17. The co-operation received by the Special Rapporteur clearly demonstrated the political will and sincerity of the Government with regard to the establishment of a genuine democracy based on respect for human rights and fundamental freedoms.

18. His delegation had noted with interest the statement by the Netherlands representative to the effect that the Netherlands Government was not suggesting that Suriname should return to the pre-1980 system. He was sure that the normalization of bilateral relations between Suriname and the Netherlands would be facilitated if the Netherlands Government would, like the Special Rapporteur, conclude that a start had been made towards democratization. In concluding, he thanked the Special Rapporteur for his expression of appreciation of his Government's co-operation in the discharge of his mandate. It was encouraging that Mr. Wako had mentioned Suriname as an example in that respect to other countries. The people of Suriname were convinced that their past sacrifices to build their own society would not prove vain. His Government would therefore appreciate the benevolent understanding and support of the Governments of member States of the Commission and other States genuinely interested in the future of the Surinamese people.

19. Mr. CLEMENT (France) said that agenda item 12 enabled the Commission to survey the entire world, not as a judge pronouncing sentence but rather as a doctor endeavouring to heal his patient. When human beings were suffering, the Commission must seek practical results, avoiding political stances, simplistic a priori classifications or selective judgments. Respect for human rights began by respect for the physical, intellectual and moral integrity of the individual. His delegation therefore consistently denounced practices which violated that integrity by ill-treatment, the curtailing of the free circulation of ideas and people or the imposition of limits on artistic or intellectual creativity. Such practices were the more reprehensible when they were erected into a system of government and occurred in countries which prided themselves on satisfying all the needs of their populations, as was unhappily the case in many countries which asserted they were republican and democratic.

20. In El Salvador, some progress was observable, but gross violations of human rights continued. The civil population was still the object of military action through attacks on villages deemed to be providing assistance to the guerrillas. The sinister activities of the death squads, although decreasing, had not ceased. The guerrilla forces made destructive attacks on economic targets which militated against the economic development of the country. The negotiations with political parties, including the FNLN and the FDR, on which President Duarte had embarked, must be continued and brought to a successful conclusion. For several years, his delegation had constantly urged that only an over-all negotiated political settlement could bring about a lasting peace which would enable all the inhabitants of the country to enjoy their human rights. The Contadora Group was also in favour of the continuation of the negotiations. Social reforms were necessary and agrarian reform should finally be implemented. The renewal of the mandate of the Special Rapporteur therefore seemed to be wholly justified, although it was to be hoped that substantial progress could at last be made.

21. The situation in Guatemala was still more tragic. Violence had worsened, as reliable visitors from various walks of life and countries had publicly testified. It seemed that political rights were constantly disregarded. Repression against the Indians, murders, arbitrary imprisonment and acts of torture were common practices. People disappeared and the civilian population lived in a state of anxiety, while many had had to leave the country. It therefore seemed necessary for the Commission to keep the situation of human rights in Guatemala on the agenda for its next session.

22. His delegation was deeply concerned at the extent of human rights violations in Afghanistan revealed by the Special Rapporteur (E/CN.4/1985/21). He referred in particular, to paragraph 176 of the report, describing the failure to co-operate with the International Red Cross, paragraph 180 concerning the appalling conditions of imprisonment, and paragraph 187 describing torture as having almost assumed the character of an "administrative practice". No arguments about interference in the domestic affairs of States or falsification of the facts were admissible. Whatever the difficulties encountered by the Special Rapporteur in establishing the facts in the face of the authorities' refusal to co-operate with him, there were things which could be neither invented nor concealed. No reason of State could ever justify such violations of fundamental human rights, and his delegation formally asked the responsible authorities to put an end to such unworthy practices.

23. His delegation deplored the fact that the Special Representative appointed by the Commission at its previous session to consider the human rights situation in Iran had not received the co-operation of the Iranian Government. It seemed that numerous human rights violations in that country included the violation of the right to life, the practice of torture and arbitrary arrest. Iran, which was a party to the International Covenant on Civil and Political Rights, should respect its provisions concerning the right to a fair trial and to freedom of thought, conscience and religion. The Commission should renew the Special Representative's mandate and hoped that the Government of Iran would extend to him its co-operation.

24. His delegation was concerned about the human rights situation in Poland and regretted that the Polish Government continued to refuse to co-operate with the Secretary-General in the implementation of Commission resolutions 1982/26 and 1983/30. The measures taken by the Government over the preceding two years had brought about an improvement in some respects, but that improvement was not adequate. Arrests had been resumed over recent weeks, and the hoped-for national reconciliation had not materialized. The Commission must therefore remain watchful.

25. His delegation was also concerned at the human rights situation in Cyprus. It regretted that the negotiations between the two communities under the aegis of the Secretary-General had been suspended and hoped that they could be resumed as soon as possible, in order to bring about an improvement in the human rights situation.

26. The numerous human rights violations which the civilian population of Lebanon had suffered for all too long included indiscriminate attacks which claimed innocent lives, massacres, abductions and disappearances. All those practices, in particular those currently occurring in the south of the country must be condemned. The circle of violence must be broken.

27. The international community must react against all practices which violated fundamental human rights wherever they occurred. In that connection, it could not remain indifferent to the conditions in which prisoners-of-war were held, particularly those resulting from the war between Iran and Iraq. The recent appeal by the President of ICRC for observance of the Geneva Conventions must not be ignored. His delegation congratulated Mr. Wako for his general report on summary or arbitrary executions (E/CN.4/1985/17) and hoped that the Commission would extend Mr. Wako's mandate so that he could pursue his work. It also hoped the United Nations would continue its efforts to prevent the large-scale exoduses of populations which caused so much human suffering and would organize effective measures of assistance to combat famine.

28. In conclusion, he stressed that his delegation attached importance to the protection of those who devoted themselves to the defence of human rights and who often paid for their commitment with their liberty, and sometimes their lives. The persecution of such persons in various regions, including Eastern Europe, was intolerable. The international community should ensure that no one was harassed in any manner on account of activities in defence of human rights. The facts showed that such protection was necessary and that it was eminently desirable that it should be made more effective.

29. Mr. MONTANO (Mexico) expressed his delegation's concern that the Commission was being converted into an arena of political discussion in which indiscriminate and unsubstantiated accusations involving governments and peoples were exchanged. In the recent past, the Commission had been apprised of situations in which apparently there had been systematic violations of human rights. Suddenly, for no apparent reason, consideration of the situations concerned ceased to be a priority matter, no doubt as a result of negotiations outside the Commission's ambit. At the same time, his delegation was concerned to note that the Commission was giving up the criteria of analytical rigour, and legal meticulousness in dealing with cases. The Commission was too flexible in admitting information which was frequently politically motivated, and distorted the facts. Very often, when governments exercised their right of reply, the unsubstantiated nature of the charges against them was clearly revealed.

30. Every institution needed its members to engage from time to time in an honest and self-critical analysis of its functions and activities. The fortieth anniversary of the United Nations afforded an opportunity for mature reflection at a high political level on the future of the multilateral organizations. The Mexican Government had consistently supported those bodies, but was concerned at their vulnerability and fragility, for which the members themselves were responsible. The States must appreciate the full extent of those shortcomings and take appropriate measures to deal with them. All members of the Commission knew that matters of such serious political and legal significance should prompt an over-all analysis of the facts submitted. Facts did not occur in a vacuum, they took place in a network of circumstances which frequently went beyond the actual matters under review. Account must be taken of the historical, political, social, economic and cultural complexities of societies going through periods in which human rights were undeniably being totally disregarded. Although that did not mean condoning violations, those analysing the situation should not presume to impose preconceived patterns which only served to distort the truth. His delegation was ready to participate in any exercise which would lead to a careful revision of the aims and objectives of the Commission. He expressed the hope that, through the good offices of the Chairman, positive action could be taken in that direction.

31. A year previously the Commission had decided, in the light of the political changes in Argentina, not to keep the human rights situation in that country on its agenda. Subsequent events had proved that the pledge given by the Foreign Minister of Argentina on that occasion had not been mere empty words: the new authorities had embarked on a vigorous course of action to strengthen the country's democratic institutions and restore its long tradition of protecting human rights. By virtue of its mandate, the Commission should recognize the efforts made by governments to change the situation after such dark periods.

32. His delegation also welcomed, as an encouraging sign in Latin America, the return of the people and Government of Uruguay to that country's long and noble democratic traditions. The political traditions of many Latin-American countries, which had been brutally undermined in recent years, were now re-emerging with renewed vigour. That was no mere chance - such traditions were an integral part of their political history, and it was clear that the resort to authoritarianism had only negative results on the political development of Latin-American countries.

33. During 1984, the Contadora Group had continued to work for regional détente. So far, the nine countries of the region had shown a capacity for dealing constructively with obstacles which would otherwise have been insuperable. The Group was conscious that it still required to make considerable progress to complete its task, but was continuing its efforts.

34. The Central American region with which Mexico was culturally, economically, socially and politically integrated, was passing through a period which required careful thought by the international community. The fragility of the balance that had been achieved in the area demanded a cautious approach on the part of the strongest nations. Otherwise, the dispute would become a forum for the discussion of interests alien to the concerns of those directly involved. The political events in Central America were not outside the scope of the agenda item. If an open confrontation occurred, the people in the region would suffer its direct effects. His delegation was convinced that, under the terms of its mandate, the Commission was empowered to consider the conflict in Central America and that, by demonstrating solidarity, it could contribute to its solution.

35. With regard to the information on Guatemala provided by the Special Rapporteur (E/CN.4/1985/19), he pointed out that from 13 to 17 February, the High Commissioner for Refugees had carried out an exhaustive visit to the refugee camps in southern Mexico and had observed that, through the efforts of the Mexican Government and UNHCR representatives, the programme to relocate the refugees had been virtually completed under the supervision of UNHCR. Both the Mexican and Guatemalan Governments had taken the immutable decision that any repatriation of refugees must be subject to the wishes of the individuals concerned.

36. His delegation was glad to learn from the final report of the Commission's Special Representative (E/CN.4/1985/18) that measures had been adopted in El Salvador which had led to an improvement in the human rights situation there. Nevertheless, it was a matter of concern that the operations of the armed forces continued to claim many lives among the civilian population and that the attacks by the rebel forces were systematically directed against the economic infrastructure of the country, thus not only immediately affecting the people's enjoyment of their economic and social rights but also inflicting damage which might prove to be irreparable. He reiterated his Government's view that dialogue was the only way to find a formula for national reconciliation. In that connection, it welcomed the recent high-level discussion between President Duarte and his representatives and those of the two guerrilla groups and the setting up of a joint body to study peace proposals. He was confident that the dialogue would continue in a serious and realistic manner so that an over-all global and negotiated solution would bring an early end to the armed struggle. His delegation also welcomed the recent measures accepted by both sides to humanize the war, such as the exchange of prisoners and the truce over the Christmas and New Year periods. Progress in that direction should be maintained with the co-operation of the humanitarian organizations currently involved.

37. In conclusion, he requested that the document entitled the "Cartagena Declaration" should be circulated to members of the Commission. The document was the result of a meeting convened jointly by the President of Colombia and UNHCR and dealt with the concern of nine Latin American countries about the seriousness of

the refugee problem. The Declaration constituted an important contribution to humanitarian law. He paid tribute to the work of the UNHCR for the refugees in the region and to their assistance in finding lasting solutions to the problem.

38. Mr. DAUDY (Syrian Arab Republic) said that the observers at the Commission included the representative of an authority which had made the violation of human rights in Arab territories into a policy. The destruction wrought by Israel in any country it entered was demonstrated clearly in the case of southern Lebanon, where the population was subjected to massacres and acts of genocide that made no distinction between young and old or men and women. Moreover, those acts were being perpetrated in full view of the whole world, and Israel was proudly showing on television both at home and abroad pictures of lacerated bodies, destroyed houses, encircled villages and hundreds of prisoners tied to each other and dragged along like cattle. How could the Israeli authorities justify what they were doing in southern Lebanon? Was it wrong for the population to fight against the kind of occupation inflicted on it and to insist on living as free citizens in their own country? The fact was that the Begin-Sharon-Eban trio had planned the invasion and awaited an opportunity to carry it out. As the Israeli journalist, Mr. Ury Avneri, had written on 13 January 1983, "it has become clear that the entire war in Lebanon was founded on a lie - the Begin Government lied to the people, to Parliament and to the army". The atrocities committed by the Israelis during the 33 months they had been in the Lebanon should appear as separate items on the Commission's agenda so that the proper lessons might be drawn from the examples of Israeli barbarity. The list showed what the political, military, economic and other aid provided by the United States achieved when given to a Zionist Government, closely resembling the abhorrent régime in South Africa.

39. Nothing inhibited the officers and men of the invading Israeli army in their attacks on the civilian population. But were not the acts of the Israeli authorities in southern Lebanon merely the continuation of what had been taking place since the invasion started? How did the Sabra and Chatila massacres differ from what was happening in southern Lebanon? The Herald Tribune of 2 and 3 March 1985 and Le Monde of 5 and 6 March 1985 contained accounts of Israeli raids on villages, accompanied by the desecration and sometimes destruction of mosques. Furthermore, when French forces serving with the United Nations Interim Force in Lebanon had tried to protect the civilian population, the Israeli soldiers had levelled their guns at them and the Israeli Minister of Defence, in a statement to the Knesset, had described the French soldiers as "bastards", a term subsequently repeated in a broadcast by Israeli radio, which clearly showed that the Minister had deliberately intended to insult the French forces, the United Nations and the international community.

40. It was instructive to hear the observer for Israel talking about nazism. Perhaps he thought that the history of zionism was not familiar to his listeners. Yet when Mr. Begin had first visited the United States, a group of prominent Jews, including Albert Einstein, had written a letter to the New York Times saying that the political party headed by Begin was akin in its organization, methods and political authority to the Nazi and Fascist parties. Another leader of modern Israel, Shamir, had belonged to a group commonly called the Stern gang, which had endeavoured to form an alliance with Hitler on the basis of the desire of the German Reich, to rid Europe of Jews, and its own wish for the establishment of a

Jewish State. It was suggested that such a State, bound by treaty to the Reich, could contribute to the maintenance and strengthening of German interests in the Near East. In other words, the neo-Nazi group of which Mr. Shamir had been a leader had been perfectly ready to co-operate with the Nazis. But circumstances changed and attitudes with them.

41. It was noticeable that, whenever Israel stood condemned by international public opinion, as in the case of Lebanon, it brought up the question of the position of the Jews in Syria or the Soviet Union. But in reality, the Jewish community in Syria was doing well and did not need Israel as its defender. Syrian Jews enjoyed all the rights of other citizens, including freedom of movement, the right to acquire property and to exercise all the liberal professions. They were in fact citizens living in their own country, Syria. The situation of Syrian Jews was vastly better than that of the Arabs in the occupied territories or in Israel. It was better even than that of the Sephardic Jews in Israel, who were not treated on an equal footing with the Ashkenazim.

42. Mr. SYTENKO (Union of Soviet Socialist Republics) said that one of the most dangerous and widespread forms of gross violations of human rights in recent times was the policy of State terrorism which used bands of mercenaries against a number of young, independent countries in Asia, Africa and Latin America. That policy was being pursued by the racist régime of South Africa as a weapon not only against its indigenous inhabitants but also for aggression against neighbouring African countries. A similar policy was being used by the United States against the freedom-loving people of Nicaragua. Another victim of imperialist aggression was the independent, democratic country of Afghanistan. Indeed, whole armies of mercenaries, well equipped with military hardware, were conducting operations on the scale of real, undeclared wars. Such bands killed peaceful citizens, blew up economic facilities and generally spread terror, death and destruction. Such was the new weapon, the "radical means" extensively used by the perpetrators of policies of racism and imperialism.

43. Delegations from a number of Western countries were using the Commission for the unseemly purpose of conducting a provocative and slanderous campaign against Afghanistan, in an attempt to conceal the fact that Afghanistan had resolutely embarked on a course of independence and progress involving radical and democratic changes to safeguard human rights. They passed over in silence the undeclared war which had been waged for a number of years by whole armies of mercenaries against that sovereign country.

44. The imperialist mercenaries had done substantial damage: they had destroyed 2,000 school buildings, scores of hospitals, 906 farmers' co-operatives and 14,000 kilometres of telephone lines, in addition to numerous bridges. The direct damage they had inflicted exceeded 35 billion afghanis, or approximately \$US 800 million. In their attacks on villages and cities, the bandit groups did not spare children, women or the elderly. They filled in wells and poisoned livestock in an attempt to intimidate the people and compel the democratically elected Government to turn from its chosen course. Responsibility for the crimes committed by the mercenaries in Afghanistan lay with those who had trained and equipped them. It had been clearly established that the undeclared war had started immediately after the 1978 April Revolution in Afghanistan. As early as June 1978, a symposium of the Supreme Command of NATO, held in Annapolis, Maryland, had decided to embark upon the extensive use of bands of Afghan mercenaries. It had been recently stated in the Congressional Quarterly that, by 1979, the bands

were receiving regular financial assistance. A recent article in the Washington Post had spoken of the CIA operation in Afghanistan as the largest United States covert operation since the Viet Nam war. By 1985, Congress had earmarked \$US 250 million for that purpose. Expenditure on the maintenance of the mercenaries and financing of their military operations against Afghanistan exceeded \$US 600 million. According to the Associated Press, the United States Congress had established a special group to monitor the distribution of United States aid to Afghan counter-revolutionaries, who were being trained not only in countries bordering Afghanistan, but also in the United States itself. Proposals were under study to organize direct drops of equipment by the United States Air Force to mercenary bands operating in specific regions of Afghanistan. In the financial year beginning 1 October 1985, they were to receive equipment costing half a billion dollars.

45. Such was the truth about the crimes being committed against Afghanistan by the mercenary bands and their overseas patrons. There was naturally not a word about it in the so-called "report" of Mr. Ermacora (E/CN.4/1985/21). The intention of that document was not to present the truth, but to conceal the real facts and divert public opinion from the undeclared war being conducted by imperialism against Afghanistan. The report was concocted entirely on the basis of slanderous allegations filled with hatred and anger against that democratic and sovereign State. It was noteworthy that Mr. Ermacora's fabrications had reached the imperialist press before his report had been seen by members of the Commission. The Soviet Union fully supported the Government of Afghanistan, which had refused to have anything to do with the Special Rapporteur. The use of the report for imperialist propaganda against Afghanistan was ample justification of such a position. The report was a blot on the Commission's record. Remarkably, Mr. Ermacora did not conceal his adherence to a well-known revanchist and neo-Nazi organ. As stated in the Frankfurter Allgemeine Zeitung of 25 February 1985, he had in that month addressed a meeting in Munich appealing to those - i.e. Hitlerites - who had suffered from injustice not to be silent but to claim their rights to self-determination. Such revanchist activities on the part of the Special Rapporteur deserved condemnation. His delegation favoured the immediate cessation of Mr. Ermacora's shameful activities aimed at inadmissible interference in the domestic affairs of a sovereign State.

46. A similar undeclared war by mercenaries was being waged against the non-aligned country of Nicaragua. Monstrous crimes and acts of vandalism were being committed there by bands of hired assassins who had been in the service of the former dictator Somoza. After the victory of the Sandinist People's Republic, they had transferred to the service of the United States Special Forces and, acting under instructions from Washington, they were endeavouring by means of mass murders to sow panic among the population, undermine the Nicaraguan economy and pave the way for invasion by United States forces. The victims of the terror promoted by the United States Administration now numbered over 12,000, principally farmers who were members of co-operatives. The number of victims had sharply increased after Washington had given the bands professional advice about the most efficient ways of committing terrorist acts. In October 1984, the Associated Press had published a secret CIA text for the "contras" on psychological operations in partisan warfare. About that document, the Washington Post had written that if the only way of dividing the Nicaraguan people from the Government was by enlisting criminals to brainwash them and to kill officials, then, as in Viet Nam, the United States was waging an unjust war for unjust causes.

47. The bands of mercenaries were financed and trained in special camps in States bordering Nicaragua. Their principal targets were peaceful villages, agricultural co-operatives and passenger transport vehicles. In the second half of January alone, they had killed 59 persons, wounded 29 and abducted 53. Depredations were greatest in San Juan de Lima, San Rafael del Norte, Rio Branco and other inhabited points along the border with Honduras. The action of the mercenaries were increasingly assuming the characteristics of mere banditry. A detailed description of the way they operated had recently been published in the New Statesman. Since November 1981, when the contras had received from the CIA their first instalment of \$19 million, they had been waging a systematic campaign of terror against the population of Nicaragua. Their numbers fluctuated between 15,000 and 20,000 and they consisted of Somoza National Guard members whose crimes during the period up to 1979, when the Sandinista Revolution occurred, were well documented. They were being trained by officers of the United States Special Forces at over 25 bases in Honduras and Costa Rica, as well as in military academies in the Panama Canal Zone and in the United States itself. Bands in the northern part of Nicaragua were supplied by aircraft purchased, maintained and frequently piloted by CIA agents. Such agents also directed the attacks of contras on neighbouring regions. Contras received intelligence from CIA spy aircraft, from the United States National Security Agency and from land, sea and air stations for radio interception supplied with the latest electronic equipment. Such were the crimes being committed by the mercenaries and their masters in their undeclared war against Nicaragua.

48. Similar bands were being used by South Africa as a strike force to carry out a policy of terror and mass violation of human rights. In Namibia, the notorious 32nd battalion, which participated in terrorist actions, was composed principally of mercenaries. In southern Angola, similar crimes were being committed by the counter-revolutionary Unitá groups, and in Mozambique, mercenary bands in the service of the racist Mozambique National Resistance were killing peaceful citizens, destroying stocks of food, blowing up bridges and generally attacking economic facilities.

49. The object of the policy of State terrorism was to undermine the political integrity of newly-independent countries, destroy their economies and ultimately deprive their peoples of freedom and independence. It had frequently been condemned by the General Assembly, most recently in its resolution 39/159. The Commission could not remain indifferent to a policy which used whole armies of imperialist and racist mercenaries as weapons of mass destruction. It must condemn such a policy and adopt measures to ensure that it ceased to be employed.

50. Mr. Charry Samper (Colombia) took the chair.

51. Mr. ROSALES (Observer for El Salvador) said that, in his inaugural address, President Duarte had stated his intention of fighting indefatigably against the abuse of authority, acts of violence by extremists and the death squads. Those words had been translated into a series of specific measures within a few days of his inauguration. The most important of those measures were: the establishment of a Vice-Ministry for Public Security; the disbanding in various State organs of teams of bodyguards; placing of private security units under the direct control of the Vice-Ministry for Public Security; the abolition of the intelligence section of the treasury police, which had been the object of serious accusations; establishment of an ad hoc committee to investigate various political crimes which had caused public outcry

and the appointment of four further members by an executive agreement dated 9 November 1984; the recent appointment of the members of the Committee to Review the Administration of Justice by President Duarte. The creation of an Institute of Criminal Investigation was set up which would strengthen the judicial system in respect of the scientific collection of evidence; the issuance by the President's Office of strict instructions that the air force should avoid causing loss of life among the civilian population, although it was difficult to distinguish groups of civilians who lived with the guerrillas and whom the latter made use of as screens when confrontations occurred.

52. The Salvadorian Human Rights Commission had been given unlimited support for its activities which included: (a) inquiries into complaints about human rights violations in general and, in particular, with regard to the right to life, physical integrity and liberty; (b) regular visits to penal institutions to monitor observance of the rights of detainees; inspections in various detention centres to identify individuals and ensure that they had been legally imprisoned, or if such was not the case, that they were released; and (c) ensuring that proceedings before military investigating magistrates were conducted in accordance with the law.

53. Series of talks and lectures on human rights under the auspices of the Human Rights Commission were given periodically to security bodies and military units. The International Committee of the Red Cross and the Salvadorian clergy were collaborating in that task.

54. With regard to the dissemination of knowledge about human rights, a joint committee had been set up comprising members of the Human Rights Commission and the Ministry of Education to develop a comprehensive curriculum covering the entire field of human rights, with particular reference to legislation, for use in schools at the primary, secondary and university levels and in other sectors, such as the security institutions. With a view to monitoring observance of human rights more effectively, the Human Rights Commission had recently set up regional offices in the cities of Santa Ana, San Vicente and San Miguel. The Human Rights Commission was working effectively by disseminating information about human rights and using its influence in individual cases. Its work contrasted with that of certain organizations which, under the pretext of keeping lists, were engaged in disinformation in order to discredit the Government of El Salvador. Such organizations devoted themselves to propaganda in favour of subversive groups of the extreme left and, far from making a contribution to the respect for human rights, encouraged social confrontation by failure to criticize terrorist actions carried out by leftists with supplies and weapons from the communist bloc via Cuba and Nicaragua.

55. President Duarte had come to power by popular vote in a free and democratic election in which various political options had been offered. He exercised that power within the limits prescribed by the Political Constitution of El Salvador, which was also an expression of the will of the people. In institutionalizing democracy in El Salvador, the Government had to overcome serious obstacles, including armed clashes between the Salvadorian army and guerrilla groups. The former were fulfilling the constitutional obligation of the sovereign State to maintain order and national security, while the radical groups were seeking power by violent means in order to establish a dictatorship and destroy civil liberties. At the same time, the Government had to contend continually with the death squads organized by the extreme

right, which were hostile to change and wished to return to a situation of unjust privilege. Both parties of extremists exercised the same negative influence on the establishment of democracy.

56. Turning to the report on the situation of human rights in El Salvador (E/CN.4/1985/18), he said that the Commission's Special Representative, in referring in many paragraphs to an improvement in the situation, had done no more than bear witness to the real facts which others, out of malice, refused to recognize. His delegation would prefer not to make its criticism of the report public for the time being. It would, of course, continue to co-operate with the Special Representative, given the Commission's recognition of the political will of the Government in human rights matters. However, his delegation emphatically refuted the subjective judgements of the Special Representative, in particular those based on manipulated evidence or evidence from partisan sources. With regard to the legitimacy of the Special Representative's mandate, he reiterated the reservations which his Government had consistently expressed and reaffirmed that the Special Representative had been admitted into the country solely in his personal capacity as a Spanish citizen.

57. The international community had been witness to the offer of political dialogue within the constitutional framework which President Duarte had made at the thirty-ninth session of the General Assembly. Unfortunately, the armed opposition had failed, particularly during the second round of talks, to respond to the Government's offer and had made demands which were not consonant with the current political realities that had resulted from various popular referenda and a series of far-reaching economic and social reforms. If the armed opposition basically did not want to engage in dialogue, further talks would be pointless. However, his Government nourished the hope that, at some future point, the opposition would show more consideration for the desire of the Salvadorian people for peace. By that term, his delegation meant peace directed towards the consolidation of the democratic system, including complete respect for human rights.

58. In conclusion, he said that various parties with different political philosophies were participating in the elections to be held on 31 March 1985 for members of the legislative assembly and of the 262 municipal councils in El Salvador. While some expatriates were seeking to break down society, other representative forces were working towards cohesion and the rule of law. El Salvador was demonstrating its resolve to achieve the objective of democratization and he was confident that, in future elections, the armed opposition would come to appreciate the value of a competitive, democratic and fair election.

59. Ms. GU Yijie (China) said that her delegation had read with attention Mr. Ermacora's informative and objective report on the human rights situation in Afghanistan (E/CN.4/1985/21). In spite of numerous resolutions adopted by the Commission, the situation in that country had been deteriorating unabatedly. Under the domination of the occupying troops, all the human rights of the Afghan people, including the basic right to life were being seriously violated. The inhabitants were increasingly the victims of mopping-up operations, beatings and executions. The prisons were crowded with civilians who were subjected to every form of inhuman treatment. Especially noteworthy was the persecution of patriotic intellectuals. Seventy per cent to 80 per cent of experienced university teachers had either become refugees or had been imprisoned, or even murdered. The number of students in

Kabul University had decreased from 15,000 to 4,000. The seriousness of the situation was illustrated by the well-known fact that nearly one quarter of the country's population had had to flee from their homeland.

60. The Chinese Government and people deeply sympathized with the sufferings of the heroic people of Afghanistan. The international community, and in particular the Commission, was entirely justified in showing concern for the long-standing situation of mass violations of human rights in Afghanistan. Her delegation was in favour of the Commission extending the mandate of its Special Rapporteur and keeping the matter under review.

61. Mr. KHMEL (Ukrainian Soviet Socialist Republics) said that despite the impressive and welcome changes that had occurred over the past few years with regard to the protection of the rights of peoples and of human rights, extremely serious problems remained. One important problem, which had been essentially resolved, had related to the granting of independence to colonial countries and peoples. About 100 countries which had been under colonial domination for centuries had become sovereign States. However, they now faced a number of problems, such as overcoming their inherited backwardness and ensuring the exercise of their right to development and an equitable position in the system of international economic relations.

62. It was clear to any unprejudiced person that those problems were the result of the former colonial domination and that their solution was to be found in the eradication of the injustices of history. However, some parties acted as though that were not the case. They were the parties whose "Western civilization" had risen through the plunder and destruction of the original civilizations of various continents, extermination of the conquered peoples, slavery, and the slave trade. Those parties had now adopted more refined methods of plunder, but the principle remained unchanged: to live at the expense of others. That was the principle of imperialism, which was an international system of financial and economic exploitation by the most highly developed capitalist countries of the human and natural resources of the least developed countries.

63. Imperialism was the root of such evils as colonialism and neo-colonialism, racism and racial discrimination, chauvinism and militarism and nazism and fascism, each of which was based on financial and economic motives.

64. Advocates of imperialism avoided any reference to those motives and claimed that social developments were determined not by the economic motives of social classes and groups but by the frame of mind of the peoples or even of leaders. That was pure nonsense, but it was clothed in pseudo-theoretical terms and presented as a kind of "discovery". Evidence of that had been seen at the current session when some delegations had expressed views concerning totalitarianism in which no reference had been made to the fact that the totalitarian régimes which had been destroyed during the Second World War had been established on a racial basis with a view to conquering, enslaving and exploiting other peoples. He pointed out that each member of Hitler's Wehrmacht who had participated in the Eastern campaign had been promised landed property in the country concerned. German enterprises had been promised as many Ostarbeiteren as they wished. Of the 64 million persons in Poland, western Ukraine, western Byelorussia and the Baltic Republics, the Hitlerite régime had planned to leave only 14 million to serve the "Aryan race"; the others were to be either exterminated or dispersed throughout the world.

65. That was the essence of totalitarianism. However, for the apologists of imperialism, to recognize that fact would be to recognize that totalitarianism was the result of imperialism. Indeed, imperialism was a breeding ground for the emergence of social elements interested in conquering, enslaving and exploiting other peoples. The basis of those elements might be racism, as in the case of totalitarian régimes destroyed in the Second World War, the apartheid régime of South Africa and the Zionist régime of Israel. However, totalitarianism takes other forms, such as that exercised by the holders of shares in transnational corporations and securities in banks. There was a relatively large number of such persons in the imperialist countries who had been corrupted over several decades by receiving large dividends and interest payments.

66. Those people determined who the Head of State would be and what political course would be followed. So long as there was no threat to their dividends and interest payments, they had remained calm and even complacent. However, when world developments had begun to undermine their position they had reacted. Some Governments had made that reaction a State policy and used it against progressive changes in the world, against those countries which had chosen their own path of far-reaching social and economic transformations.

67. One of the targets of United States imperialist totalitarianism was the Democratic Republic of Afghanistan. In order to prevent the people of that country from transforming their lives, Washington had for six years been waging an undeclared large-scale war through bands of mercenaries. Corporate America did not spare any expense in conducting that war. It had already spent more than \$600 million in training and arming the mercenary bands, which had inflicted heavy casualties on the Afghan people.

68. An unbridled campaign of slanderous propaganda was being mounted against Afghanistan. It was to be deeply regretted that the Commission had become involved in that campaign. The opus prepared by Mr. Ermacora jointly with the United Nations Centre for Human Rights was a blot on the record of the Commission. That so-called "report" was a shameless fabrication that reiterated the most malicious allegations of imperialist reaction to the progressive steps taken by the Afghan people along the road opened up with the April 1978 revolution. It would be futile to expect a man, who, as had been said in the Commission, shared revanchist views, to tell the truth about revolutionary Afghanistan. The delegation of the Ukrainian SSR fully supported the position of the Government of Afghanistan with regard to the Special Rapporteur and his work. The Commission should be courageous enough to dissociate itself from the intrigues masterminded by corporate America against revolutionary Afghanistan.

69. Washington was acting in a similar manner against Nicaragua. Corporate America had not found the victory of the Sandinist revolution to its liking. Once again, through mercenaries and an undeclared war, an effort was being made to prevent revolutionary transformations in the country, to terrorize the population, to undermine the State authorities and to reverse the course of events. That was all being carried out with the help of Somoza's mercenaries, whose bands were being organized, trained and armed by the CIA.

70. The reaction of United States imperialism to the April revolution in Afghanistan and the Sandinist revolution in Nicaragua were two glaring manifestations of corporate totalitarianism. That reaction showed the determination of the forces reared on imperialism to defend their selfish interests and parasitic privileges.

71. It was precisely those forces that were preventing peoples from achieving social progress and enjoying human rights and fundamental freedoms. However, the march of history could not be halted. The Communist countries were firm optimists and would always believe in the basic truth of life and the invincibility of the human spirit. In that connection, he stressed the importance of the working people, who constituted the basic truth of life and were the direct producers of material and spiritual wealth.

72. Mr. MIDDLETON (Observer for Canada), said that, as the Special Representative on the situation in Iran had pointed out in his report (E/CN.4/1985/20, para. 14), the basic provisions of the Universal Declaration of Human Rights could be regarded as having attained the status of international customary law and, in many instances, that of jus cogens. The United Nations was rightly concerned with the fulfilment by all Member States of their duty to protect human rights. It was regrettable that political and other considerations sometimes prevented the Commission from taking action to protect the rights of individuals and groups in certain countries. It should be courageous in seeking improvements in situations of gross and systematic violations of human rights wherever they occurred.

73. In addition to the situations in those countries on which reports had been prepared, the situations in two other countries had been of concern to many Canadians. There had been increasing reports of human rights violations in the military zones of Peru that had been established to combat terrorist guerrillas, and there continued to be frequent reports of human rights violations in the Philippines which was also faced with a situation of insurgency. Canada urged the Governments of those two countries to exercise thorough discipline over their security forces and deal firmly with any abuses committed against the civilian population.

74. The co-operation of the Government was a prerequisite for improving the human rights situation in any country. It was therefore of particular concern that, of the countries on which reports had been prepared, only in El Salvador and Guatemala had the Governments extended co-operation to the Commission. He wished to thank those Governments for their attitude, which betokened respect for the concerns of the international community. There remained the question of what the United Nations should do about those situations in which the Governments refused to co-operate. His delegation had for some years argued that separate consideration of the situation in Chile under agenda item 5 was unjustified selectivity and that it should be considered under agenda item 12, with other country situations, if the Government demonstrated its intention to co-operate with the Commission. In that case, item 5 might be reworded and reserved for those States which refused to co-operate with the special rapporteurs. However, obtaining the co-operation of governments was the preferable course, and he appealed to all Governments to extend such co-operation to the Commission.

75. It was disappointing that the Special Representative on the human rights situation in Iran had been unable to make a thorough study owing to insufficient time and lack of direct contact with the authorities. In view of the fact that Iran, like other States Members of the United Nations, was bound to abide by universally accepted standards of conduct towards its population, Canada was concerned at the number and gravity of alleged violations of human rights, particularly in respect of minority ethnic and religious groups such as the Baha'is and Kurds. The Government of Iran must be urged to respect its obligations under the two international covenants to which it was party. A thorough study of the situation in Iran would soon be needed, and he therefore supported the proposal that the Special Representative should present an interim report to the General Assembly.

76. The report on the situation in Afghanistan (E/CN.4/1985/21) depicted a particularly grim picture of gross violations of human rights. According to the Special Rapporteur, the situation was directly related to the severe enforcement of reforms by the régime, with the support of foreign armed forces. Two appalling features of the situation of conflict thus created had been the indiscriminate use of landmines and the victimization of the civilian population. His delegation agreed with the Special Rapporteur that there must be immediate application of the norms of human rights and humanitarian law by all the parties involved. Equally, however, there must be an end to the conflict, which would be initiated by the withdrawal of all foreign forces and the elimination of foreign influence.

77. The human rights situation in Afghanistan had resulted in the mass exodus of some 4 million people. His delegation had long been concerned that measures should be taken to prevent that phenomenon, which caused untold human suffering. It therefore appreciated the attention given to the subject by Mr. Ermacora and encouraged other rapporteurs throughout the United Nations system to include a similar analysis in their reports. He would encourage the Sub-Commission on Prevention of Discrimination and Protection of Minorities to take into account the relationship between human rights and mass exoduses in their work on situations of human rights violations.

78. He commended the Special Representative on the situation in El Salvador for his balanced, factual and analytical report (E/CN.4/1985/18). His Government was pleased to note that the Government of El Salvador was continuing to pursue a policy of improving the human rights situation, although its ability to achieve results was still somewhat limited. He urged it to intensify its efforts to investigate human rights abuses, to reform the judicial system and to pursue social and economic reform. Although the number of deaths associated with human rights abuses had declined in recent years, the total number remained a matter of concern, particularly where they were attributable to the State apparatus and armed paramilitary organizations. Measures must be taken to prevent such deaths and to bring to trial and punish those responsible. Many human rights violations were the result of the violence perpetrated by both the armed forces and the guerrillas in the civil conflict. His Government therefore welcomed the dialogue initiated between the Government of El Salvador and the guerrillas and urged both parties to make every effort to achieve peace.

79. It was important not only to expose situations of human rights violations, but also to encourage and publicize any effort which represented even a tentative first step along the path to full implementation of the standards of the Universal Declaration on Human Rights. He therefore welcomed the proposal of the Government of Guatemalan authorities to return to a system of democratic government, to invite political exiles to return and to engage in a dialogue with Grupo Apoyo Mutuo, which represented the families of disappeared persons, and to establish a commission to investigate their fate. However, the violation of human rights in Guatemala continued to arouse concern. As noted in the relevant report (E/CN.4/1985/19), violence and disappearances continued and effective measures were needed to investigate thoroughly all such incidents. Those responsible, including members of the security forces, must be brought to trial and punished. His Government urged the Government of Guatemala to demonstrate its sincere intention to resolve cases of disappearances by co-operating with the Working Group on Enforced or Involuntary Disappearances. He also urged the Government of Guatemala to publish the list of persons tried by the special tribunals which had been given to the Special Rapporteur and to clarify what had become of each such individual.

80. In the autumn of 1984, the Government of Canada had been disturbed by the news that the protection of human rights in Chile had continued to deteriorate. The

perpetuation of the latest declaration of a state of siege, in which civil liberties were suspended, indicated that the situation had not improved. His delegation therefore reiterated its appeal for peaceful change and urged the Government of Chile to rescind the state of siege at the earliest possible date and to permit the resumption of the return to democracy.

81. His delegation appreciated the work of the Special Rapporteur on summary or arbitrary executions (E/CN.4/1985/17). Widespread violation of the right to life warranted the Commission's continued attention. The Special Rapporteur rightly emphasized (E/CN.4/1985/17, para. 76) that the primary responsibility rested with the State under national and international law. However, the Canadian Government was only too aware that, in many countries, groups other than the Government systematically practised summary or arbitrary executions. It therefore supported the Special Rapporteur's recommendation that the Commission should consider further specific ways and means to deal effectively with the matter.

82. Responsibility for the protection and promotion of human rights did not rest solely with Governments. It was also a right and responsibility of individuals and groups and organs of society. They all had an essential role to play both in respecting the human rights of others and in bringing human rights violations to the attention of society. His delegation therefore attached considerable importance to the proposed draft declaration on the subject and urged Governments to respond to the questionnaire prepared by the rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to participate constructively when work on the draft declaration began.

83. Mr. KHARMA (Observer for Lebanon) said that, since the Israelis had occupied southern Lebanon and the Beka'a in June 1982, the civilian population had been subjected to flagrant and repeated violations of their most fundamental human rights. A day never passed without raids on villages and houses, all movement of traffic being stopped and civilians, including the elderly and women and children, being arrested. Normal daily life was impeded and civilians were prevented from engaging in farming and other activities. In addition, the Israeli occupying forces were endeavouring to deprive villages of water for both drinking and irrigation purposes and from acquiring basic necessities. Communications with the rest of the country were cut off, schools had been closed and the right to worship and the sanctity of places of worship had been endangered. Such practices, which went beyond imaginable limits, were adopted on the pretext of preserving the security of the State of Israel. They were clearly in flagrant violation of the Charter of the United Nations and the Universal Declaration of Human Rights, not to mention the Hague Agreement of 1907 and the Fourth Geneva Convention. In brief, over the one third of his country's territory occupied by the Israeli authorities, his compatriots were denied all their rights. As the Israeli forces withdrew, their tyranny was escalating, as if their intention was to pursue a scorched-earth policy.

84. The people of Lebanon aspired to freedom and peace and refused the yoke of occupation. They wished to defend their heritage, their land and their holy places. They were determined to regain their full rights. The Commission must therefore condemn the conduct of the Israeli authorities and support the Lebanese people in their struggle to recover their fundamental freedoms, a struggle which could not succeed unless there was a total, final and unconditional withdrawal by the Israelis.

85. Mr. RAJANAYAGAM (Centre Europe-Tiers Monde) quoted three recent reports of the persecution of Tamils by the Sri Lankan army. The first, from the London Daily Telegraph, of 12 December 1984, referred to massacre and intimidation at Jaffna; the second, from The Times of London, of 31 December 1984, described the disappearance of youths in Sri Lankan army camps and the third, from the magazine Time of 11 February 1985, which had been banned from circulation in Sri Lanka, gave details of a massacre of civilians in Mannar, after an army patrol had been ambushed by guerrillas. Thousands of ordinary Tamil civilians, neither militants nor "terrorists", were fleeing the country to escape the uncontrolled reign of terror of Sri Lankan security forces. Thousands were being forcibly dispossessed of their homes and driven from areas in which their families had lived for over 2,000 years. Members of his own family had been forced to leave their home and he had no immediate news of their whereabouts.

86. In its note verbale, dated 30 January 1984, the Government of Sri Lanka had suggested that the most constructive approach of the international community would be to desist from any comment on the situation in that country, on the grounds that it was fully committed to promoting co-operation and mutual understanding among all the people of Sri Lanka and had convened a conference of all political parties as part of that process (E/CN.4/1984/10, paragraphs 41, 42 and 44). Accordingly, the Commission, at its fortieth session, had desisted from examining serious complaints of human rights violations. However, the various assurances given by the Government of Sri Lanka had not been honoured. The All Party Conference had been terminated without reaching a settlement of the ethnic conflict. Even before the formal conclusion of the Conference, the Government had announced its plans for settling Sinhala people in predominantly Tamil areas in the north and east to reflect the nationwide population ratio of 75 per cent Sinhalese to 25 per cent other ethnic groups. That was hardly the act of a Government seriously intending to solve the ethnic problem through decentralization. The Government had also announced plans for training and arming Sinhalese settlers in Tamil areas. Arming one segment of the population against another minority segment hardly constituted an act in furtherance of reconciliation between the two communities. The Government's action was tantamount to deliberate incitement to civil war.

87. In his long intervention, the Sri Lankan representative had not attempted to rebutt the charges of gross violations of human rights, including summary execution of civilians, which had been made by Amnesty International and the International Commission of Jurists. Instead, he had endeavoured to justify such flagrant abuses as measures to combat terrorism, while organizations and individuals concerned with the protection of human rights had been described as supporters of the "terrorists". Many representatives of countries present at the Commission had expressed sympathy with the plight of the affected people in Sri Lanka. However, sympathy alone would not suffice. There had been many speeches about how the Commission should protect the basic human rights of people throughout the world, but such speeches meant nothing without concrete action. The third preambular paragraph of the Universal Declaration of Human Rights stated that human rights should be protected by the rule of law if man was not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression. If such was not the case and the international community remained a silent spectator while flagrant violations of inalienable human rights continued, the people concerned were bound to lose confidence in the rule of law and adopt whatever course they found appropriate to defend their rights and freedoms.

88. Mr. CHOWDHURY (Bangladesh) resumed the Chair.

89. Ms. CASTRO (International League for Human Rights) said that the League was one of the oldest non-governmental organizations associated with human rights. It sought to mobilize public opinion against human rights violations and to help people in institutions in various countries - most recently Andrei Sakharov, current Honorary President of the League. The League had also published an important booklet on the Paraguayan situation, and it was also as a member of the Commission for the Defence of Human Rights in Paraguay, which was affiliated to the League, that she was taking the floor.

90. The violations of human rights occurring in Paraguay included the torture, using highly technical methods, not only of political prisoners but also of ordinary prisoners, almost as a matter of routine. The Commission for Human Rights in Paraguay could provide reliable evidence of such practices, since its members had actually seen lacerated bodies and their own children had been subjected to torture. Torture must be regarded as one of the most degrading violations of human rights, and the Commission must fight for its total eradication and the punishment of those responsible. It was unfortunately all too rare that torturers received their just desserts.

91. Another violation of human rights was exile, which was regarded as almost equivalent to a death sentence. In Paraguay, prominent opponents of the régime, such as the President of the Christian Democrat Party and Vice-President of the Liberal Party, had been illegally expelled. There were currently almost 1 million Paraguayan refugees in Argentina. Some Paraguayans had been in exile since 1947 and others, who had returned after 25 years abroad, were allowed to move from their homes to their place of employment only under police guard and were subject to arrest at any time. They were often forced to leave the country again. In the case of a former President, even permission for his body to be returned for burial had been refused. Economic, social and cultural rights were violated just as frequently as political and civil rights.

92. The position of the peasants was very bad. When they had tried to unite to defend their rights, particularly their right to possess property, they had been imprisoned, and their houses and crops burnt in order to benefit the large land-owners and foreign interests. One lawyer had been imprisoned for many months for defending the rights of farmers and the Christian Action Programme.

93. Paraguay had been living in the suffocating atmosphere of a state of seige for over 30 years. In flagrant violation of Article 79 of the Constitution, the state of seige in Paraguay was regularly renewed every 90 days as a way of justifying repression. The declarations of the Government itself made it clear that the state of seige was unjustified, since it was always stated officially that peace and tranquility reigned in Paraguay.

94. Another aspect of human rights violations was the manipulation of the judicial system: judges were appointed by the Executive Power and with few exceptions, followed the instructions they received from it. One example of abuse was that of a man sentenced to 15 years imprisonment who had spent 22 years in prison and was finally released only following pressure from national and international human rights' bodies.

95. The Commission for Human Rights in Paraguay, while well aware of the dangers involved in actively defending human rights, considered that there must always be martyrs for that noble ideal and that only through guarantees, legislation and

international solidarity could Governments be persuaded to act in accordance with the commitments they had undertaken. The actions of the Commission for Human Rights in Paraguay were prompted solely by humanitarian motives. She expressed the hope that the United Nations Commission on Human Rights could find ways and means of ensuring that human rights could be fully enjoyed in Paraguay.

96. Mr. HOPPE (Observer for Denmark) said that the principle of non-interference in their internal affairs could not be invoked by States to justify their rejection of international concern at human rights abuses on their territory; nor could any State legitimately claim that it would respect the human rights reflected in legal instruments to which it was a party only to the extent that they conformed with its own national or religious laws. In acceding to the International Covenants, the State assumed obligations which took precedence over national laws and practices. His delegation was deeply concerned that the over-all situation of human rights remained bleak and that, in many cases, human rights activists were the victims of the most serious abuses. It was important, therefore, that the appropriate bodies of the United Nations should intensify their efforts towards ensuring compliance with existing international standards and elaborating more detailed standards when warranted.

97. In that connection, his delegation particularly welcomed the adoption by the General Assembly of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It was to be hoped that the consensus reached after efforts by delegations from all regional groups signified a rejection of such practices by the entire international community. The Danish Government intended to ratify the Convention as soon as possible and urged all Member States to do likewise so that it could enter into force as soon as possible and its machinery could be set in motion. Denmark also appealed to Member States to respect the provisions of the Convention, so that torture could be eliminated. He drew attention to the United Nations Voluntary Fund for Victims of Torture, set up in 1981, on the initiative of the Nordic countries. The Fund's humanitarian efforts to assist victims of torture deserved general support and he urged Member States to make initial or further contributions to it.

98. The appointment of special rapporteurs to deal with particular human rights problems was gaining widespread acceptance. His delegation welcomed that development and would like to see more rapporteurs appointed when the circumstances warranted.

99. The reports on country situations currently before the Commission revealed a common pattern of suppression, by national authorities, of the legitimate aspirations of their peoples to have a voice in the conduct of national affairs. The countries concerned usually denied the facts before the Commission or referred to alleged special circumstances such as revolutionary processes, racial differences, religious laws or national emergencies. Such explanations were obviously unacceptable: the standards of the international covenants could be derogated from only under strict observance of the relevant provisions. His delegation welcomed the fact that some of the countries concerned had extended their co-operation to the special rapporteurs and urged the other countries concerned to reconsider their regrettable policy of refusing to allow the experts the opportunity to investigate the situation on the spot. It was ironical that some countries, like Afghanistan and its supporters, would usually support the appointment of special rapporteurs for countries like Guatemala and Chile. He welcomed that attitude, which presumably meant, that like his own delegation, they did not regard concern for human rights as interference in domestic affairs. If, when the Commission came to discuss Afghanistan, they claimed that it

did constitute interference, that would be a striking example of double standards. His delegation believed that the human rights situation in each of the countries under review warranted the extension of the mandates of the respective special rapporteurs or representatives. Unfortunately, human rights violations were not confined to those countries on which the Commission had special reports: the discussion had clearly demonstrated that the rights enshrined in the various international instruments remained a distant goal for many, if not most, people all over the world. States Members must endeavour to improve the United Nations capacity to respond promptly and effectively to all violations of human rights. That would require political will and further resources.

100. Mr. KHERAD (Observer for Afghanistan) said that the human rights of millions of people were not respected and flagrant violations of all human rights occurred in various regions of the world, including those countries which styled themselves the champions of human rights, but where unemployment was rampant, discrimination persisted and the crime-rate increased annually. In France and in the heart of New York, hundreds of homeless had died of cold and hunger during the winter. In the United States, action by millions of non-whites was savagely repressed and 75 per cent of the Indian population suffered from malnutrition and a third of the children died in their first year of life. In order to preserve the last vestiges of colonialism, racism and apartheid, imperialist countries, particularly the United States, were providing military and financial assistance to the South African racists, the Zionists and the many other racist, Fascist, dictatorial and reactionary régimes which it protected. The imperialists only dissociated themselves in words from the policy of South Africa and other militarist régimes. To assert that their activities in southern Africa did not contribute to bolstering the policy of racism was hypocrisy. In another area of the world, in New Caledonia, the human rights situation was also deplorable - there had been many arbitrary arrests, involving cases of torture, which the Commission should investigate.

101. The happenings in Central America were not basically different from those in the Arab occupied territories and southern Africa. In El Salvador, human rights continued to be violated on a massive scale: the death squads, encouraged by the Government and directed from a distance by the CIA, had killed thousands. Countless people had been abducted or held without trial. The situation in Guatemala, where the forces of reaction were terrorizing the people, remained a matter of serious concern. In Chile, where a Fascist régime had been imposed by the United States after the military coup, the situation was no better and gross violations of the most fundamental rights and liberties of the people were increasing. By providing the régimes of El Salvador, Chile and Guatemala with increasing military aid, the United States hoped to protect its investments and strategic activities in the region. It wished to keep the countries of the region under its direct control and prevent them from choosing their own path to development. In order to do so, it did not hesitate to employ odious methods which were contrary to all the rules of international relations. The direct aggression of the United States in Grenada had ended in the destruction of a progressive democratic régime and the persecution of all those who did not submit to the wishes of the United States. United States acts of aggression and repeated threats to use force were incompatible with the very concept of human rights.

102. The undeclared war conducted by imperialism and its accomplices, through certain neighbouring countries, against democratic and revolutionary Afghanistan was a striking example of State terrorism. That vile interference in the domestic affairs of Afghanistan was not an isolated phenomenon, it formed part of a widespread counter-attack by international imperialism against all the independent States of Asia, Africa

and Latin America which were committed to the path of liberty, progress and peace. The fiendish activities of United States imperialism against heroic Cuba, the war of mercenaries orchestrated by the Pentagon and the CIA against Nicaragua, and the attempts to interfere in the internal affairs of other peace-loving countries constituted serious threats to world peace.

103. Peace was the most pressing need of contemporary society, and to live in peace was the fundamental and inalienable right of every people and every individual. Those who profited from wars and international tensions must not be allowed to repeat the tragedies of the past. It was through international co-operation and respect for the generally recognized principles of international law that the protection of human rights on the international plan could best be assured.

104. The Democratic Republic of Afghanistan, which fully respected the right, liberty, dignity and honour of the Afghan people and was guiding Afghan society along the path to peace, liberty, democracy, progress and justice, thought that States should assure the rights and liberties of individuals coming under their jurisdiction by the adoption of legislative and other domestic measures, and that they should have the political will to implement the principles of the Universal Declaration of Human Rights and other relevant international instruments.

105. With regard to the trite, ridiculous and unfounded observations of the representative of hegemonist China, the new-found friend of United States imperialism, and the country where at least 1,600 arbitrary executions had reportedly taken place in a single year and where torture was a daily occurrence, his delegation would return to that subject in more detail when it exercised its right of reply.

The meeting rose at 12.05 a.m.