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COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 51st MEETING  
(Second part) \*/

Held at the Palais des Nations, Geneva,  
on Monday, 11 March 1985, at 6 p.m.

Chairman:

Mr. CHOWDHURY

(Bangladesh)

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\*/ The summary record of the first part of the meeting is contained in document E/CN.4/1985/SR.51.

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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS THIRTY-SEVENTH SESSION (agenda item 19) (E/CN.4/1985/3, Chapter I-A, draft resolutions III-VIII; E/CN.4/1985/L.35-37, 40, 47, 53-56, 58, 67) (continued)

Draft resolution V

1. Mr. GAGLIARDI (Brazil) asked, with reference to the administration of justice and the human rights of detainees, why a special rapporteur was to be appointed since Mr. Despouy had already been requested, pursuant to Sub-Commission resolution 1984/27, to prepare an explanatory paper on the same subject. His delegation believed that more time was required to analyse the question.
2. Mr. SOFINSKY (Union of Soviet Socialist Republics) agreed with the previous speaker and proposed that the Sub-Commission's draft resolution should not be adopted.
3. Mr. DESPOUY (Argentina) reminded the members of the Commission of the resolutions, decisions and studies which had led up to decision 1984/104 by the Commission "to examine the report on situations known as states of siege or emergency to be submitted by the Sub-Commission to the Commission at the Commission's forty-first session as a matter of high priority". In compliance with the request made to the Sub-Commission by the Commission and by the Economic and Social Council, a person should be designated to prepare a methodological working paper and the Commission should then be requested to appoint a special rapporteur, in pursuance of earlier Commission decisions and resolutions.
4. Sir Anthony WILLIAMS (United Kingdom) considered the subject to be of real importance; it was not simply a question of economy but of the priorities of the Sub-Commission. He urged that if a decision was taken to disregard the Sub-Commission's recommendation, the matter should at least be put to the vote.
5. Mr. ERMACORA (Austria) said that his delegation would support the draft resolution if a vote was taken, as it had considerable bearing on the interpretation of article 4 of the International Covenant on Civil and Political Rights.
6. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that the interpretation of any international agreement came within the competence of States rather than that of independent experts such as the members of the Sub-Commission. He therefore disagreed with the previous speaker.
7. Mr. GAGLIARDI (Brazil) said that his delegation had no reservations regarding the substance or title of the draft resolution, but was merely concerned with the appointment of an expert at the current stage.
8. The CHAIRMAN said that, at the request of the representative of the United Kingdom, a vote would be taken on the proposal that no action should be taken on draft resolution V.
9. The proposal that no action should be taken on draft resolution V was rejected by 16 votes to 7, with 17 abstentions.
10. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights) drew the attention of the members of the Commission to the financial implications of the draft resolution contained in document E/CN.4/1985/3, annex II, concerning the travel of the Special Rapporteur for 1985.
11. Draft resolution V was adopted by 28 votes to none, with 9 abstentions.

Draft resolution VI

12. The CHAIRMAN drew the attention of the Commission to draft resolution VI of the Sub-Commission and to the financial implications contained in document E/CN.4/1985/L.37.

13. Draft resolution VI was adopted without a vote.

Draft resolution VII

14. Mr. GAGLIARDI (Brazil) proposed the deletion in operative paragraph 1 of the words "and invites the Secretary-General of the United Nations to communicate with Governments and pursue the matter in an appropriate manner, urging early notification", on the grounds that the Commission should not require the Secretary-General to urge the ratification of that or any other international instrument, since it did not come within his competence.

15. Mr. SOFINSKY (Union of Soviet Socialist Republics) proposed the further deletion in operative paragraph 1 of the words "or to explain why they feel unable to do so;", as being incorrect from the point of view of international law.

16. Draft resolution VII, as amended, was adopted without a vote.

Draft resolution VIII B

17. Mr. CHARRY-SAMPER (Colombia) said that the subject of a United Nations Voluntary Fund for indigenous populations was both important and relevant; consequently, his delegation welcomed the spirit in which the draft resolution had been submitted. It would, however, appreciate more information on the financial implications of such a fund and on the organizations participating on behalf of the indigenous populations and the names and functions of their representatives. If no precise information was available, his delegation would prefer consideration of the matter to be deferred.

18. He invited the representatives of third world countries where indigenous populations were principally to be found to study document E/CN.4/Sub.2/1984/20 of the Sub-Commission; after doing so, he believed that they would agree that his delegation was right to inquire which of the innumerable groups claiming to speak on behalf of indigenous populations would be represented in the Voluntary Fund. His delegation considered that the Commission should not take a hasty vote on the draft resolution.

19. Mr. CURTIN (Australia) said that his Government had taken the work done by the Working Group on Indigenous Populations very seriously; although time was short, the proposal had nevertheless been before the Commission since August 1984. While the draft resolution was not perfect, his delegation was prepared to support it. The misgivings expressed by the representative of Colombia could perhaps be quelled by the statement in operative paragraph 2 (e); the members of the Board of Trustees would be appointed by the Secretary-General of the United Nations.

20. His delegation considered the move by the Commission into the area of indigenous rights to be a constructive one and requested that the Commission should not defer consideration of the draft resolution.

21. Mr. CHARRY-SAMPER (Colombia) said that his delegation was prepared to support the proposal to establish a United Nations Voluntary Fund for indigenous populations provided that the Working Group on Indigenous Populations was asked to take into

account Economic and Social Council resolution 1296 (XLIV) which laid down the main principles governing participation by non-governmental organizations in the work of Sub-Commission and Commission working groups. The NGOs were required to represent and speak for major sectors of populations, they must have an established headquarters, a democratically adopted constitution, and their sources of financing must be fully recorded. In order to avoid taking a vote, he proposed the insertion at the end of the first preambular paragraph of the words, "and taking into account Economic and Social Council resolution 1296 (XLIV) of 23 May 1968 entitled 'Arrangements for consultation with non-governmental organizations'".

22. Draft resolution VIII B, as amended, was adopted without a vote.

Draft resolution E/CN.4/1985/L.58

23. Mr. THWAITES (Australia) said that the sponsors of draft resolution E/CN.4/1985/L.58 hoped that the text would be adopted by consensus and proposed the following amendments: to insert at the end of the fifth preambular paragraph the words, "and its resolution 1984/60 of 15 March 1984"; to delete in the fourth operative paragraph after the words "independent experts" the words "who are", to replace the word "direction" by the word "instructions", and to add at the end of the paragraph after the word "functions" the words "as members of the Sub-Commission"; and to combine operative paragraphs 7 and 8 to read, "Endorses the desirability of better continuity in the work of the Sub-Commission and requests the Secretary-General ...", leaving the rest of operative paragraph 8 as it stood and renumbering the remaining paragraphs.

24. Sir Anthony WILLIAMS (United Kingdom) said that he wished to place on record his delegation's regret that the sponsors of the draft resolution had not felt able to include some support for the Sub-Commission's recommendation that members' term of office should be extended to four years by retaining a reference to that effect in the draft resolution. During the debate on agenda item 19, many delegations had supported that idea and no cogent arguments had been advanced against it. His delegation would, however, join the consensus on the draft resolution, while regretting that the Commission had not agreed to reflect a view that was widely held.

25. Draft resolution E/CN.4/1985/L.58, as amended, was adopted without a vote.

26. Mr. HERNDL (Assistant Secretary-General for Human Rights), said, in reply to the question of whether the secretariat would enable an alternate to replace a member at a session of the Sub-Commission, if the member became incapacitated following his arrival in Geneva, that if the member attended the session and his travel was paid, it would not be possible to pay for the alternate's travel, although if the member returned home before the session ended, his subsistence allowance for the remainder of the session could be paid to the alternate, as had been the case in the past.

27. He also wished to make a clarification in connection with the adoption of draft resolution E/CN.4/1985/L.58. As was shown in the programme budget for 1984-1985, the Sub-Commission already accounted for between 30 and 33 per cent of the resources of the Centre for Human Rights, including the servicing and documentation of the Sub-Commission and its numerous working groups. Most of the research conducted in the Centre was for Sub-Commission studies.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 22) (E/CN.4/1985/L.39, 50, 51, 59, 61, 78) (continued)

Draft resolution E/CN.4/1985/L.39

28. Mr. SEGURA (Costa Rica), introducing draft resolution E/CN.4/1985/L.39, said that his delegation had followed the situation of human rights in Equatorial Guinea with great interest and particularly the work of the expert appointed by the Secretary-General, Mr. Volio Jiménez, who had proposed a three-stage plan of action to the Government of that country in 1980, the implementation of which had produced improvements in the observance of human rights. The expert had again visited Equatorial Guinea in 1984 and had reported on the efforts made by the Government of that country to continue to implement the United Nations plan of action. The draft resolution, inter alia, reaffirmed the need to maintain the relationship between the United Nations and Equatorial Guinea and requested the Secretary-General to appoint an expert to co-operate with the Government in the full implementation of the plan of action proposed by the United Nations and accepted by that Government.

29. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that the operative paragraphs of the draft resolution had been drafted in a peremptory tone which was not acceptable in international relations or in addressing sovereign States.

30. Mr. SEGURA (Costa Rica) proposed the following amendments to the draft resolution: in operative paragraph 1, to replace "Requests" by "Asks", and "to implement" by "to consider the possibility of continuing the application of"; in operative paragraph 2, to replace "Further requests" by "Asks"; and in operative paragraph 3, to replace "Urges" by "Appeals to".

31. Draft resolution E/CN.4/1985/L.39 was adopted, as amended, without a vote.

Draft resolution E/CN.4/1985/L.51

32. Mr. HÖYNCK (Federal Republic of Germany), introducing draft resolution E/CN.4/1985/L.51, the sponsors of which had been joined by Austria and Bolivia, said that it followed up resolution 1984/44 of the previous year which had been adopted by consensus and had invited the Secretary-General to outline suggestions for a long-term programme of action on advisory services in the field of human rights. Since the previous session of the Commission, a number of United Nations bodies had emphasized the growing importance of advisory services, and the preambular part of the proposed draft referred to those earlier resolutions.

33. As far as the operative part of the resolution was concerned, the sponsors were firmly convinced of the need to give fresh impulse to the current programme of advisory services. It was not sufficient to set up monitoring mechanisms and to criticize countries that might fail to comply with their obligations under international human rights instruments; the United Nations should also offer concrete help to individual countries which expressed a wish for assistance.

34. Operative paragraph 1 took up the suggestions contained in the report of the Secretary-General (E/CN.4/1985/30) and encouraged the Secretary-General to continue his efforts to provide practical assistance to States.

35. As the budget for advisory services was very modest, operative paragraph 3 encouraged the Secretary-General to consider, in co-operation with interested Governments, intergovernmental and non-governmental organizations, the possibility of using voluntary contributions for the implementation of projects within the programme of advisory services.

36. Operative paragraph 4 was based on a recommendation contained in the report on advisory assistance to Bolivia (E/CN.4/1985/31), which had suggested that the facilities of the Centre for Human Rights could be used for the organization of information and training courses in the countries concerned. His delegation hoped that the draft resolution could be adopted without a vote.

37. Draft resolution E/CN.4/1985/L.51 was adopted without a vote.

Draft resolution E/CN.4/1985/L.59

38. Mr. MTANGO (Gambia), introducing draft resolution E/CN.4/1985/L.59, the sponsors of which had been joined by Algeria, said that its text was a follow-up to Commission on Human Rights resolution 1984/45. The preambular part noted the importance of assistance designed to help the Government of Uganda in its efforts to continue guaranteeing the enjoyment of human rights and fundamental freedoms. It referred to the needs in the areas of human rights indicated by the Government in respect of which assistance could be provided, and noted with satisfaction the efforts by the Government and people of Uganda to restore in that country, a democratic system and welcomed their endeavours aimed at the reconstruction, rehabilitation and development of their country.

39. The operative part requested the Secretary-General to continue his contacts with the Government of Uganda within the framework of the programme of advisory services. It then invited all States, specialized agencies and United Nations bodies, as well as humanitarian and non-governmental organizations, to lend their support and assistance to the Government of Uganda and commended those which had provided and continued to provide assistance. In its final paragraph it requested the Secretary-General to report to the Commission at its next session on progress made in the implementation of the resolution.

40. Draft resolution E/CN.4/1985/L.59 was adopted without a vote.

Draft resolution E/CN.4/1985/L.61

41. Mr. KHMEL (Ukrainian Soviet Socialist Republic), introducing draft resolution E/CN.4/1985/L.61, said that 1985 was the fortieth anniversary of the founding of the United Nations and that during the intervening years the United Nations had always encouraged the efforts of peace-loving mankind to avoid a new world war. Nineteen eighty-six would be declared the Year of Peace and his delegation considered it desirable for the Commission to contribute to the fight for peace with the proposal contained in the draft resolution for a United Nations seminar on the right of peoples to life and peace. While the draft spoke for itself, he wished to stress the issue of peace and the avoidance of nuclear war and the fact that the right to life was a key question in modern times.

42. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights) drew the attention of members of the Commission to the financial implications of the draft resolution, contained in document E/CN.4/1985/L.87, amounting to a total of \$US 165,500 for 1986.

43. Mr. KOOIJMANS (Netherlands) said that his delegation could not support the draft resolution because regional seminars on the subject had already been held. In his statement under agenda item 22, he had already stated that his delegation was in favour of practically-oriented training courses. Money could only be spent once, and since the amount available for advisory services was already regrettably low, it should be spent in such a way as to have a direct impact on the protection of human rights in a number of countries.
44. Mr. SEGURA (Costa Rica) said that under rule 65, paragraph 2 of the Rules of Procedure, his delegation proposed that the Commission should not take action on the draft resolution. His delegation was not, however, opposed to the idea of holding seminars on life and peace and had on earlier occasions proposed drafts which had given rise to the decision by the General Assembly to declare 1986 the Year of Peace. Of the five regional seminars which the General Assembly had decided to organize within that framework, two had already been held and it might be advisable to await results before undertaking further projects of a similar nature.
45. Another matter of concern to his delegation was the cost of such a seminar, accounting for half the budget of the Centre for Human Rights for advisory services for 1986. His delegation considered that the Centre should not commit itself financially to yet another seminar.
46. Mr. SOFINSKY (Union of Soviet Socialist Republics) proposed to replace in the last paragraph the words "to organize in 1986" by the words "to consider the possibility of organizing". He added that as far as the financial implications were concerned, the budget had already been approved, and that the secretariat had envisaged that the money would be available for the seminar.
47. Mr. HOYNCK (Federal Republic of Germany) suggested that in the circumstances and in view of the financial implications, it would be better to take no action.
48. Mr. SAKER (Syrian Arab Republic) said that the essential aspect of the draft was that 1986 would be the Year of Peace and that the seminar should therefore be held. He requested that the text should be put to the vote.
49. Mrs. BOJKOVA (Bulgaria) expressed surprise that the Commission might reject the proposal to organize the seminar. The Commission had adopted numerous studies for the Sub-Commission with considerable financial implications. Her delegation considered that the issue was peace and not money.
50. Mr. SCHIFTER (United States of America) said that it was important to analyse whether the allocation of funds served a useful purpose or not. The expenditure of resources on a seminar was not useful from a practical viewpoint, particularly as many countries would be more interested in receiving concrete advisory services.
51. Sir Anthony WILLIAMS (United Kingdom) said that he shared the reservations of the representatives of the Netherlands and the United States on seminars in general. The subject matter of that particular seminar had already been covered by the planned series of regional seminars. He wondered whether it was necessary to have yet another expensive seminar, and proposed that the draft resolution should be put on one side.
52. Mr. SENE (Senegal) said that his delegation was interested in the draft resolution, but would like to stress the importance for African countries of assistance in the form of advisory services. He suggested that the Commission should not lose sight of the guidelines laid down by the Secretary-General concerning

the methodology of such assistance. He further suggested that regional and national seminars on the right to development might also be useful.

53. He proposed that the preambular section of the draft resolution should make some reference to article 3 of the Universal Declaration of Human Rights.

54. Mr. KHMEL (Ukrainian Soviet Socialist Republic) said that his delegation had the impression that no one questioned the utility of the seminar and that it would be logical to hold it. As far as expenditure was concerned, he would point out that the arms race consumed far more money than a mere seminar. His delegation felt that considerations of prestige must prompt the Commission to adopt the draft resolution; the question of expenditure was quite unrelated to that of the substance of the seminar, since the budget already contained allocations for seminars.

55. At the request of the representative of the Syrian Arab Republic, a vote was taken by roll-call on the proposal that no action should be taken on draft resolution E/CN.4/1985/L.61.

56. The Syrian Arab Republic, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Australia, Austria, Colombia, Costa Rica, France, Germany, Federal Republic of, Ireland, Japan, Netherlands, Philippines, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Bulgaria, Congo, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Tanzania, Yugoslavia.

Abstaining: Argentina, Bangladesh, Brazil, Cameroon, China, Cyprus, Finland, Gambia, Kenya, Lesotho, Liberia, Mexico, Peru, Senegal, Sri Lanka.

57. The proposal that no action should be taken on draft resolution E/CN.4/1985/L.61 was adopted by 14 votes to 13, with 15 abstentions.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECT TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(b) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES (agenda item 10)  
(E/CN.4/1985/L.34, 41, 42, 43, 44, 45, 46, 64) (continued)

Draft resolution E/CN.4/1985/L.34

58. Mr. DE PIEROLA (Peru), speaking in explanation of vote, said that his delegation had abstained in the vote on the resolution because it did not agree with the way it had been worded. Israel needed to respect human rights in the occupied territory of Lebanon.

59. Mr. BIGGAR (Ireland), speaking in explanation of vote, said that his delegation had already expressed its view that the relevant provisions of the Geneva Conventions must be applied by the parties in an armed conflict.

60. There had been much in the draft resolution with which his delegation had agreed, and it would have liked to have repeated its positive vote of the previous year.

61. His delegation was concerned about the Palestinians detained by Israel and the fact that they had been subjected to abuse and that an established policy existed in that regard. For that reason his delegation had voted against operative paragraph 1 and had been obliged to abstain on the draft resolution as a whole.

62. His delegation was also concerned at the tendency of sponsors of draft resolutions on the question of the Middle East to introduce controversial elements which might prevent his and other delegations from voting in favour of them.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING: (E/CN.4/1985/2, 7/Rev.1, 9 and Add.1, 17-21, 44, 54, 57, 58, 60; E/CN.4/1985/NGO/4, 8, 13, 14, 15, 20, 21, 25, 26, 29, 34, 36, 38, 44, 50, 52, 54; E/CN.4/1985/L.12/Rev.1, L.30; A/39/635 and 636)

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (E/CN.4/1985/22)

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) and 1503 (XLVIII): REPORT OF THE WORKING GROUP ESTABLISHED BY THE COMMISSION AT ITS FORTIETH SESSION (agenda item 12) (continued).

63. Mr. GONZALES (International Indian Treaty Council) said that his organization looked to the Commission to recommend to the General Assembly standards and norms which would allow indigenous peoples to attain independence, in the same way as the United Nations had removed the bonds of colonized and dependent peoples in the 1950s and 1960s.

64. The Government of Canada had attempted to submerge the indigenous peoples, who were not ethnic minorities, into their domestic Constitution, but many had resisted and two Constitutional Conferences had failed to reach any agreement on the rights of indigenous peoples in that country. In 1984, the indigenous peoples had not consented to the introduction of legislation which would have turned the indigenous Government into mini-corporate structures. A bill was currently before the Canadian Parliament to reinstate Indian women forcibly to Indian reserves, in clear violation of human rights.

65. He called the Commission's attention to the systematic and grave violations of human rights in Guatemala, where the terrible massacres committed by the military raised doubts about the mental equilibrium of the army and its officers. Guatemala did not need legislation on paper but simply respect for human rights, and the sale of arms to Guatemala was not a way to reduce the conflict. Much the same could be said about El Salvador, where the negation of the existence of the Indians and their cultural identity continued.

66. The Nicaraguan Government had undertaken to work in conjunction with indigenous organizations with a view to contributing to solving the historical problems of the Atlantic coast. His organization looked to Nicaragua to set the pace, and for other countries to follow, in restoring dignity and the ownership of land to their Indian peoples. For that there must be peace; that was far

from being the case as could be seen from press accounts of attacks by Nicaraguan contras on the civilian population and the assault and torture of civilians, particularly Indians.

67. His organization was very concerned about the fate of 220,000 Apinagé Indians in Brazil whose territory had not even been marked out. Irretrievable damage was being caused to the forest, their only means of subsistence, by petroleum prospection, and the State company was arming its workers against the Indians. Similarly, the territory of the Yanomnami Indians had been invaded by ore-prospectors. The violation of treaties had also affected the natives of Hawaii where sacred burial grounds had been bombed in Kaho'Olawe in the course of joint naval exercises. The Maori people of New Zealand were suffering similarly from violations of the Waitangi Treaty.

68. It was ironic that the indigenous peoples of the American continent should have to reclaim the right to life and to prove that they were human beings, and ironic that his organization had to come before the Commission to seek respect for their relationship to the land. Meanwhile, his organization urged the Commission and States Members of the United Nations to look at the relationship between treaties and human rights as they affected indigenous peoples everywhere.

69. Mr. WIESNER (Austria) said that his delegation had been particularly struck by the conclusion of the Special Rapporteur that summary and arbitrary executions were perpetrated within the framework of the law and often took place, despite safeguards of the right to life meticulously stipulated in national legislation. Intricate relationships existed between the occurrence of arbitrary and summary executions and the non-observance of the provisions of the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly at its thirty-fourth session, but regrettably not commonly accepted throughout the world.

70. His Government believed that the social, cultural and legal aspects of summary and arbitrary executions should be studied, and that the rapid and universal adoption of a second protocol to the International Covenant on Civil and Political Rights aiming at the ultimate abolition of capital punishment would constitute the most efficient measure to prevent such grave violations of human rights.

71. Pending the drafting of such a protocol, states of siege and emergency, when such executions most frequently occurred, should not be proclaimed unless they were strictly in accordance with internationally-recognized standards, particularly those of the International Covenant on Civil and Political Rights. Governments should allow investigation on their own territories and should press for investigations elsewhere. They should be encouraged to respond fully to any inquiries by criminal justice and human rights bodies in respect of executions. Technical assistance and co-operation in forensic and other related services should be made readily available on an international basis whenever requested by a Government wishing to investigate cases of extra-legal, arbitrary and summary executions in its own country. The United Nations human rights bodies and criminal justice authorities should co-operate closely. His delegation believed that the advisory services of the United Nations could be used to channel technical assistance in the development of laws and regulations aiming at the suppression of such executions. The good offices of the Secretary-General should also be used fully in cases of alleged occurrences of such executions, while the mandate of the Special Rapporteur should encompass the right to request those good offices.

72. His Government would like to draw attention to the possible use of United Nations advisory services as a clearing house to which requests for assistance might be addressed.

73. The possibility of making the appeal procedure, where it existed, automatic when death sentences had been pronounced could constitute an initial step in the direction of ending summary and arbitrary executions. Another, and perhaps decisive step towards that ultimate goal might be accomplished if States Members of the United Nations would refrain from imposing the death penalty in cases where national law provided for the right of pardon or commutation. Heads of State who enjoyed that prerogative might commit themselves to exercising it as widely as possible.

74. In making those proposals, his Government was seeking to depoliticize the work of the Commission. His delegation welcomed all fact-finding mechanisms, such as ad hoc working groups, the appointment of special rapporteurs and the Economic and Social Council resolution 1503 (XLVIII) procedure, which should guarantee a dialogue between the international community and the Government concerned. A uniform standard could be achieved if standard rules of procedure could be drawn up; a proposal for such standard rules had been submitted by his delegation to the Teheran Conference in 1968 but had not been considered seriously since. His delegation would also like guidelines concerning the co-operation of Governments with special investigatory bodies to be elaborated, in order to facilitate the work of special rapporteurs.

75. Mr. FERJANI (Libyan Arab Jamahiriya) reminded the members of the Commission of the various general General Assembly resolutions aimed at seeking solutions to flagrant violations of human rights and means of protecting people from oppression. Unfortunately, flagrant instances of aggression and forceful occupation, massacres and collective punishment, the fomenting of civil wars and disregard for human rights instruments seemed to be the policy of certain countries. He referred in particular to the observer from Israel who preached morality while his compatriots occupied southern Lebanon, permitted the massacre of unarmed civilians in order to create panic among the population, and carried out harassment, arrests and destruction. Israel had prevented medical and food supplies from reaching villages, cut off water supplies and stirred up inter-communal strife. It had made a battlefield of a peace-loving country as could be seen from press reports and films. A former Israeli Foreign Minister had admitted in his memoirs that his country had done its best to exacerbate the crisis of the Arab threat and had stated that terrorism had become an important value in Israeli society. It was also a fact that Israel could not have committed those crimes without support from the United States of America, as could be seen by the latter's veto in the Security Council of a resolution condemning Israeli activities in Lebanon.

76. Mr. SCHIFTER (United States of America) said that his delegation believed that there would be no point in taking up all the allegations made by the representative of the Soviet Union against his country at the preceding meeting and in seeking to demonstrate that they simply did not correspond to the facts. His country did not claim perfection, but it was an open country where events could be seen by all, talked about and written about freely. Most members of the Commission had visited the United States or had had ample opportunity to hear and read about life there. They could distinguish between facts and fairy tales. In that context, why must the Soviet Union maintain such tight controls to keep its people in the workers' paradise which it had created and why did millions of Soviet citizens dream of leaving it and particularly to emigrate to the United States. If the United States was as the Soviet delegation depicted, why did it take in hundreds of thousands of legal immigrants every year and why were its application lists for immigrant visas heavily over-subscribed? Why were there so many millions of illegal immigrants?

77. In recent years, his delegation had begun its statement on the general state of human rights in the world with a few optimistic observations about further progress towards democracy in Latin America; the current year was no exception since free elections and respect for human rights were becoming increasingly the norm throughout that region, although that progress had not deterred the Commission from focusing disproportionately on Latin America in its deliberations.

78. His delegation was pleased to note that the report of the Special Representative and the relevant draft resolution had taken due note of the significant progress recently made in the field of human rights by the Government of El Salvador, now under the leadership of President José Napoleon Duarte, who had received a direct mandate from his people. It was becoming clear that El Salvador's democratic forces were gaining strength and making an impact on the institutions of the country despite an insurrection financed, supplied and organized from across the country's borders. His delegation considered that the Special Representative had not shown sufficient understanding of the fact that democratic roots had nevertheless remained alive in El Salvador and were now able to sustain new growth.

79. An armed struggle against the Government also paid for and led from abroad was retarding progress towards a democracy in Guatemala. Nevertheless, the Commission should take note of the significant improvements described in the report of the Special Rapporteur. Although his delegation was prepared to support the continued mandate of the Special Rapporteur, it had made it clear the previous year that it could not support a resolution which, in describing conditions in Guatemala, based itself on unsubstantiated allegations and dealt inadequately with the fact that a rebel group was attempting to overthrow the Government. If the present schedule was adhered to, Guatemala would have an elected President the next time the Commission met. His delegation hoped that in the interim every effort would be made by the Commission and its representative to assist Guatemala in that process of democratization.

80. The matter of progress towards democracy in Chile was of deep concern to his delegation which, however, found the resolutions adopted by the Commission on the subject of Chile to lack all sense of proportion. For instance, at the end of 1984, 274 persons were reported to be in prison for politically motivated acts, while the comparable number in Cuba was assumed to be over 1,000. While Chile was an authoritarian State, there was a clear consensus in Chile that there must be a return to democracy, while no such hope was offered to the people of Cuba, a totalitarian State, totally controlled by a single group, which retarded all changes to move towards political democracy or to improve the miserable economic conditions of the country. In Cuba, young people were imprisoned for writing political slogans on school walls and political prisoners were subjected to physical and psychological torture. The average citizen's life in Cuba was under continuous surveillance and the country had been turned into a drab police State. Economically, Cuba subsisted to a significant extent on annual Soviet dole of approximately \$US 4 billion.

81. In recent years, the Commission had expressed deep concern about human rights conditions in Iran, a country which rejected human rights principles and the concepts of the rights of the individual on which they rested. Arrests without trial, lengthy pre-trial detention, torture and maltreatment and summary executions were all commonplace. His delegation again drew attention to the terrible fate of Iran's Baha'is, persecuted for their religious convictions. He emphasized the desperate need for the international community to come to the rescue of those inoffensive people.

82. Mr. Ermacora had performed a major service to humanity in his extraordinarily well-documented report on Afghanistan, which in the years ahead would be the principal reference work on present-day conditions in Afghanistan and the circumstances from which they stemmed. It was to be hoped that the report would be read at the highest levels and would produce a fuller understanding of the damage done, not only to Afghanistan, but also to the Soviet Union, in terms of its reputation in the world and the suffering and the brutalization of its own troops.

83. While the Commission had not received a report on Poland for 1985, the comprehensive ILO report in document GB.227/3/6 had provided the international community with information on the repressive measures taken by the Government of Poland from December 1981 onward to crush the Solidarity movement. Shortly after the issue of the ILO report, Poland had proclaimed a comprehensive amnesty for political prisoners, a step welcomed throughout the world. It should be understood, however, that the people who were released from prison were released into a tightly-controlled State that would watch their every move. The tightness of the leash on which people were held in Poland was also demonstrated by the Popieluszko case. Note should be taken of the fact that both defence and prosecution united in the case during the second half of the trial in a chorus of criticism directed at free speech, free assembly and the Catholic Church of Poland. The order had obviously been given that the mere fact of the trial had to be compensated for by a campaign of verbal violence against those whom the Government identified as its principal opponents. That point had been made in a commentary on Poland which had appeared in Neue Zürcher Zeitung of 16 and 17 February 1985. Other deaths had also occurred, such as that in 1984 of Piotr Bartoszcze, which were assumed to be politically motivated. Had Poland been South America, the Commission would certainly have appointed a rapporteur, but the people of Poland would survive as a nation without that benefit. Over the centuries they had demonstrated an extraordinary commitment to freedom and to national identity and their will would undoubtedly ultimately triumph over the country's current adversity.

84. The general discussions on human rights conditions had consistently included a discussion of conditions in the USSR. Special emphasis had been given in 1985 to the persecution of the Jews. While his delegation did not expect the Soviet Union to become an open society in the near future, it believed that the Soviet Union could take certain steps, without basically changing its system, that would significantly improve its human rights conditions and contribute to the relaxation of international tension. One important area was that of religious freedom and an end to the repressive measures and harassment which characterized the actions of the State against religious groups. Another was the problem of the deliberate Russification of areas where different nationalities constituted the majority of the population. Russian settlers were increasingly gaining dominance in Estonia, Latvia and Lithuania and people who spoke up for their national integrity continued to be severely persecuted. Another problem was the practice of committing persons who were no threat to society or themselves to mental institutions. The continued abuse of psychiatry had not only caused the Soviet Union to resign from the World Psychiatric Association but was looked upon by many laymen as a particularly heinous kind of human rights violation. Were the above-mentioned practices really needed to maintain the Soviet State? In speaking of the steps that the Soviet Union could take to warm the international climate, he mentioned again the case of Andrei Sakharov; the whole world had lost as a result of the decision of the Soviet leadership to send him into banishment. No symbolic act on the part of the Soviet Union could do more to signal to the world that it was entering on a period of thaw than a relaxation of the restrictions imposed on Dr. Sakharov.

85. In conclusion, his Government's purpose was to try to advance the cause of human rights throughout the world. The notion that Governments might comment on the manner in which Governments of other countries dealt with their own citizens was fairly new. What was hoped was that through such comments Governments could be made aware of the

fact that the world took notice and disapproved of the human rights violations they were committing, but for the entire process to work, there was a need for a high standard of intellectual honesty to be applied, and a sense of fairness and objectivity. The United States Department of State's annual country reports on human rights practices qualified on that count and his delegation had sought to follow that model in the Commission.

86. Mr. KOOLJMANs (Netherlands) said that the human rights policy of his country was expressed both at the bilateral and the multilateral level. Quoting from a memorandum to the Lower House of the States General, he said that the Netherlands Government regarded the promotion of human rights as an essential part of its foreign policy, aware that the aims of that policy extended to promoting values for which the Netherlands shared responsibility as a member of the world community. A logical outcome of that policy was that his Government deemed it appropriate to pay critical attention to a number of country situations and to do all in its power to help to bring about a change for the better in the human rights situation in those countries. The Netherlands had taken an active part not only in the development of international human rights law but also in the promotion of the application and implementation of those norms and standards. His Government had supported mechanisms developed in the Commission such as the use of special representatives, special rapporteurs and working groups and had sponsored resolutions requesting thorough studies of violations of human rights and fundamental freedoms.

87. The domain of human rights was not exclusively within the domestic jurisdiction of a State, and to bring up a particular human rights situation could not be regarded as undue interference in the internal affairs of a country. Through State practice over the years, the basic provisions of the Universal Declaration of Human Rights could be regarded as having attained the status of international customary law and the norms contained in that instrument and in the International Covenant on Human Rights represented universal standards of conduct for all peoples and all nations. That was the conviction of many international lawyers of respectable reputation and the very basis for the action of the Commission. That being so, it was the more deplorable that some Governments had thus far refused to co-operate with the Commission in the implementation of its resolutions, endorsed by the Economic and Social Council and in many instances initiated by the General Assembly. The powers devolving upon the Commission on Human Rights could be used more extensively; implementation did not require an extension of the Commission's mandate, but political will.

88. His Government was encouraged by the Special Representative's conclusion that respect for human rights was an important element of the Government of El Salvador's policy. Improvements had taken place, although the problem of disappearances still existed. El Salvador was part of a region of political violence, civil strife and massive violations of human rights, as well as economic problems. The Special Representative had concluded that the methods of war used, such as aerial bombing by the regular forces and guerrilla attacks on the country, seriously jeopardized the current and future enjoyment by the Salvadorian people of major economic, social and cultural rights. The solutions to the problem should be reached at the conference table rather than on the battlefield. The Netherlands Government supported the efforts of the Contadora Group towards achieving peace in the region or believed that solutions must originate from the region itself. It considered it of the utmost importance that the dialogue initiated between President Duarte and the armed opposition should be vigorously pursued in order to end the conflict. In the meantime, both sides should respect human rights and fundamental freedoms.

89. His delegation commended the Special Rapporteur on the human rights situation in Guatemala on his second report. The human rights situation in that country was ambiguous. While, on one hand, the process for the return to democracy was under way and the military Government of Guatemala had co-operated fully with the Special Rapporteur, on the other hand, serious and systematic violations of human rights continued to occur and the fate of the indigenous and rural populations continued to be of particular concern. His delegation was particularly disappointed in the lack of progress creating independent and impartial investigatory and fact-finding bodies, and in the apparent failure of the criminal justice system in Guatemala. The credibility of the authorities in Guatemala would be improved if they were seen to be seriously trying to implement the Special Rapporteur's reports and the Commission's resolutions.

90. Since the Commission's previous session, there had been a serious deterioration in the human rights situation in Chile. Chile's gaols were once again unable to accommodate all of President Pinochet's presumed enemies, and in 1984 several cases had come to light of persons who had died in circumstances that were not clear. There were also instances of disappearances, torture and death, while arbitrary arrests had become a normal feature of Chilean society. His Government urged the Government of Chile to co-operate with the newly-appointed Special Rapporteur. It had notified the Chilean Government on a number of occasions that its practices of preventing persons from leaving and returning to Chile were totally unacceptable.

91. Fortunately, it was not only misery and despair which prevailed in a Latin American region, since Uruguay had succeeded in regaining its democracy. Democracy and respect for human rights were narrowly intertwined and his Government welcomed the statement made in the Commission by the representative of President Sanguinetti to the effect that the Government of Uruguay intended to adhere to the universally-accepted norms and standards concerning human rights and fundamental freedoms.

92. The previous year the Commission had requested the appointment of a special rapporteur on the human rights situation in Afghanistan. Mr. Ermacora's task had been a difficult one, since the Government of Afghanistan had regarded Commission resolution 1984/55 as politically injurious and morally hypocritical. That statement of intentions must be deeply deplored since no Government could brush aside decisions of the foremost human rights organ of the United Nations. The report on Afghanistan clearly presented the facts of massacres of civilians, destruction of whole villages, systematic torture, violations of international humanitarian law, bombardment of civilian targets, disappearances, summary executions and massive detentions for political reasons. The report also pointed clearly to the presence of foreign troops as one of the main causes of the extremely serious human rights situation in Afghanistan. As all were aware, the expression "foreign troops" was a euphemism for the Soviet intervention force, whose withdrawal was long overdue. His delegation fully endorsed the Special Rapporteur's conclusions and recommendations; his mandate should be extended and an urgent appeal made to all parties to co-operate with him.

93. The fact that a State was a party to the International Covenant on Civil and Political Rights did not guarantee an exemplary human rights record. His delegation was concerned about the practice in the Soviet Union of harassing persons who dared to stand up for their opinions or of detaining those who simply exercised their rights under the Universal Declaration and Covenants while emigration regulations severely restricted the possibilities of leaving the country. His Government was also concerned that the national, cultural and religious traditions of the Baltic Republics were endangered by what seemed to be a deliberate policy of Russification, in which process numerous human rights were systematically suppressed.

94. The new Special Representative appointed to study the human rights situation in the Islamic Republic of Iran had chosen a discreet and cautious approach to alleged violations of human rights in that country. Commission resolution 1984/54, however, had expressed its deep concern at the continuing serious violations of human rights, and particularly at the evidence of summary and arbitrary executions, torture, detention without trial, religious intolerance, persecution and the lack of an independent judiciary. The Government of the Netherlands had urged the Government of the Islamic Republic of Iran on more than one occasion to refrain from persecuting the Baha'i community, and took the opportunity of appealing to it to prevent the execution of three members of the community currently under sentence of death.

95. The ongoing war between Iran and Iraq had already caused the death of hundreds of thousands of people and should stop. The use of chemical weapons, contravening international law and obligations, was particularly abhorrent. At the same time, his delegation could not pass over the abuse of human rights by Iraq both internally and in the war with the Islamic Republic of Iran. Indiscriminate bombing by Iraq of civilian targets in that country had not stopped. The Geneva Conventions of 1949 continued to be violated. A recent report by a mission of the Secretary-General showed that both countries regularly mistreated each other's prisoners of war in violation of the Geneva Conventions.

96. Developments in Sri Lanka over the past year continued to cause concern. His delegation was convinced that reasonable solutions for the problems of Sri Lanka could be found if the political will to find them was firm and hoped that the Government would pursue a course of reconciliation.

97. Violations of human rights took different forms in different countries but the very essence of human rights norms was that no State could be allowed to disregard basic rights. His delegation was seriously concerned about the existence in several countries of legislation which allowed such punishments as flogging and amputations, as was the case in Sudan. National legislation in that respect should be in accordance with article 5 of the Universal Declaration on Human Rights.

98. Where Poland was concerned, the trial of the murderers of Father Popieluszko was unprecedented in recent history. While improvements had been made in the human rights situation, there was still reason for concern. The leaders of Solidarity continued to be harassed and legislation which had come into effect during and after the martial law period continued to permit persons to be detained under that law. His Government would continue to monitor the human rights situation in Poland closely.

99. Whether discussed by the Commission or not, violations of human rights occurred in all parts of the world. The germ of disrespect for human dignity was omnipresent and no State or society should think itself immune from it.

100. Sir Anthony WILLIAMS (United Kingdom) said that in an imperfect and politicized world, the Commission's approach was perhaps inevitably somewhat selective. Unjustified selectivity, however, had declined in recent years, partly because the Commission addressed a wider range of specific situations and partly

because it had adopted a more genuinely global approach to certain particularly gross human rights violations. His delegation believed that, in general, the Commission should adopt such an approach to problems and issues and should be guided by the shared desire to contribute constructively to the promotion of human rights for all people, for example, through the advisory services programme. The International Covenants proclaimed that all peoples had the right to inalienable and divisible self-determination, without discrimination of any kind. The same was true of the individual rights set out in the international human rights instruments. His delegation therefore welcomed the thoughtful review of that question contained in the report of the Commission's Special Representative on the human rights situation in the Islamic Republic of Iran (E/CN.4/1985/20) and endorsed the Special Representative's conclusion that no State could claim a right to disregard basic rights on the grounds that the departure from those standards was permitted by national or religious law. All State parties had an equal obligation to implement the fundamental human rights instruments, which would be meaningless if individual States could seek to arrogate to themselves authority to pick and choose which of their provisions should be regarded as binding. All the human rights set out in those instruments were fundamental to the enjoyment of a life of freedom and dignity. It was time that the International Covenant on Civil and Political Rights recognized that derogation from some of those rights might be permitted in public emergency, but there were rights for which no derogation might be permitted at any time, including the right to life, the right to freedom from torture and slavery, the right to recognition before the law, and the right to freedom of thought, conscience and religion. The fundamental quality of those rights was emphasized by the Commission's establishment of specific mechanisms to deal with their violation in certain categories.

101. In his Government's view, the institution of a Special Representative on summary executions represented a major and welcome innovation. It was, however, deplorable that the majority of the Governments concerned had so far failed to extend their co-operation. His delegation hoped that it might be possible for the Commission to strengthen the Special Representative's mandate and for him to submit a somewhat fuller report.

102. His delegation appreciated the co-operation which the Governments of El Salvador and Guatemala had offered the Commission; that was, in its view, responsible and responsive behaviour which showed an appropriate regard for the Commission. At the same time it deeply regretted the refusal by the Governments of Chile, Afghanistan and the Islamic Republic of Iran to demonstrate a similarly responsive spirit. Their attitude did not encourage belief that they were seriously concerned about human rights, about the welfare of their citizens or about the state of international co-operation in that field.

103. The mixed picture of the situation in El Salvador was well reflected in draft resolution E/CN.4/1985/L.12/Rev.1. On the other hand, the report before the Commission left no doubt about the Government's commitment to improving the human rights situation which had led to the institution of various positive government policies. Political murders had declined, the S-2 intelligence section of the Treasury Police had been disbanded, and fewer charges of torture had been received. On the other hand, gross human rights violations continued in El Salvador and in many cases went unpunished. The gap between the Government's stated intentions and the actual conduct of its officers had narrowed but its continuing existence brought death and suffering to the

Salvadorian people. The capacity of the judicial system to investigate violations of human rights continued to be patently inadequate. The main responsibility for improving the situation clearly lay with the Government, but the guerrilla forces also had an important part to play. The report made clear the enormous suffering and damage being caused by the conduct of both sides in the war, the unwarranted civilian casualties and the jeopardizing of the economic, social and cultural rights of the Salvadorian people. More political determination was needed on all sides, both to curb human rights abuses and to achieve peace and national reconciliation.

104. In Guatemala, the previous year had seen a number of positive developments for which the Government deserved credit, in particular the elections to a constituent assembly under conditions which were fairer than had been predicted, the Government's absolute pardon to all persons convicted and sentenced by special tribunals, and the repeal of a decree-law which had prejudiced the right to freedom of expression. The Special Rapporteur's report, however, showed how generalized the climate of violence remained and how grievously it affected the innocent civilian population. The level of violent crime appeared to have increased since the current Government took office and disappearances continued to be staged by three more or less political groups. His delegation endorsed the Special Rapporteur's recommendation that the process of a return to a democratically elected Government should be given every support, that the judiciary's independence should be established, that urgent steps should be taken to prevent crimes of violence, and that an autonomous body should be established to watch over the human rights situation in Guatemala and to insist on the investigation of any violation. It hoped that the Guatemalan Government's co-operation with the Special Rapporteur would extend to the implementation of those recommendations.

105. His delegation remained gravely concerned at the reports of continuing human rights violations in the Islamic Republic of Iran. Minority groups had been especially subject to discrimination and persecution, and the Baha'i community had been particularly victimized. Persecution for religious reasons was as intolerable as persecution for racial reasons. His delegation shared the concern of the Special Representative at the alleged violations of human rights in Iran, in particular those relating to the fundamental rights of life, liberty and security of person, to freedom from torture and arbitrary arrest, to freedom of thought, conscience, religion and expression and to the right of religious minorities to profess and practise their own religion. The lack of an independent judiciary and of an effective system of redress made an already intolerable situation yet more intolerable for the majority of Iranians. The principal feature of human rights violations in that country was the repression of all political opposition and minority religious and ethnic groups.

106. In his statement the previous year, he had drawn attention to the thousands of people who had been detained since 1975 in the so-called "re-education camps" of Viet Nam in flagrant contravention of the International Covenant on Civil and Political Rights. His delegation was deeply disturbed that those detainees had still been neither charged, nor tried nor released, and that they continued to be subjected to exceptionally harsh treatment, and was also disturbed by the continuing detention without trial or charge of intellectuals, diplomats and writers who had expressed views even marginally different from the official party line, by the discriminatory attitude of the Vietnamese Government towards Chinese and other ethnic minorities in Viet Nam, and by the persecution and harassment of Catholics and Buddhists.

107. Religious persecution regrettably remained a feature of Government policy in a number of countries, not least the Soviet Union. The harassment of those who sought only freedom to profess and practice their faith had continued over the past year as had the harassment of those, like Dr. Sakharov, who only sought respect for the human rights to which all Soviet citizens were entitled under the Soviet Constitution as well as the International Covenants. His Government had felt encouraged by the limited liberalization in the Soviet Union in the second half of the 1970s, but since 1979 the repression seemed again to have increased. It hoped that the second half of the 1980s would bring a reversal of that downward trend.

108. The report on the human rights situation in Afghanistan presented a horrifying picture of the continuing violations of the civil, political, economic, social and cultural rights of an unfortunate people, living under foreign occupation. All opposition to the Government and to the Soviet occupation was regarded as "anti-revolutionary activities" and was punished accordingly. Torture had become commonplace. The war had evidently brought massive destruction and suffering to Afghanistan. The report described the bombardment of hospitals and of villages and the systematic sabotage of the economic infrastructure of the country security forces through the use of toxic gas and chemical agents and the deliberate destruction of fields, crops and cattle. The Afghan people were subject to hunger, malnutrition and the threat of famine, and some four million Afghans had fled the country. The horrifying account of the situation in Afghanistan showed the need for the authorities to take urgent steps to stop the appalling abuses being conducted in their name.

109. His delegation remained opposed to selective treatment of Chile. Under the Commission's existing working methods, Chile's refusal to co-operate with it did not constitute a basis for such treatment since other countries which had also declined to co-operate, were not treated in a similar way. On the other hand, his delegation had consistently taken the view that the serious human rights violations in Chile called for the Commission's attention and for the annual renewal of the Special Rapporteur's mandate.

110. The human rights situation in Chile remained a matter for deep concern. For a regrettably brief period there had been signs that the Chilean Government had chosen the course of resolving Chile's internal problems by democratization and by a liberalization of the constitutional and administrative constraints on the Chilean people's exercise of their civil and political rights. A rigorous clamp-down, however, had replaced that course. A state of siege had been imposed, the practice of torture appeared to have increased, the Government had continued to conduct widespread arrests for political reasons and the basic remedies such as amparo remained unavailable to Chilean citizens. The Chilean Government still showed no readiness to investigate seriously the disappearances of several hundreds of people. His delegation had been disturbed to learn that a few Chileans were losing hope that peaceful and collective protests would achieve their aims and had resorted to violence against persons and property. It therefore urged the Government and the opposition to resume a general and political dialogue. The history of recent years had shown that the repression of popular protests would only intensify the conflicts in Chilean society. The Chilean authorities must be urged to turn away from those repressive policies and practices towards the re-establishment of a democratic and pluralistic society and Government.

111. The previous year his delegation had stated that its concern over the human rights situation in Poland had not been lessened by the Polish Government's refusal to co-operate with the Commission. While the situation in Poland remained far from satisfactory, his delegation welcomed the amnesty of July 1984 which had

resulted in the release of most of Poland's political prisoners. In order to achieve national reconciliation and the restoration of full civil liberties, the Polish Government would need to undertake genuine dialogue with all sections of Polish society and to take account of the overwhelming support enjoyed by the outlawed Solidarity trade union.

112. There were many differences between the sort of situations discussed, but one particularly important common feature was that all those situations involved the persecution and harassment of individuals or groups which sought respect for the human rights to which they were entitled under international law and national constitutions. Many of those persons or groups around the world had shown outstanding courage in insisting on their own and their fellow citizens' rights in the face of governmental repression. The Commission had a particular duty to those heroes of the fight for human rights.

113. His delegation therefore welcomed the Commission's decision to establish a working group at its current session to elaborate a declaration on the rights and responsibilities of individuals, groups and organs of society to promote and protect human rights.

The meeting rose at 12.30 a.m.