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COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 30th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 25 February 1985, at 3 p.m.

Chairman: Mr. CHOWDHURY (Bangladesh)

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The meeting was called to order at 3.30 p.m.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: (agenda item 10) (continued) (E/CN.4/Sub.2/1984/14, 15, 17 and 19; E/CN.4/1985/NGO/26)

- (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (A/39/662; A/RES/39/46)
- (b) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES (E/CN.4/1985/15 and Add.1; E/CN.4/1985/NGO/10 and 23)

1. Mr. PAZ (Observer for Bolivia) said that his country, which condemned torture and other cruel, inhuman or degrading treatment or punishment, had joined 21 other countries in signing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 4 February 1985, and that, under Supreme Decree No. 19777 of September 1983, it had acceded to eight conventions and one international protocol relating to human rights, including the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

2. It was a fact that torture continued to be practised, especially in totalitarian States where de facto and dictatorial régimes were in power. Other, more effective means would therefore have to be found to end it.

3. With regard to enforced or involuntary disappearances, his delegation agreed unreservedly with the Working Group on Enforced or Involuntary Disappearances that they "constitute the most comprehensive denial of human rights in our time, bringing boundless agony to the victims, ruinous consequences to the families, both socially and psychologically, and moral havoc to the societies in which they occur" (E/CN.4/1985/15, paragraph 291).

4. That cruel method of repression, which deserved the close attention of the international community, affected not only Latin America and the Caribbean, but Asia, the Middle East - in Lebanon, for example, three organizations acting on behalf of the families of disappeared persons (Palestinian and Lebanese prisoners) had indicated that more than 2,000 cases of disappearance had been reported in 1984 - as well as South Africa and Namibia.

5. It struck at random, while the peoples who were its victims were redoubling their efforts to recover their democratic freedoms. That had been the case recently for the Argentine people, the Brazilian people, the Uruguayan people; the Chilean and the Paraguayan people were waging the same struggle, as were the Arab peoples of the occupied territories, the Palestinian people, the people of South Africa and the people of Namibia.

6. Bolivia had not been spared by that inhuman form of political repression: more than 200 cases of disappearance had been reported in the 18 years of military dictatorship, and the relatives of the disappeared persons, supported by the Bolivian people as a whole, had continued to denounce those disappearances and to demand an explanation. That unyielding struggle had culminated on 28 October 1982 - shortly after the restoration of democratic freedoms in Bolivia with the establishment - under Supreme Decree No. 19241 and guided by United Nations General Assembly resolution 33/173 on disappeared persons - of the National Commission of Investigation of Disappeared Citizens, which was free from partisan political influence. The Bolivian Government had thus given further proof of its intention to comply fully with the Universal Declaration of Human Rights, and it made Bolivia the first State to have a legal investigative body in respect of disappearances.

7. After having taken note of the report and conclusions of the National Commission on the work of its first session, the Bolivian Government, by Decree No. 19734 of 11 August 1983, had extended the National Commission's mandate and decided that it would continue to fulfil its functions until all cases of disappearance had been cleared up.
8. Although the Government had provided it with the resources it needed in order to function, the National Commission was confronting a series of obstacles: for example, it had no files on the prisoners who had disappeared, since the dictatorships' forces of repression had been very careful not to leave any trace of the violations committed; it suffered from the earlier negligence of civil courts which had failed to punish the principals and active or passive accomplices to the disappearances; it did not have the benefit of any experience, since its task was a unique one; and it had only a scanty infrastructure.
9. For that reason the Bolivian Government had invited the Working Group to send a mission to Bolivia in order to assess the progress made and the difficulties encountered by the National Commission. Two members of the Working Group had visited Bolivia in November 1984, and, in the report which they had drawn up at the end of their visit and which the Working Group had adopted, they had recommended that technical assistance should be made available to Bolivia. The Bolivian Government needed assistance of that type in four areas: the services of a team of forensic doctors to identify the bodies which had been discovered; scholarships for training in investigatory techniques; the organization of seminars, with the participation of United Nations experts, on the administration of justice; the infrastructure of the National Commission. Through the member countries of the Commission, the Bolivian delegation would submit a draft resolution on that subject, under agenda item 22, "Advisory services in the field of human rights".
10. The Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM), set up in 1981 at San José, Costa Rica, was composed of 16 associations in 13 countries affected, representing the families of more than 90,000 persons who had disappeared in Latin America and the Caribbean. Its main objective was to release disappeared prisoners from their place of detention, to bring those responsible for all the crimes committed to justice and to define national and international legal rules governing the punishment and prevention of that crime against humanity, enforced or involuntary disappearances, in the same way as the crime of genocide and the crime of apartheid.
11. The Bolivian delegation appealed to the Commission to recommend to the committee on Non-Governmental Organizations, which was to meet shortly, that it should propose that the Economic and Social Council should admit FEDEFAM as a non-governmental organization with consultative status. It also wished to draw the attention of the Commission to the FEDEFAM draft Convention on Enforced Disappearances, in annex III of document E/CN.4/1985/15.
12. In conclusion, he congratulated the Working Group on Enforced or Involuntary Disappearances on its excellent report and especially wished to thank its Chairman-Rapporteur for recommending, in presenting his report, that technical assistance should be given to Bolivia in order to clear up cases of enforced disappearance. Finally, his delegation endorsed the Working Group's proposal that the Commission should extend the Group's mandate for two years (E/CN.4/1985/15, paragraph 90) although it believed that the Working Group should continue to function as long as there remained cases of enforced or involuntary disappearance to be resolved throughout the world.

13. Mr. ROBEL (World Labour Confederation) said that acts of torture, cruel, inhuman or degrading treatment and punishment and enforced or involuntary disappearances, which the Commission had been discussing for a number of years, were increasing and taking the most varied and repellent forms. Never before in the history of mankind had cruelty become so refined.

14. In many States which were Members of the United Nations and signatories of the International Covenants on Human Rights, whatever the continent, whatever the degree of development or whatever the dominant ideology, psychological and physical suffering was being inflicted on human beings whose only crime was often that of wishing to exercise their just rights and freedoms, which a repressive totalitarian régime denied them. Thus, Amnesty International, after studying and reviewing the facts, had declared in one of its reports that instances of torture and ill-treatment occurring in 98 countries showed that certain Governments were deliberately using torture and that many others had absolutely no intention of ceasing to do so.

15. In order to consolidate their power and justify themselves in the eyes of world public opinion, the repressive Governments had invented and implemented the "doctrine of national security", a modern, very elaborate doctrine which was closely akin to the Fascist doctrines and practices that had been used against peoples. In the name of the general protection of the public, the higher interests of the State and national sovereignty, the authorities appropriated broad powers. Under states of siege, emergency laws and elastic definitions of offences and crimes, persons were arrested and detained, some of whom often remained at the mercy of the so-called security forces and torturers, while others "disappeared". It was no exaggeration to say that the despicable methods used - a veritable State terrorism - to intimidate, humiliate, extort confessions, crush all dissidence or other legitimate aspirations, were a part of a Government controlled policy.

16. In Latin America - where processes of democratization were now developing in two or three countries - the forces of repression of Argentina, Uruguay, Paraguay, Bolivia and Chile had worked with each other. In Argentina, in addition to that of 30,000 Argentines, the disappearances of 40 Bolivians, 700 Chileans, 16 Peruvians, 30 Paraguayans and some 40 Uruguayans had been recorded. The total number of disappeared persons in Latin America was approximately 90,000 persons, including 35,000 in Guatemala, 12,000 in Haiti, 3,000 in Peru, 6,000 in El Salvador, 300 in Brazil, 500 in Mexico, 200 in Bolivia, 114 in Honduras, and 2,500 in Chile. Less than 5 per cent of the cases that had come to the attention of the Working Group on Enforced or Involuntary Disappearances had been cleared up. In Chile, since November 1984, when an indefinite state of siege had been proclaimed, arrests had been stepped up, and the fact that there were more individual arrests than mass arrests pointed to the practice of torture, which was reported to be systematic and widespread in that country: quite recently a worker had been found dead with his fingers and toes mutilated.

17. In Africa, the African Charter of Human and People's Rights, adopted unanimously in 1981, had still not entered into force - which was indicative of the "will" of Governments to implement it. In a continent that already endured apartheid, famine and other disasters, many countries, whether they invoked socialism, authenticity, liberalism or prided themselves on being moderates, violated basic human rights, practiced torture and ill-treatment and abducted people. There were many reports to that effect, and the Centre for Human Rights was aware of the facts.

18. With regard to Asia, torture and ill-treatment were quite widespread, especially in Iran, Afghanistan, Korea, the Philippines, Indonesia - East Timor, in Sri Lanka and Viet Nam. The psychological torture practiced in re-education camps in Viet Nam was particularly destructive.
19. In Europe, the case of Turkey was a distressing one. The number of complaints of torture and ill-treatment recorded there could only encourage the international community to redouble its efforts to put an end to those practices, discover the guilty parties, restore the rights of all trade unions and re-establish true democracy. Account must also be taken, again in Europe, of the abuses of psychiatric confinement, as well as the administration of medicines with dangerous side-effects to persons who were confined because of their opinions, ill-treatment in the prisons and the corrective labour camps. The case of Father Popieluszko was an illustration of torture in a socialist country.
20. And those were only a few of the many instances that constituted what was a deplorable situation. In principle, Governments accused invariably contested the facts, hastened to invoke their constitution and their legislation and claimed that they were based on the principal international human rights instruments. They found scapegoats to take responsibility for crimes that could not be concealed and they even blamed the victims for the crimes.
21. Torture, ill-treatment and enforced disappearances were the lot of men and women who were often concerned with justice and freedom, who were struggling for genuine democracy and against exploitation, inequality, dictatorships and totalitarian régimes. Union leaders, workers, peasants, politicians, journalists and lawyers were the main casualties.
22. The United Nations and many other organizations working for the protection of human rights had striven to combat torture and had helped substantially to diminish the problems and save lives, but the task remaining was immense. The World Labour Confederation welcomed the positive conclusion of the work which had led to the General Assembly's unanimous adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention would enter into force when 20 countries had deposited their instrument of ratification or accession, but would it be implemented and respected?
23. For years, numerous national and international instruments had prohibited torture, but they had not prevented countries from practicing it with impunity. And it was precisely that inconsistency between the States' commitment on the one hand and their practices on the other which caused concern. The World Labour Confederation believed that as long as certain ideological, political and financial powers which dominated the world did nothing to bring about a radical change in the situation, there would always be serious human rights violations. Those who sought profit by any means had a vested interest in maintaining situations where there was injustice and exploitation of the weak. Multinational corporations, international financial agencies such as the International Monetary Fund and the World Bank, following their particular line of reasoning, forced Governments to implement policies that hit the workers and the masses, while promoting capitalist profit and supporting oppressive régimes whose middle classes rallied to them.
24. However, it was equally important to denounce the ambiguous and harmful role of the imperialist Powers which claimed to be communist. Those powers did not hesitate to support, when they saw fit, certain Fascist and repressive régimes in the third world. That combination of the various forms of imperialism consolidated domination and human rights violations and was often the reason for non-compliance with international instruments.

25. It had to be acknowledged that administrative delays, the pressure of interest groups, the confidential procedures adopted by the United Nations through discreet arrangements, and the lack of enforcement procedures nullified the impact of the activities of international and regional organizations entrusted with the protection of the rights of individuals and peoples. The World Labour Confederation recognized that there were difficulties, which were due mainly to the lack of political will on the part of the Governments of the United Nations, to structures unsuited to the actual situations, and to the obstruction of Governments which refused to receive missions and communicate information.

26. Respect for human rights would come about through the establishment in each country of a genuine political and social democracy, which would form the basis for harmony, authentic development and peace, where workers and their organizations had a major role to play. Domination, the maintenance of inequality, the use of force and terror could only lead to disorder, instability and misery.

27. The World Labour Confederation hoped that the present session of the Commission would not be a routine one but, instead, an occasion for improving the methods and procedures designed to end torture and other basic human rights violations.

28. Mr. CLEMENT (France), referring to agenda item 10 (a), expressed satisfaction at the unanimous adoption by the General Assembly of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which France had sponsored and which it had signed on the day the text had been opened for signature, along with 21 other States. An important step had thus been taken in the struggle against torture, but that did not mean the task had been completed; the Convention had obviously not yet entered into force, and the international community must therefore remain vigilant. First of all, the Commission should be informed of progress concerning signatures and, subsequently, accessions, and especially recourse by individual States to the reservation provided in article 28 of the text when signing, ratifying or acceding to the Convention. At its next session, as a result of the information obtained, the Commission could review the implementation of the Convention. Secondly, the Commission should continue to follow the situation: in view of the alarming number of cases of torture or other cruel, inhuman or degrading treatment or punishment, it should envisage further measures to combat those practices more effectively. His delegation was receptive to the suggestions made along those lines.

29. His delegation therefore believed that the Commission should retain the question of torture and other cruel, inhuman or degrading treatment or punishment on the agenda of its next session.

30. Finally, his delegation wished to recall that France was a contributor to the United Nations Voluntary Fund for Victims of Torture.

31. Turning to agenda item 10 (b), he said that that issue was a very serious one which allowed no delay, for each day that went by had serious consequences for those undergoing the tragedy of enforced or involuntary disappearances.

32. In view of the suffering of the victims of those practices, in view of the cruel anxiety of the members of their family, exacerbated by uncertainty, silence and intimidation, it was difficult to provide hope that their sacrifice

and their appeals would not be in vain and that one day, as soon as possible, those intolerable practices could finally be ended.

33. The Commission had given tangible form to its desire to lessen those abuses by establishing, in 1980, the Working Group on Enforced or Involuntary Disappearances. His delegation was aware that the Working Group had a difficult and sensitive mission and that it did not always enjoy the co-operation it was entitled to and which it so needed. It recognized the Group's merits and the work it had done, even as it was aware of the work which remained, work that had to be carried out doggedly and unflinchingly in view of the persistence of the practices that were under attack.

34. In seeking to combat enforced or involuntary disappearances, the international community was indeed facing one of the most pernicious methods of violating human rights and fundamental freedoms. Freedom, physical integrity and the dignity of the disappeared persons were denied, their relatives were deliberately condemned to anguish and a shattered existence, and finally, what was especially infamous was that a human life was sometimes taken, without a trial or any form of defence. The international community must not draw back from the obstacles; it must not accept unacceptable situations; it must not abandon its efforts to convince the world that the only solution, ultimately, was to co-operate with the Working Group and with the Commission.

35. His delegation could not be insensitive to the situations described in the report of the Working Group (E/CN.4/1985/15 and Add.1), which offered an accurate and objective account of the scope of the problem, even though it could not give a full picture. The figures supplied defied understanding, since the disappearances occurred in their hundreds and at times even in their thousands in the countries most affected by that problem. The evidence gathered on the techniques used by certain Governments and by other forces as a means of resolving their political problems was damning, as was the conclusion of the Group of Experts, that "Governments are primarily responsible not only for their own policies, but also for the introduction of the practice within society as a whole" (document E/CN.4/1985/15, paragraph 293).

36. It was not for the Commission to denounce the causes of the problem, but to prevent it and heal its ill effects. Its action should be humanitarian, and his delegation would direct all its efforts to that end.

37. Thus, the problem was how to combat still more effectively practices which took place in the shadow, anonymously, with recourse to informers and threats. The Working Group's scope for action was extremely limited and depended on the attitude of the Governments in question. In that respect, his delegation noted with satisfaction that the Working Group had received co-operation from an increasing number of Governments. That was an encouraging development and, although in several cases it was the consequence of the return to a democratic régime, it also looked as though the Group's mission was beginning to be better understood and better accepted. Its work, which remained of a humanitarian nature, and the need for discretion which it respected, in keeping with the norms and practices of the United Nations, attested that it intended to adhere scrupulously to the terms of its mandate. Thus there was nothing to prevent it from building up trust in the relations it was seeking to establish with

Governments. Thus, his delegation hoped that the Commission would make a further appeal to those Governments which had not yet done so to provide all possible assistance to the Working Group by responding to its requests for information, attempting to clarify with it the cases of reputed disappearance, communicating to the Group the findings of the investigations conducted, and finally, by not objecting to the Group making contact with private individuals or associations which rightfully concerned themselves with the fate of the disappeared persons.

38. His delegation had taken careful note of the Working Group's conclusions and recommendations. It noted with interest the Group's very positive view on holding meetings on the spot, which allowed it better to explain its mission, to have direct contact at different governmental levels, to meet a greater number of representative associations and also to offer at least moral support to the families of disappeared persons. It endorsed the recommendation the Group had made to the Commission, namely that the Commission should appeal to Governments of countries where there were many cases of disappearance to consider setting up national organs to investigate reports of missing persons (paragraph 302 (a) of the report).

39. Finally, his delegation believed that it was important for the Working Group, in the interests of the efficient conduct of its mission, to receive from the Secretariat active and sustained assistance, and with as few changes of staff as possible. His delegation would also appreciate if the Secretariat would try to ensure continuity in the Working Group's activities.

40. As in the previous year, France intended to submit a draft resolution on the issue of enforced or involuntary disappearances; the resolution would take into account the deliberations as well as the recommendations of the Working Group, on which the members of the Commission were now in a position to make decisions.

41. By contributing actively to the elaboration of the Working Group's mandate, his delegation hoped to consolidate the authority of its humanitarian activities.

42. Mr. JAEGER (Federal Republic of Germany) welcomed the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It was a milestone towards the elimination of that infringement which, although loathsome, was nevertheless very frequent in many regions of the world. The Convention would enter into force only after the twentieth instrument of ratification had been deposited, and more time would elapse before all States complied with its provisions. His delegation had therefore listened with great interest to Mr. Kooijmans' opening statement containing a proposal in respect of the establishment of a monitoring instrument against torture which deserved serious consideration.

43. His Government, which continued to support United Nations activities on behalf of the victims of torture, wished to encourage all countries to contribute regularly to the United Nations Voluntary Fund for Victims of Torture, which was of fundamental importance.

44. Under agenda item 10 (b), the Commission had before it a high quality report by the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1985/15 and Add.1), which showed that there had been some notable improvements in the Group's working methods. His Government attached great importance to strengthening the Working Group's preventive activities and, in that respect, considered the "urgent action procedure" described in paragraph 80 of the report to be particularly useful. The fact that the Working Group had been able to hold one of its sessions in Costa Rica was a welcome development, since that country was situated in a region of particular concern in that context. Several countries had followed the noteworthy example set by Costa Rica, since the holding of sessions close to or preferably in the country of concern could only facilitate the Group's task.

45. Not all countries were co-operating with the Working Group, and his delegation appealed to all Governments concerned to re-consider their positions and to give serious thought to playing a more active role. It should be stressed, however, that missions undertaken by members of the Working Group had been successful as, for example, the mission to Bolivia to supply advisory services in the field of human rights.

46. Although the Working Group had performed important work within its limited mandate, its report clearly showed that enforced or involuntary disappearances continued in alarming proportions. Because the Working Group had concluded that, since its inception, "it cannot be claimed that a major breakthrough has been achieved in the effort to eradicate the occurrence of enforced disappearances" (E/CN.4/1985/15, paragraph 294), his delegation felt that it was imperative for the Commission to step up its efforts to eradicate that persistent human rights violation and that it should endorse the recommendations made by the Working Group, especially that concerning the extension of its mandate for a two-year period.

47. The idea of elaborating an international instrument on enforced or involuntary disappearances deserved serious consideration. It would be useful for the Working Group to give further details in that regard in its next report, but his delegation's preliminary reaction was that it would like the Working Group to consider the urgent need for a clearer definition and improved implementation of the legal guarantees to prevent unacknowledged detention. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, which was at present elaborating a draft declaration on that subject and the Human Rights Committee had already carried out preparatory work.

48. Fr. DE SILVA (Sri Lanka) first referred to the definition of torture given in article 1 of the Convention. The act of torture was contrary not only to the domestic legislation of a country but also to jus cogens or the accepted rules of a civilized society. The choice of words in article 1 stressed that a lawful sanction should not be devised in order to inflict suffering.

49. No civilized nation could justify the use of torture, even for obtaining information considered essential to public welfare. His delegation noted with approval that the argument to the effect that recourse to torture was at times justifiable to obtain information which would prevent the death of a large number

of persons had been rejected. It was also pleased that article 2 (2) of the Convention reinforced article 4 of the International Covenant on Civil and Political Rights, which stipulated that no derogation could be made from the article prohibiting torture and other cruel, inhuman or degrading treatment or punishment, even in situations of war or public emergency.

50. Article 2 of the Convention was also important in that it established the responsibility of the individual who committed an act of torture, and removed the defence of having complied with the orders of a superior, which was similar to the position of principle adopted at the Nuremberg trials.

51. Under articles 2 and 4 of the Convention, States parties were required to enact legislation making torture a criminal offence; that had been done by Sri Lanka, which had prohibited torture as far back as 1799 and had enacted a penal code in 1889 that made suffering caused voluntarily a punishable offence, in terms sufficiently broad to include torture as defined in articles 1 and 16 of the Convention. The Constitution of the Democratic Socialist Republic of Sri Lanka guaranteed freedom from torture or other cruel, inhuman or degrading treatment; no law could therefore be enacted in violation of that basic principle, from which no derogation was possible.

52. His delegation noted with approval that according to the text of the Convention, all States were also required to prosecute or extradite anyone in their territory who had committed that crime elsewhere.

53. The principle of article 3, which was that no one could be compelled to return to a country where he might be subjected to torture, was an acceptable one. Nevertheless, it should be possible to decide upon an objective international standard for establishing the existence of a consistent pattern of gross and flagrant human rights violations in the country in question. The country in which the fugitive had sought refuge might make a subjective determination, which might not always be based on well-founded evidence. His delegation therefore suggested that applicability of article 3 (2) should be linked to a valid finding, for example, a finding resulting from an investigation conducted in accordance with the procedure established under Economic and Social Council resolution 1503 (XLVIII).

54. Article 10 of the Convention very properly provided that each State party should ensure that education and information regarding the prohibition against torture were included in the training of law enforcement personnel or custodians of persons in detention. His Government was preparing to set up a body which would have precisely that function. The public officials concerned were the arresting and investigating authorities, prosecuting authorities and prison officials.

55. His delegation also noted with approval that the Convention provided for compensation of victims of torture or, if the torture had resulted in the death of the victim, of their dependents.

56. The effectiveness of the Convention would depend on the implementation of article 20. It was essential to be able to prove that the allegations of torture were well founded, for it was not uncommon for false accusations of torture to be made for various reasons, for example, to invalidate confessions or even to discredit a State. In the former case, the merits of the allegation could be verified by a cross-examination of the alleged victim, or by studying the findings of medical examinations. In the latter case, however, it was not always possible to carry out a careful examination, for the complaint might be based on procured affidavits or falsified medical reports. It was not uncommon for a fraudulent victim to try to pass off wounds due to other causes as the marks of torture. Many international organizations, motivated by the most noble humanitarian ideals, were often misled in that way, and tended simply to dismiss inconsistencies that appeared in the documents supplied them as being due to the complainant's lack of education or the difficulty of access to information sources. They did not always realize that some allegations attested to ill-treatment inflicted by virtually identical methods, years apart and by completely different officials, or that the mistreatment described in the allegations was often to be found in reports relating to other countries, the only changes made being dates and names of alleged victims and places. No one could fail to be moved by a harrowing tale of torture carefully rehearsed and eloquently narrated, and the feeling of revulsion was not easily corrected by facts and figures. It was therefore essential to implement the safeguards provided in article 20 of the Convention.

57. Turning to agenda item 10 (b), he praised the Working Group on Enforced or Involuntary Disappearances and its Chairman-Rapporteur, who were making every effort to provide as much moral support as possible to the relatives of the disappeared persons while **assuring the co-operation** of Governments. Sri Lanka, for its part, had had occasion to co-operate with the Working Group, which could count on its support and aid. The Commission on Human Rights should consider the possibility of extending the Group's mandate for a period of two years, although without changing the annual reporting cycle. Furthermore, the delegation of Sri Lanka approved the principle of the drafting of an international instrument on enforced disappearances, but it believed that the members of the Working Group themselves should study the subject more thoroughly with a view to reaching agreement on the contents of that instrument. For example, his delegation would like the Working Group to study the question of the international co-operation necessary in order to obtain information on the fate of disappeared persons. In particular, in view of the increasing number of cases of illegal entry into States, the **latter** were not always in a position to furnish proof that a particular person, alleged to have disappeared, had not crossed their border into another territory.

58. His delegation was in full agreement with the principle that no person must be subjected to arbitrary arrest or detention, which was established in the Constitution of Sri Lanka. Even if, for unavoidable reasons, the mandatory period for bringing all arrested persons to trial before a judge had to be extended, it was essential to limit that extension to the strict minimum. If any person was detained otherwise than in consequence of a judicial order, he should be able to lodge a complaint concerning his detention or the conditions of his detention. Under Sri Lankan law, the remedy of habeas corpus was available to anyone who challenged the legality of his detention or the detention of a third party, and it could not be suspended, even during a state of emergency. A state of emergency could be proclaimed for only limited periods and must be under the control of Parliament.

The Sri Lankan Constitution stipulated that Parliament must be immediately informed of the proclamation of a state of emergency, which expired within one month unless Parliament gave its approval.

59. His delegation believed that detention without trial should never replace the normal procedure, which involved investigation, trial and sentence after conviction. At the same time, it believed that it was justifiable, in an emergency, to take steps to prevent a person who was about to commit a grievous crime from achieving his objective. The weapons available today were too devastating for any society to wait until the crime was committed or attempted in order to take action.

60. Mr. DHILLON (India) said that he was reminded of the time when he himself had been imprisoned and subjected to ill-treatment during India's struggle for freedom. On one occasion, he had spent over a year in prison without being brought to trial. Jawaharlal Nehru's description of prison as an "emblem of force and fear and terror" still held true more than half a century later. The Commission should therefore endeavour to create prison conditions which were conducive to maintaining human rights and dignity of all prisoners.

61. It was a matter of great satisfaction to the Indian delegation that the General Assembly had adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by consensus. An increasing number of countries should now sign that instrument.

62. His delegation congratulated the Working Group on Enforced or Involuntary Disappearances on its first, albeit disquieting report (E/CN.4/1985/15 and Add.1): out of 8,294 cases transmitted by the Working Group to Governments, less than 200 had been clarified by Government replies. The phenomenon would be more effectively tackled if the countries concerned set up national institutions to investigate reports about missing persons, and the recommendation made in that context by the Working Group should be supported. His delegation also agreed to the suggestion of extending the mandate of the Working Group by two years while maintaining the annual reports.

63. However, it did not seem necessary to draft a separate international instrument on enforced or involuntary disappearances, since those offences were already prohibited under existing international instruments, as well as by national laws. If persons were abducted and detained or killed, such action was obviously never legally sanctioned. In any case, he agreed with the representative of Japan that the drafting of an international convention on the subject should be begun only when it had been proved that such an initiative would be effective in ending the practice of enforced or involuntary disappearances.

64. It was to be hoped that torture and enforced or involuntary disappearances would soon be universally recognized as crimes against humanity and that they would not become a permanent feature of life.

65. Mr. HAYES (Ireland) said that the Irish authorities were currently examining domestic legislation in order to ensure that it was in complete conformity with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; once the detailed examination was completed Ireland would be in a position to sign and ratify the Convention. It was imperative that all States should accede as quickly as possible to the Convention so that it could become an effective instrument in the struggle against a heinous form of human rights violation.

66. His delegation had been particularly pleased at the adoption of the Convention by consensus, since it had taken part in its elaboration. That consensus in itself was an indication that the international community was committed to eradicating all forms of torture and ensuring that the perpetrators of such crimes, whoever and wherever they might be, were brought to justice. Any State which availed itself of the possibility provided in the Convention of not recognizing the competence of the future Committee against Torture would show a less than wholehearted commitment to the principles established in the Convention. His delegation therefore urged all Member States to accede to the Convention as quickly as possible, bearing in mind the need for effective implementation and in particular the need to recognize the competence of the new Committee.

67. The adoption of the Convention against Torture should not discharge the Commission from its obligation of dealing with that problem, and in that respect his delegation believed it would be desirable to establish monitoring machinery through which the Commission could be informed of occurrences of torture; the form of such machinery would be a matter for the Commission to decide. It could, for example, appoint a Special Rapporteur charged with examining questions relevant to torture and reporting to the Commission or establish a working group similar to that established to investigate cases of "disappearance". In any case, the Commission should be kept informed of cases of torture and other forms of cruel, inhuman or degrading treatment or punishment, at least until the Convention became an effective international instrument.

68. The fact that the General Assembly had in 1981 decided to create a Voluntary Fund for Victims of Torture showed that torture was still practiced, with crippling psychological and physical implications for the victims and their families. Nevertheless, the existence of the Fund indicated that there was a will among the international community to alleviate the most harmful effects of that scourge, through assistance to centres for the rehabilitation of torture victims, training courses and seminars on the treatment and rehabilitation of torture victims and support to specific projects. His delegation urged all States to contribute to the Fund, as Ireland had done in 1984 and hoped to do again in 1985.

69. Turning to the question of enforced or involuntary disappearances, his delegation commended the Working Group for its tireless efforts and noted with satisfaction that it had held one of its meetings in Costa Rica, which had made it possible for many organizations to bring their complaints directly before the Group for the first time. Furthermore, that had facilitated the Group's understanding of the specific elements of each country situation and enabled it better to appreciate the reliability of the information placed before it. Finally, the Group had learned in considerable detail about the countless efforts made and difficulties encountered by relatives in the search for their missing family members. The Working Group's report indicated the usefulness of its contact with the reality of the phenomenon of disappearances.

70. The international community must help the Working Group to discharge its growing workload by providing it with adequate resources, including sufficient secretarial assistance.

71. The report on enforced or involuntary disappearances (E/CN.4/1985/15) indicated that Governments were primarily responsible for that practice, and therefore the onus rested on Governments not only to ensure that those that represented them desisted from that practice themselves but to eliminate the phenomenon from political life, for it appeared to be contagious. His delegation urged the Governments concerned to co-operate with the Working Group and to consider the establishment of national organs to investigate reports of missing persons.

72. The large number of disappeared persons, the distressingly small number of cases solved and the obvious need for continued effort all justified renewing the Working Group's mandate for two years, while maintaining its obligation to report to the Commission annually. It was obvious that the phenomenon of enforced disappearances would not be eliminated overnight.

73. Mr. KAMMINGA (Amnesty International), referring to the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1985/15 and Add.1), said that in 1984 his organization had documented cases of disappearance concerning 19 countries. After four years of work by the Group, disappearances were still occurring in El Salvador and Guatemala by the hundred. "Disappearances" had emerged as a major new problem in Peru. In one of its zones - under the authority of a political-military command based in Ayacucho - some 1,000 Peruvians had disappeared. There was convincing evidence that many others had been the victims of extrajudicial execution.

74. The Ayacucho zone was a centre of operation by the Sendero Luminoso group, and since 1982 a state of emergency had been proclaimed. However, "disappearances" had only started to occur in January 1983. Since that date, the military and the police had been systematically refusing to give information concerning the persons arrested. Some of those unacknowledged prisoners had reappeared; some had been turned over to the courts to be formally charged with terrorism; others had been found dead. In the Ayacucho zone, neither prisoners' relatives, public prosecutors, nor the courts were regularly informed of arrests. Public prosecutors and the courts were therefore reduced to near impotency in their task of defending human rights. The public prosecutors (fiscales) had protested against the attitude of the military command and provided intermittent statistics on cases of disappearance.

75. Amnesty International had recommended that the Government of Peru should re-introduce in the zone of Ayacucho procedures already established under Peruvian law, by which arrests must be promptly reported to representatives of the Public Prosecutor's Department and the courts. It had welcomed the responses provided by the Government of Peru to requests for information by the Working Group, and the fact that those responses had produced evidence that some of the persons reported to have been detained were now at liberty. Amnesty International also welcomed the Peruvian Government's invitation to the Working Group to visit Peru. Amnesty International continued to be concerned, however, at the fact that the situation described in the Ayacucho zone of Peru persisted.

76. Disappearances had been virtually brought to a halt in some of the 30 countries which the Working Group had considered in its report. In others, they continued on an almost daily basis, and thousands of cases reported in recent years seemed unlikely to be resolved expeditiously.

77. The Working Group took upon itself the responsibility of the Commission, and even of the international community, in the area of enforced disappearances; Amnesty International therefore hoped that the Commission would ensure that the Working Group received the necessary political and material support.

78. Sister DIMANARAN (Pax Christi International), after stating that she was a member of the Franciscan Sisters of the Immaculate Conception and was a former political prisoner of the present régime in the Philippines, described the experience she had gained in working with political detainees and their families, and relatives of disappeared persons, for 17 years in that country. During her

detention, she had heard the cries and protests of women who had been tortured and sexually violated by members of the military; she had seen the victims' wounds; she had secretly visited morgues where the military secretly dumped the remains of the disappeared; she had seen floating bodies of Muslims massacred in Cotabato, and she had seen the mutilated bodies of farmers in Negros. She had also seen the plight of political detainees' families struggling for survival and the situation of their children who had to leave school due to economic pressures.

79. The scope of human rights violations in the Philippines included not only the marginalized peasants, workers and urban poor; more and more it included students, journalists, lawyers, business people and church workers. The lifting of martial law had unfortunately not improved the situation.

80. Involuntary disappearances comprised persons arrested without witnesses, prisoners held incommunicado and victims of extra-judicial killings. The Task Force Detainees Philippines, of which she was a member, had documented 471 cases of disappearance from 1977 to 1984, 62 per cent of which had occurred in Mindanao. Extra-judicial killings documented for the same period had totalled 1,895, 65 per cent of them in Mindanao. Paradoxically, after the lifting of martial law, the number of disappearances and extra-judicial killings had increased. The deteriorating situation was due mainly to the fact that the military did not take prisoners during their operations in areas where resistance was strong.

81. In addition to the situation she had described, there were "strategic hamlets" and forced mass evacuation whereby close to 5.7 million persons had been moved between 1972 and the first quarter of 1984. In Mindanao alone, about 500,000 people (Christians and Muslims) had been forced into "strategic hamlets". There were also many massacres, the burning of croplands and even of residential areas, and the use of chemical weapons at Lumba-a-Bayabao (Lanao del sur).

82. Pax Christi International appealed to the Commission to take all necessary measures to halt any further deterioration of the human rights situation in the Philippines. It also called on other peace-loving nations to urge the Philippine Government to institute concrete measures in support of the promotion of human rights.

83. Mr. THWAITES (Australia) said that although no Government would seek to justify torture, and although most had national laws designed to prevent it, torture continued to be practiced widely throughout the world. The Convention against Torture, which the General Assembly had adopted in its resolution 39/46, represented a quantum leap in the capacity for action to combat the practice of torture. Over the past seven years, Australia had participated directly in the negotiations which had led to the text of the draft Convention which the Commission had forwarded to the General Assembly the previous year. The Convention established a system of international jurisdiction for the prosecution of torturers, and it contained provisions designed to promote the full implementation of the obligations undertaken by States parties. His delegation was confident that all Governments would accept without reservations the obligations laid down in the Convention.

84. The problem now was to implement the Convention. In that connection, his delegation supported the suggestion made by the outgoing Chairman of the Commission, Mr. Kooijmans, that a special rapporteur on torture should be appointed. The activities of the Voluntary Fund for Victims of Torture made it possible to cure the long-term effects of torture; in October 1984, the Australian Minister for Foreign Affairs, Mr. Hayden, had announced a contribution to the Fund of \$Aust 15,000 for the financial year ending June 1985.

85. His delegation supported the proposal that the Sub-Commission's Working Group on Detention should study the practice of administrative detention with a view to recommending action on that matter. On the other hand, it regretted that at its thirty-seventh session, the Sub-Commission had not been able to comply with Commission decision 1984/104 by submitting a report on the protection of human rights in situations known as states of siege or emergency.

86. The fifth annual report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1985/15 and Add.1) provided further evidence of the essential role the Group was performing. It was, however, disturbing that the report showed that, although the phenomenon of disappearance had ceased in some countries, it had appeared in others and still remained a "constant feature" of the over-all human rights situation in the world. The Working Group had also noted with concern that enforced disappearances, while usually initiated by forces associated with Governments, were contagious and could spread to other groups in society. It was particularly encouraging to note that the Working Group had developed its capacity for "urgent action", and that its visits to certain countries had been positive. However, in many situations there had been no major breakthrough, and the Commission must appeal strongly to all Governments approached by the Working Group to extend their full co-operation to it. His delegation welcomed the proposal that, in countries where disappearances had reached significant proportions, specific national organs might be established to deal with the problem. It would also be happy to see accepted the Working Group's proposal that its mandate should be extended for two years, on the understanding that it would continue to report annually to the Commission. It also supported the practical suggestions made by the delegation of the Netherlands regarding strengthened secretariat servicing of the Working Group.

87. However, his delegation believed that the preparation of an international instrument on enforced or involuntary disappearances raised broader questions; in its view, it might be more useful, initially, to examine the measures that could be taken to ensure that existing international standards were applied fully and consistently.

88. Mr. RAVENNA (Argentina) said that, according to the recent report of the Sabato Commission, 8,900 persons had disappeared in his country between 1976 and 1983. Subsequently, Argentina had, fortunately, had a democratic régime which unreservedly guaranteed the enjoyment of human rights. Only five days after having taken up its functions, the Executive Power had approved Decree No. 187/83, establishing a National Commission on the Disappearance of Persons. The Commission, which was based in Buenos Aires, had four delegations in Argentina. It had produced a report describing events which were among the most tragic in the history of Argentina, summarizing more than 50,000 pages of testimony and documents under the title "Nunca Más" ("Never Again").

89. Although he appreciated the quality of the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1985/15 and Add.1), he found it regrettable that its text did not better reflect the over-all measures adopted by his Government, of which he gave examples. In particular, the report did not adequately explain the reform of the federal penal system in Argentina. Neither did it give a sufficiently detailed account of the work of the National Commission on the Disappearance of Persons. That having been said, his Government believed that the Working Group had made a positive contribution and had invited it to hold its next regular session at Buenos Aires in June 1985.

90. The Working Group had made progress in elaborating its methods. However, the Commission should urge more strongly Governments to transmit precise information on the measures they had adopted with a view to ending the phenomenon of disappearances. The Group could not be satisfied with replies simply stating that a Government was unaware of the fate of the persons in whom the Group was concerned.

91. His Government endorsed the terms of resolution No. 666 of the General Assembly of the Organization of American States, which stated that the practice of enforced disappearances was a crime against humanity. It was studying the possibility of requesting an opinion from the Inter-American Court of Human Rights on the nature and consequences in law of enforced disappearances. At the world level, he believed it would be advisable for the Commission on Human Rights to request the International Law Commission for a study on the possibility of having the practice of enforced disappearances appear separately as a crime against humanity.

92. With regard to the elimination of torture, he pointed out that in Argentina, the Executive Power had brought a bill before Parliament which would make it possible to apply to torture the penalties provided for the crime of homicide, in particular life imprisonment. The bill had been adopted. Responsibility devolved not only upon the torturers, but also upon those who ordered torture, the officials who failed to take the measures necessary to prevent it and the judges who failed to order an investigation when a complaint was made. He pointed out that his country had been one of the earliest signatories of the Convention against Torture, recently adopted by the General Assembly. His delegation was also one of the sponsors of the draft resolution requesting the Commission to appoint a special rapporteur on torture. He concluded by stating that Argentina's painful experience showed that the adoption of legal measures at the domestic level and the strengthening of international monitoring mechanisms were the only ways of combating torture and the practice of enforced or involuntary disappearances.

93. Mr. DAUDY (Syrian Arab Republic) recalled that at its previous session, the Commission had adopted under the current agenda item resolutions 1984/20, 21, 22 and 23 dealing respectively with Palestinian and Lebanese detainees, the draft Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Voluntary Fund for Victims of Torture and enforced or involuntary disappearances. It was therefore somewhat surprising that the first of those four resolutions was not mentioned in the annotated provisional agenda (E/CN.4/1985/1/Add.1).

94. By its resolution 1984/21, the Commission had decided to transmit to the General Assembly, through the Economic and Social Council, the report of the working group on a draft convention against torture, together with the text of the draft in question. In its resolution 1984/22, the Commission had expressed its gratitude to those Governments, organizations and individuals that had already contributed to the United Nations Voluntary Fund for Victims of Torture, and it had requested the Secretary-General to keep the Commission informed every year of the operations of the Fund. By its resolution 1984/23, the Commission had requested the Working Group on Enforced or Involuntary Disappearances to submit to it, at its forty-first session, a report on its work, together with its conclusions and recommendations. The latest report of the Working Group (E/CN.4/1985/15 and Add.1) contained recommendations that were well worth considering, in particular regarding the setting up of national organs to investigate reports of missing persons, the appeal to Governments to respond to requests from the Working Group on the measures taken in pursuance of

General Assembly resolution 33/173, the drafting of an international instrument on enforced or involuntary disappearances, and the possibility of renewing the Working Group's mandate for a period of two years.

95. In its resolution 1984/20, the Commission had stated that it was deeply alarmed by the situation of Palestinian, Lebanese and other detainees held by Israel as a result of its invasion of Lebanon and continued occupation of Lebanese territories, and it had urged Israel to release immediately all civilians detained since the beginning of the war, to co-operate with the International Committee of the Red Cross and allow it to visit all the detention centres controlled by Israel and to ensure protection of Palestinian civilians in the areas under its occupation. In the resolution, the Commission had also called upon all parties to the conflict to furnish the International Committee of the Red Cross with all available information concerning persons who were missing or who had disappeared following the invasion of Lebanon by Israel. In a recent statement, the President of the International Committee of the Red Cross had expressed his anxiety about the fate of some 1,500 persons, concerning whom the Israeli authorities had not supplied any information. Furthermore, the Commission had certainly taken note of the information submitted by the International Commission of Jurists with regard to the torture to which Arab detainees at the Al Fara'a prison, who no longer enjoyed any legal protection, were subjected. Amnesty International, on its side, had stated that the accusations of instigation to violence used by Israel to justify numerous arrests appeared to be devoid of any legal basis. Neither was there any information on the fate of 136 persons detained in the Atlit prison.

96. The situation was very disturbing in the occupied Arab territories, where people were arrested and detained simply because they were suspected of resisting the Israeli occupation. Two Palestinians, since released, Mr. Moussa and Mrs. Halassa, had described in the Review of Palestinian Studies, the conditions under which they had been detained and tortured. According to Mr. Moussa, in one prison detainees had been liquidated by order of the director of the establishment, Mr. Desterfield.

97. Those human rights violations and the atrocities perpetrated by the Israeli troops in Southern Lebanon had been confirmed by an international commission chaired by Mr. Sean McBride and composed of Mr. Richard Falk, Mr. Kader Asmal, Mr. Brian Bercusson and Mr. Stefan Wild - all eminent jurists or professors - which had inquired into the situation. The commission had observed that the detainees were often beaten and at times even tortured during interrogations. In Cyprus, the commission had heard the testimony of an American doctor who had treated two victims of brutality in a Beirut hospital. According to the commission, Israel was violating the rules for the treatment of detainees, whether civilians or prisoners, by subjecting them to inhuman treatment which sometimes resulted in death.

98. The treatment inflicted by the Israeli authorities on detainees was in response to instructions given to Israeli soldiers. The correspondent in Lebanon of Le Monde, Emmanuel Jarry, had published an interview in the edition of 3 November 1982 of that newspaper, with an Israeli soldier captured by the Palestinian forces, who had confirmed that Palestinians were indeed portrayed as terrorists to young Israelis, from childhood on and during their military training. One of the officials of the municipality of Jerusalem, Mr. Benevisti, had told a New York Times correspondent, David Shipler, on 20 February 1983, that

a process of dehumanization was taking place and that a twilight war was being waged, with no trenches or front lines. For his part, the Chief of Staff of the Israeli armies had at the time of the invasion of Lebanon compared the situation of the Arabs to that of insects caught in a bottle. Those statements were an accurate reflection of the racist mentality of the Israeli authorities, who were behaving just as the Nazis had done towards neighbouring peoples in the 1930s and 1940s.

99. The Israeli authorities themselves had recognized the threat they posed not only to the region, but to the entire world. On 26 July 1973, General Sharon had written in the newspaper Yediot Aharonot that Israel was now a military super-Power whose forces were stronger than those of all the European countries combined. In his view, in one week Israel could conquer the vast region extending from Khartoum to Baghdad and to Algeria. That statement had been reproduced by Roger Garaudy in his book, "L'Affaire Israël".

100. Nevertheless, that State which had become a super-Power, thanks to United States aid, had not broken the resistance of some villages in Southern Lebanon, which it had therefore set about destroying, just as the Nazis had done at Oradour, in France, and Lidice in Czechoslovakia.

101. Mr. MASERRER (Spain) said that because it was a shameful practice, torture was denied by the Governments of the countries where it was nevertheless utilized systematically, in the name of the so-called higher interests of authority and security. The United Nations had made considerable efforts to eradicate that despicable misuse of power, culminating, on 10 December 1984 (also Human Rights Day), in the General Assembly's adoption without a vote, in resolution 39/46, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Thus, the process begun with General Assembly resolution 32/62, which had entrusted the Commission with preparing the text of the draft Convention, was completed. The need for interaction between the Commission and the General Assembly had again been acknowledged on 4 February, the Convention having been opened for signatures on that date, which also marked the opening of the Commission's session.

102. Spain had made a point of signing the Convention, which it had helped to prepare, on the first day, and wished to express its appreciation to the Working Group, which had worked for six years to shape that instrument. However, the Convention was not an end, but a beginning. It was essential for States to sign it or, and for those who had already done so, to ratify it, so that it could enter into force with its monitoring mechanisms, and in particular the Committee against Torture. The time had come for all to give concrete form to the repeated condemnations of torture.

103. His delegation was convinced that, in order to protect human rights effectively, care must be taken to ensure that States scrupulously discharged their legal obligations under international instruments and that they incorporate those obligations into their domestic legislation, while setting up effective monitoring mechanisms. Until the Convention entered into force, the necessary measures should be taken to ensure its substantive implementation and to attempt to end cases of torture. The Convention was not a magic formula which would automatically eradicate torture, even in the States which acceded to it, and isolated cases of torture might occur as a result of abuses of freedom or power. Nevertheless, his delegation believed that a democratic State was the best guarantee against abuses.

104. Spain had always considered enforced or involuntary disappearances to be one of the most serious human rights violations, and its spread was particularly alarming. Arbitrary and unacknowledged detention of persons was unacceptable, whatever the reason, and whether it was the work of State authorities, para-governmental groups or any other agent, whatever their ideology and regardless of the political or social situation. The practice infringed the right to freedom and, quite often, to life, and its victims were not only the missing persons, but also their families, for whom the psychological and economic effects were extremely serious. Spain believed that the family of the detained person had the basic right to be informed of his fate and the reason for his detention. It condemned arbitrary detention as illegal confinement and the act of causing, even temporarily, the disappearance of detained persons was an intolerable violation of a large number of basic human rights, especially the right to physical integrity, the right to a fair trial, the right to an explicit statement of charges and even the right to life, since disappearances often concealed extra-judicial executions.

105. His delegation unreservedly approved the conclusions formulated by the Working Group on Enforced or Involuntary Disappearances in its report (E/CN.4/1985/15 and Add.1). Enforced or involuntary disappearances were the most absolute denial of human rights and a form of violation which deserved the close attention of the international community. As the Working Group stated (E/CN.4/1985/15, paragraph 294). it could not be claimed that a major breakthrough had been achieved in the effort to eradicate that practice, and the Working Group should continue to be provided with the resources needed to enable it to discharge its mandate. The idea of organizing missions to countries where disappearances occurred was particularly useful in making it possible both to observe the situation on the spot and to strengthen contacts with Governments and local representatives of the non-governmental organizations. It was also crucial for the Working Group to receive co-operation from Governments. Governments were mainly responsible not only for the political situations which allowed that type of human rights violation, but also, in many cases, for the very commission of violations, either through their agents or groups or individuals taking part in the political life of the country and whose activities were tolerated.

106. The fact that the Argentine Government had invited the Working Group to meet at Buenos Aires was particularly encouraging. That offer was consistent with the efforts being made by the Argentine Government, which had led to the preparation of the Sábato Report. The Bolivian Government had also agreed to a visit by the Working Group, and that of Peru had invited the Group to visit the country to study at first hand the circumstances which had caused Peru to be included in the Working Group's report for the first time, with a considerable number of disappearances.

107. Spain generally supported all initiatives taken by Governments to simplify the task of the Working Group, which, as several delegations had stressed, must be supplied with more substantial resources and services. Considering in particular the large number of Hispanic countries concerned with cases of disappearance, consideration might be given to increasing the number of Spanish-speaking staff.

108. His delegation endorsed all the recommendations made by the Working Group (*ibid.*, paragraph 302). It would definitely be desirable to set up, in the countries concerned, national organs to investigate reports of missing persons; to obtain information from Governments on measures taken in pursuance of General Assembly resolution 33/173; to renew the Working Group's mandate for a period of two years and to consider drafting an international instrument on

enforced or involuntary disappearances. The FEDEFAM draft Convention on Enforced Disappearances, appearing in annex III of the Working Group's report, attested to the important contribution made by the non-governmental organizations, not only in the area of information, but also from the point of view of alerting public opinion. Without those organizations, it would be more difficult to make the work of the Commission understood.

109. His delegation believed that, in order to end the tragic situations that had been evoked, their root causes must be eliminated by establishing, where they did not exist, political systems which reflected the will of the people and were desirous of respecting and ensuring human rights and fundamental freedoms.

The meeting rose at 6.20 p.m.