COMMISSION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE FIRST PART* OF THE 54th MEETING

Held at the Palais des Nations, Geneva, on Wednesday, 9 March 1988, at 3 p.m.

Chairman: Mr. SENE (Senegal)
later: Mr. MEZZALAMA (Italy)
later: Mr. DELGADO BARRETO (Peru)

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*/ The summary record of the second part of the meeting appears as document E/CN.4/1988/SR.54/Add.1.

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GE.88-12188/9851e
The meeting was called to order at 3.20 p.m.

QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (continued) 


1. Mr. HEREDIA (Observer for Cuba), speaking on agenda item 5, said that, for the past 14 years, the people of Chile had been subjected to institutionalized repression by General Pinochet and his small group of followers, and that the situation had worsened despite all the efforts to improve the dictatorship's international image. The popular protests which had mobilized millions of persons against the régime had been savagely put down. In 1987, thousands of human rights violations had again been committed in Chile, as could be seen from the abundant and objective evidence provided by impartial and well-informed sources through numerous information channels. For example, "Operation Albania", carried out by more than 500 CNI agents, had claimed 12 unarmed civilian victims. In September 1987, five young people had been abducted in the street, and the repression usually entailed the disappearance and subsequent death of defenceless individuals. Military justice was an instrument for constant violations of human rights, while the civilian courts had their hands tied. The example of Clodomiro Almeyda, a former Minister for Foreign Affairs who had been deprived of his civil rights and excluded from public life, was further evidence of Pinochet's abuse of authority. Moreover, the legal provisions imposed by the régime seriously jeopardized the cultural identity of the indigenous populations and deprived them of their economic and social rights, in particular their right to communal land ownership.

2. The martyrdom of the Chilean population had been continuing since 1973 because of the military and economic support given to the Pinochet régime by United States leaders. Those self same leaders feigned concern over the human rights situation in Cuba in an attempt to make public opinion forget the crimes of their protégé in Santiago. The United States, which had engineered the overthrow of the constitutionally elected President Allende, intended to go on deciding who should rule the countries of Latin America. The United States leaders proclaimed themselves defenders of universal suffrage and democracy, yet they had supported the fascist violence against the Chilean people and, as in other cases, had disregarded elections when they did not suit their interests. It would be noted that the United States had never imposed an economic or other blockade or sanctions against Pinochet, and that Congress did not meet to approve military assistance to those who defended Chilean democracy. On the contrary, the United States made a show of being concerned over human rights in Cuba in order to divert international attention from the protests of the Chilean people. The United States wanted to lay down the law in Latin America as in the rest of the world. As part of that policy, on 8 March 1988, it had imposed a veto in the Security Council in order to block a draft resolution calling for sanctions against South Africa.
3. Mr. CRUZ (International Indian Treaty Council), speaking on agenda item 12, urged the Commission to support the cause of the indigenous populations, who had been slaughtered, enslaved and plundered by States whose representatives tried to present a notoriously false version of the facts. To disregard the treaties concluded with the Indians and the religious rites of the indigenous populations, to fail to condemn the desecration of their ancestral burial grounds, the detention of their leaders, the seizure of their lands and the forced relocation of their inhabitants was to share the responsibility of those who had been committing such violations for 500 years. The International Indian Treaty Council demanded the release of all members of the Indian communities who had been illegally arrested and were being held in deplorable conditions, particularly Leonard Peltier and David Sohappy, whose case had recently been described by a United States Senator as "a gross miscarriage of justice". The Senator had gone on to say that drug traffickers were given lighter sentences than David Sohappy had been for fishing 317 salmon, notwithstanding the treaty between the Yakima and the United States guaranteeing absolute respect for the Indians' fishing rights.

4. The Indian peoples demanded that their sacred lands should cease to be desecrated and expressed their alarm at the growing threat to their homelands, culture and very survival all over the world.

5. In El Salvador, for example, the President of the National Association of Indigenous Salvadorians lived under constant threat; a member of the Association had been assassinated on 16 August 1987 by Civil Defence agents, while others had been captured by members of Military Detachment No. 6. It was especially disturbing that the perpetrators of the 1983 massacre of 74 indigenous persons at Las Hojas had been acquitted or had benefited from the general amnesty law proclaimed in 1987. Two of the persons responsible for that crime against humanity were still in their posts. If the Government of El Salvador would not convict those assassins, they should be convicted by countries that respected human rights and Indians, pursuant to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, failing which the Salvadorian military would continue to assassinate and detain members of the indigenous communities. Between 4 and 6 January 1988, six members of the Lenca nation had been arrested, accused of being guerrillas because of their participation in the UNTS union, and one of them had tried to commit suicide after being forced to watch two prisoners being tortured to death. And on 2 March 1988, while some delegations to the Commission on Human Rights had been hailing an improvement in the human rights situation in El Salvador, two members of the Indian communities, aged 24 and 17 respectively, had been assassinated.

6. In Sri Lanka, the Tamil population continued to suffer from the acts of war and atrocities committed by the Indian peace-keeping force. The International Indian Treaty Council, which had welcomed the July 1987 agreement between India and Sri Lanka, called upon the international community to urge India to accept the ceasefire offered by the Tigers of Eelam (LTTE).

7. In Guatemala, two years after President Cerezo had come to power, it was distressing to note the continuing repression of the Guatemalan people, especially the practice of disappearances, assassinations, deaths from torture
and constant threats against organizations formed to defend legitimate interests. The army was responsible for a reign of terror in the rural areas where the majority of the Indian communities lived. Between April and October 1987, 85 peasants had been assassinated, 12 had been wounded by the armed forces and a number had been forced to pay ransom to avoid having to do 15 days' forced labour. The International Indian Treaty Council implored the Commission to condemn practices such as the use of civil defence patrols, the "model villages" policy and the rural militarization in general, which were gradually destroying the indigenous communities. Members of the Comité de Unidad Campesina, who had unsuccessfully appealed to the military command and then to the President, had been threatened with arrest and trial. The International Indian Treaty Council would go on condemning the Guatemalan Government until such time as the persecution of Indians, which to date had gone unpunished, came to an end; it demanded justice for all the nations and respect for all treaties concluded between the Indian communities and States or, where there was no treaty, full respect for the Indians' sovereignty over their ancestral lands and the termination of forced population removals. The safeguarding of human rights applied to all, and those who regarded them only as a bargaining tool showed themselves to be the enemies of the indigenous peoples. They dishonoured the Creator and Mother Earth, on whose soil all mankind dwelt.

8. Mr. MORALES (International Indian Treaty Council), speaking on agenda item 5, said he was seriously concerned by the persistence of grave and systematic violations of human rights in Chile. He once again called for observance of the rights of the Chilean population as a whole and, in particular, of the indigenous populations, whose situation was continuing to deteriorate. In northern Chile, where the Quechua and Aymara lived, the Chilean Government had authorized mining which polluted the water so vital to those populations. Appeals for protection of the water in that hostile, desert region had remained unheeded. In addition, the Chilean Government had authorized the sale and export of lamas, which had always been basic to the diet and economy of the Quechua and Aymara populations. According to recent projections, if lamas continued to be exported at the current rate, the stock would decline by 80 per cent in the next five years and the Indians would only be able to raise diseased or lesser-quality animals, which would be the ruination of their economy and way of life.

9. The situation of the inhabitants of Rapa-Nui Island, more commonly known as Easter Island, had also given cause for concern since the secret signature by the Chilean authorities of an agreement with the United States of America making part of the island into a military zone and restricting the inhabitants' fishing rights accordingly.

10. In 1979, the communal lands of the Mapuche had been split up under a decree-law which had been forcibly implemented. That decree-law signed the death warrant of the Mapuche population, since the plots of land were not viable individually and the division of families meant the severance of traditional community ties. Today the Mapuche regions had the highest infant mortality, malnutrition and school drop-out rates. There were countless examples of acts of extortion and aggression committed by the forces of Chilean repression against the Mapuche on lands which they had lawfully owned since 1926.
11. The situation of the Mapuche in Bío-Bío province was particularly disturbing, for the authorities had decided to build a hydroelectric power station there without consulting the lawful owners of the land. The ancestral lands of more than 2,000 families, as well as sacred sites, places of ceremony and burial grounds would be submerged.

12. Since the coup d'état of 11 September 1973, the Chilean authorities had taken no steps to enforce the rights of the indigenous populations, whose situation could unhesitatingly be described as ethnocide according to the UNESCO definition. The Chilean authorities failed to respect any of the traditions, ceremonies and religions of the indigenous populations. One Mapuche organization reported that, in 1987, the authorities had violently broken up five religious ceremonies and prohibited or forcibly repressed a number of matches of palín, a traditional ritual sport.

13. In the absence of any improvement in the situation in Chile, the International Indian Treaty Council called upon the Commission on Human Rights to adopt a forceful resolution appealing to the Chilean authorities to put an end to the torture and cruel, inhuman or degrading treatment inflicted on the population, to elucidate or institute inquiries into cases of disappearance, to release all political prisoners, to respect and guarantee the rights of the indigenous populations and to abandon their policy of ethnocide.

14. Mr. ROZAS (Indigenous World Association), speaking on agenda item 12, said that conquerors had always wanted to convert indigenous peoples against their will to some alien ideology or religion; when their efforts had failed, generations of invaders had seized the excuse to violate the rights of indigenous persons and divest them of their property.

15. In Aotearoa, or "New Zealand", violations of the human rights and fundamental freedoms of the Maoris, particularly their land rights, had never ceased since the conquest. The Maori population requested the support and intervention of the United Nations and the Commission on Human Rights to help them recover their means of subsistence. Mining operations on their land and in the subsoil polluted the environment and the water. The Maoris were subjected to employment discrimination in their own land, especially in regard to public service, and were denied participation in programmes to promote self-determination.

16. In West Papua the extraction of precious metals continued, while the indigenous population was reduced to searching for food in garbage dumps. Heavy metals polluted the streams, which had become dangerous to health. The Indonesian Army had forced the mountain tribes to migrate to the coast, causing many to die from malnutrition and malaria.

17. The great Powers arrogated to themselves the right to decide how the problems of indigenous peoples and national minorities should be resolved, when the very source of those problems lay in their own acts. States which had claimed supreme authority over all the domestic affairs of indigenous peoples and ethnic minorities had learned to their consternation that the latter intended to maintain responsibility for their own fate. The forcible imposition of a culture on a minority which lacked the means to subsist and to protect its interests and cultural and social institutions could only lead to forced, and therefore negative, dependence and, if the conqueror was unable or
unwilling to share or restore what he had taken away, the colonized culture was doomed to decay. Except in the case of extermination, as in Kampuchea, the death of subjugated cultures was slow, but nonetheless sure. Often, Governments simply looked away while local authorities or groups or individuals finished the work off. All indigenous peoples which could compare their histories found that they had all suffered from over-powerful technologies and now realized that those who had exercised power over them were often baffled and embarrassed, for after the cost of conversion they had to meet the cost of maintaining their power over resistant populations.

18. Individuals with good intentions but little knowledge of the needs and aspirations of indigenous peoples had great difficulty in understanding the role of those peoples in acting as stewards and caretakers of the environment, for example in preserving the Amazonian tropical forests which were now under threat. There should be respect for the indigenous cultures, whose entire way of life depended on stewardship of the environment, since they were working for the future of mankind. However, even with the help of the authorities, tribal peoples could not hope, for instance, to defeat transport and lumber companies or other major commercial interests. In many countries, persons of goodwill had been trying for generations to defend the cause of the indigenous peoples at every level, only to fail in the face of obdurate régimes and bureaucracies. The time had come to determine whether United Nations instruments providing for the rights of the indigenous populations had really been implemented in all the countries with native peoples and religious, social, racial, ethnic and political minorities.

19. Mrs. REUSSE (Centre Europe-Tiers Monde) said that her organization was concerned at the relations between the northern and southern hemispheres. The situation was taking a turn for the worse and was likely to deteriorate further in the years ahead. She was referring to those persons who, in order to survive were compelled, to leave their country for political or economic reasons in search of asylum elsewhere. The phenomenon was no longer confined to isolated individuals, but affected sizeable groups and even, in some cases entire populations. Increasing numbers of people were opting for a European country. Confronted with that further inflow, the European countries were closing their doors one by one. Amendments to legislation and the strict implementation of existing instruments were causing the countries of Europe not simply to repudiate certain traditions, but even to infringe a number of international conventions relating to the protection of human rights, and more particularly the provision relating to the principle of non-refoulment. She gave several examples of people who had either been shunted from country to country in a shameful manner, or turned back to their country of origin, where their lives were in danger.

20. Swiss law and practice were no exception, and were even in the forefront of the general hardening of attitudes noted in European countries. For some years, there had been complaints about numerous infringements of the legislation on asylum on the part of the Federal Department of Justice and Police of Switzerland. Despite those criticisms, the Department had continued its practices. Further, the new Asylum Act which had entered into force in January 1988 no longer guaranteed the implementation of the fundamental legal principles of non-refoulment.
21. First, Switzerland threatened to deport immediately and automatically asylum seekers who had entered its territory unlawfully. However, in international law, the illegal crossing of a frontier was not punishable in the case of persons who were being persecuted and who had cogent reasons for entering a country in that way. How was a person who was in danger in his country to apply for a visa to a Swiss diplomatic mission? The applicant was obviously obliged to leave his country illegally and to continue his journey in an irregular manner. Second, under the new Asylum Act, with certain exceptions, the authority that took the decision did not directly hear the person who was applying for asylum. It was the cantonal authority that conducted the investigation and heard the applicant and it was the federal authority that took the decision without having had contacts with the applicant. Such a simplification in the procedure inevitably led to wrong decisions which might have disastrous consequences for the applicants. Third, the Federal Department of Justice and Police failed to distinguish between refusal of asylum and refoulement by maintaining, in its final decisions, that aliens who were refused asylum because they had not credibly substantiated their claims to refugee status might not invoke on their behalf the principle of non-refoulement. In so doing, Switzerland was violating article 33 of the 1951 Convention, under which an applicant whose request for asylum was rejected had the right to invoke the principle of non-refoulement and to seek a country of refuge. That violation was particularly serious because it was not uncommon in Switzerland to find applicants for asylum who had waited five, six or even seven years for a reply to their application and who, as a result, no longer had valid identity documents. She mentioned the case of a Yugoslav from Kossovo who, after several years in Switzerland, had been expelled to his country of origin, even before the deadline set for his departure. The person in question had since been sentenced for political reasons to six and a half years' imprisonment in Yugoslavia. Fourth, under the Asylum Act, the new clause providing for detention pending refoulement was a serious infringement of the legal principles that guaranteed individual freedom. When there was good reason to believe that an applicant might wish to evade refoulement, that clause allowed the asylum seeker to be imprisoned until the time of his refoulement. She cited the example of a Zairian asylum seeker imprisoned for nearly 14 months without any legal justification and without having been the subject of a judicial decision. Only the pressure and representations of friends and neighbours had saved him from being returned to Zaire and enabled a third country to be found.

22. Centre Europe-Tiers Monde was also indignant at the apparent collusion between the Swiss Government and certain countries with a dictatorial régime from which most of the applicants arriving in Switzerland were fleeing. In order to protect Swiss economic and political interests in those countries and to accommodate certain important clients of Swiss banks, the Swiss authorities did not hesitate to return asylum seekers directly to the police of the Governments concerned. She gave the example of a Zairian who had been expelled with his family after spending 17 years in Switzerland. The conditions of his expulsion to Zaire had been sharply criticized, particularly by UNHCR. That case also underscored two major concerns of Centre Europe-Tiers Monde, namely, the violation of the principle of non-refoulement and the expulsion of asylum seekers who had spent many years in Switzerland.
23. The statistics confirmed all that she had said. The number of cases brought against Switzerland in the European Commission of Human Rights had virtually doubled during the previous two years. It was the highest growth rate for any of the countries members of the Council of Europe. The European Commission of Human Rights stated that most of the applications had been submitted by refugees awaiting expulsion.

24. In conclusion, the Centre Europe-Tiers Monde declared its solidarity with the organizations that defended the right of asylum, and looked to the Swiss Government to assume its responsibilities vis-à-vis asylum seekers who were victims of the dilatoriness of the Federal authorities - whose expulsion should be suspended forthwith and who should be awarded permits on humanitarian grounds - to stop violating the principle of non-refoulement set forth in the 1951 Convention, ratified by Switzerland, and not to use the status of asylum seeker as a pretext to deny a human being his liberty and to order his imprisonment.

25. Mr. KHOURI (Union of Arab Jurists) said that his organization, which was deeply committed to respect for international principles, and in particular the principles proclaimed in the Charter of the United Nations, consistently defended human rights and fundamental freedoms in the Arab world and condemned any violations of them. It constantly urged the Governments of the Arab countries to respect fundamental rights, particularly the right to freedom of opinion and expression and the rights of women. It had called for an end to the state of emergency in those countries which had proclaimed it, for the application of all the rules that guaranteed a properly conducted trial, and for the repeal of any law incompatible with international standards. The unavoidable conclusion was that fundamental freedoms and human rights were systematically violated in the Arab world. Some States did not even guarantee a modicum of civil and political rights and did little to ensure economic, social and cultural rights. Many Governments had proclaimed a state of emergency without valid reason.

26. A symposium held in Baghdad in May 1977 had established a standing committee for the defence of human rights and fundamental freedoms in the Arab world. It had adopted a draft agreement on human rights and a set of principles applicable to the treatment of detainees. The second General Conference of Arab Jurists, held in 1985, had adopted a draft charter for the use of jurists.

27. After stressing the indissoluble link between, on the one hand, the struggle of the Palestinian people to end the aggression against it and to liberate the occupied territories and, on the other, the campaign to secure respect for human rights and fundamental freedoms, he expressed indignation at the fact that the occupying authorities persisted in their attitude, in defiance of the decisions taken by international bodies. Israel had even gone so far in its violations of the human rights of the Palestinian people, as to debar the media from access to the occupied territories, but it was mistaken if it believed that it could conceal what was happening there.

28. His organization had consistently supported national liberation movements, condemned all forms of racism and racial discrimination, and expressed its solidarity with the African peoples combating the racist
régimes. Accordingly, it reiterated its support for the Namibian and South African peoples in their struggle against colonial domination and apartheid.

29. Turning to the report by the Secretary-General (E/CN.4/Sub.2/1987/11 and Add.1) entitled "International peace and security as an essential condition for the enjoyment of human rights, above all the right to life", he said that militarization continued to threaten human rights and the right to live in peace in the world. The Middle East had fallen prey to many armed conflicts which all had harmful repercussions. Thus, the continuing war between Iran and Iraq was a real threat to international peace and security. His organization had participated in the preparatory work for the conference of non-governmental organizations, convened in 1986 with a view to ending the conflict, and it was taking part in the work of the follow-up committee. United Nations Security Council resolution 598 (1987) reflected the international community's desire to bring the conflict between Iran and Iraq to an end. The great Powers and the United Nations should face up to their responsibilities and impose sanctions on any party refusing to cease hostilities. The occupied Arab territories would never know peace until their inhabitants were guaranteed the right to self-determination. Once those conflicts had been settled, the Arab world could then turn its attention to development and improving the standard of life.

30. Mr. Mezzalama (Italy), Vice-Chairman, took the Chair.

31. Mrs. PARKER (Disabled People's International) said that her organization had repeatedly stressed that war and violations of humanitarian norms were a major cause of disability in the world today. Both the Commission, in resolution 1984/31, and the Sub-Commission, in resolution 1982/1 and subsequent resolutions, had recognized the gravity of violations of human rights and humanitarian law and their impact on disability. Accordingly, a Special Rapporteur, Mr. Despouy, had been instructed to make a thorough study of the question. Although he was expected to submit a progress report to the Sub-Commission at its 1988 session, several situations required immediate attention. Her organization must remind all Governments that common article 1 of the Geneva Conventions required signatory parties to ensure that those Conventions were respected, even if they were not parties to the conflict. First of all, it wished to express its outrage at the attacks by the members of the Israeli Army on unarmed civilian detainees. It did not know whether the Palestinian youths whose beating had been viewed throughout the world would suffer permanent disabilities as a result of their ill-treatment, but many others who had received such treatment would do so. It hoped that the perpetrators of those incidents would be brought to justice in conformity with article 146 of the Fourth Geneva Convention.

32. In resolution 1987/61, on the situation in Sri Lanka, the Commission had requested the parties to the conflict to comply with humanitarian norms and to allow the International Committee of the Red Cross (ICRC) to discharge its functions of assistance to the victims of the armed conflict. Unfortunately, Sri Lankan civilians continued to be the victims of many violations of humanitarian law, and ICRC had not yet been granted access to the victims. In any situation of armed conflict, armed attacks on hospitals in violation of article 18 of the Fourth Geneva Convention were of particular concern. A
number of Sri Lankan hospitals had been shelled by the Indian Peace Keeping Force in October 1987. When her organization had expressed its concern at the attack on the Government hospital in Jaffna, representatives of the Government of India had taken cover behind the claim that members of the opposition forces had sought shelter in the hospital. Such an argument was incompatible with article 19 of the Fourth Geneva Convention, as the Inter-American Commission on Human Rights had confirmed. The Indian Peace Keeping Force had also violated article 16 of the Fourth Geneva Convention as it had not merely caused injuries but had abandoned the victims to their fate. Her organization had been informed of those events by reliable sources, namely, the highest church officials in the region, representatives of European organizations on the scene, the families of victims, Tamils and Sinhalas, and the foreign press. It requested all members of the Commission and observers to make an appeal for a ceasefire and a peaceful settlement of the dispute between the parties to the conflict in Sri Lanka and to provide humanitarian assistance for the victims.

33. Her organization was also concerned at the situation of nearly 70 war disabled persons in El Salvador who needed to be evacuated for medical treatment abroad. She quoted article 7 of Additional Protocol II to the Geneva Conventions, ratified by El Salvador, and she referred to other provisions relevant to that situation. On 26 January 1987, the Salvadorean Government and the opposition forces had signed an agreement, in conformity with common article 3 of the Geneva Conventions, for medical evacuation of war disabled; in conformity with that article, such an operation should not be subjected to negotiation or exchanges. However, even without an agreement, the parties to the conflict were bound by the provisions of the Geneva Conventions concerning evacuation. Thus, both the Geneva Conventions and the agreement were being violated by the Salvadorean Government's refusal, since October 1987, to allow the evacuations. That violation was compounded by the assault of 11 January 1988 on the Calle Real refugee camp, where some of the disabled awaiting evacuation had been further injured. Her organization urged the Commission to consult the resolution adopted by the Mexican Parliament on the agreement and the attack on the refugee camp, and it requested all countries to take their share of those and other disabled refugees and evacuees, without discrimination.

34. The armed conflict in Guatemala was continuing and had even intensified since the peace accord inspired by President Arias. The rights of the victims of the armed conflict, especially civilian disabled, were not respected. Thus, the armed attacks against the civilian population in the El Quiché region between 22 September and mid-October 1987 had resulted in many persons being killed and injured. Unfortunately, the meeting of the Government with opposition groups had not been repeated. The Commission should urge both parties to engage in discussions leading to a cessation of hostilities. The Guatemalan Government had nevertheless allowed ICRC to discharge its functions vis-à-vis the victims of the armed conflict and others in need of its services in Guatemala. The Commission should strive to safeguard the usual activities of ICRC, especially the provision of medical care to the wounded.

35. Her organization was disquieted by the tendentious legal reasoning rife in the Commission. Some speakers implied that compliance with human rights was shown by ratifying agreements or statements by Governments asserting their intention of complying with those agreements. But Governments only complied
with human rights if they respected them in practice. Another unacceptable legal argument being presented was that Governments were not responsible for the actions of their agents operating "beyond their control". By law, however, Governments were responsible for each and every one of their agents. Consequently, Governments violated human rights and humanitarian law as long as any one of their agents violated them. A third and equally false argument was that one country's compliance with its commitments was linked to compliance with their obligations by other countries or by opposition forces. The use of such sophistry to attempt to divert attention from the grave and systematic violations of the Geneva Conventions in the context of the armed conflicts in Central America must be rejected. Similarly, any attempt to weaken the investigatory procedures now in place for Guatemala and El Salvador must also be rejected, as being incompatible with the known facts concerning conflicts in those countries.

36. In conclusion, her organization drew the Commission's attention to its Peace Statement which declared that disabled people all over the world were aware, as a result of their own personal experience, how war brought about death and destruction. Any discussion on the impact of humanitarian law violations on disability must end with a call for peace and international commitment to use resources not to cripple people but, rather, to create new possibilities for life.

37. Mr. EYA-NCHAMA (International Movement for Fraternal Union among Races and Peoples - UFER) first of all drew attention to an article entitled "J'accuse", in which the historian Baba Kaké, writing in the monthly review Africa-International in June 1987, had denounced the new régime established in Guinea since 3 April 1984 for illegally executing the perpetrators of an attempted coup d'état which had taken place on 4 July 1985. Everyone was aware that the Sekou Touré régime (1958-1984) had violated human rights and fundamental freedoms as a matter of course. The majority of the victims of those violations had belonged to the Peoul ethnic group. The new régime was continuing to violate human rights, but the victims were members of the Malinke ethnic group. The 17 persons sentenced to death and subsequently executed and the 12 others sentenced to death in absentia had belonged to that group. UFER protested against all extrajudicial executions, regardless of whether or not the victims were guilty. It was opposed to capital punishment, particularly when it was expeditious. It failed to understand how the Conakry authorities could reinstate methods for which the previous régime had been universally denounced.

38. On 15 October 1987, Thomas Sankara had been assassinated in Burkina Faso. His murder had been a severe blow not only for the people of Burkina Faso but for all Africans, because Sankara had been a head of State who had genuinely worked for the development of his country. Thanks to him, Burkina Faso had been on the way to achieving self-sufficiency in food despite being situated in the semi-desert zone. Following the coup d'état, which had caused at least a hundred deaths, a wave of arrests had overtaken Sankara's former colleagues. Over 40 prominent persons were said to be in detention, including former ministers and diplomats, without any charge being brought against them. UFER requested the Commission to do its utmost to ensure that the detainees were released immediately.
39. In resolution 38/14, the General Assembly had proclaimed a Second Decade to Combat Racism and Racial Discrimination. It had adopted a Programme of Action in which States were requested to establish national institutions for the promotion and protection of human rights. Those institutions should study the progress achieved at the legal level and consider legislation and policies with a view to the elimination of all discriminatory laws, prejudices and practices. Regrettably, many Member States had still taken no action to develop institutions with a view to carrying out the Programme of Action.

40. In the Sudan, ethnic conflicts had triggered off a civil war shortly before the country had achieved independence. The conflict, which had lasted over 15 years, had ended on 28 February 1972 with the Treaty of Addis Ababa, which had stipulated that the provinces of Bahr al-Ghazal, Equatoria and the Upper Nile would form a single region enjoying political and administrative autonomy. Further, the region would maintain its customs, traditions and religious beliefs. The failure of successive Governments in the Sudan to respect the Addis Ababa Treaty had led to the resumption of the civil war.

41. At the end of April 1987, over 1,000 people had been massacred by the Sudanese national army. On 5 May 1987, the guerrillas had shot down an aircraft in an incident which had left at least 13 dead. On 10 and 11 August 1987, more than 600 civilians, all belonging to the Denkas ethnic group, had been massacred. His organization called upon the Sudanese authorities to implement in their country the Programme of Action to Combat Racism and Racial Discrimination adopted by the General Assembly, with a view to abrogating the laws which allowed the civil war to continue.

42. The Sudan was not simply enduring a civil war, but in addition was experiencing the phenomenon of slavery, which was tolerated by the Government because slave traders were combating the APLS rebels. The Chairman of the Pontifical Missionary Society, Monsignor Kaut, had stated that there were hundreds of slaves in the south among the black population, mainly among children aged from 8 to 15 whose parents were dead or who were fighting with the guerrillas of Colonel John Garang. It was reported that little boys were sold for 600 Sudanese pounds and little girls for 400 Sudanese pounds.

43. The Slavery Convention had been signed under the auspices of the League of Nations in Geneva on 25 September 1926. The international community should mount an information campaign to induce States Members of the United Nations which had still been colonies or protectorates in 1926 to accede to or ratify the Convention. UFER urged the Sudanese Government in particular to ratify it.

44. The observer for Mauritania had explained that his Government had abolished slavery on 5 July 1980. That was a welcome move, but it should be pointed out that abolition had come about 20 years after Mauritania's accession to independence. How could an African country which had suffered from colonialism keep part of its population under the yoke of such a repulsive system? The observer for Mauritania had said that in 1984 his country had launched a drive to promote and protect human rights and fundamental freedoms, but he had failed to describe the events that had occurred on 6 December 1987. On that day, three black officers had been shot at Nouakchott. They had been tried a few days earlier by the Special State Security Court with 48 other persons, all black, on charges of conspiring against the security of the State. In addition to the three death sentences, the court had sentenced 18 of the
accused persons to hard labour for life and had handed down 28 other less severe sentences, as well as acquittals in seven other cases. According to the prosecution, all the persons sentenced had been directly implicated in the abortive coup d'état scheduled for 23 October 1984, whose purpose had been to eliminate the Head of State, Colonel Ahmed Taya. The striking feature of the case was that all the conspirators had been black. UFER requested the observer for Mauritania to explain why. What had happened in Mauritania since slavery had been abolished? Could it be that the former slaves were in the process of belatedly rising up? What was behind the so-called plot of 23 October 1987? An article entitled "L'apartheid mauritanien" in the November 1987 issue of Africa International could not fail to arouse a feeling of shame. That was why UFER, through the Commission, appealed to the Mauritanian authorities genuinely to implement the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

45. A tragic shadow had been cast on 7 January 1988, the twenty-seventh anniversary of the assassination of Patrice Lumumba, by the murder of three persons in Kinshasa. The Zairian Army had intervened to prevent the holding of a meeting organized by the Union pour la démocratie et le progrès social (UDPS). UDPS had been founded at Kinshasa in 1982 by persons whose sole objective was the gradual introduction of democracy in Zaire. The Kinshasa authorities had imprisoned Mr. Tshisekedi Wa Malumba, claiming that he was mad. UFER feared greatly for the life of that democrat.

46. The single-party régime established at Kinshasa was one of the most repugnant in the world. All Zairians were automatically members of the Mouvement populaire de la révolution (MPR); that meant that anyone wishing to form an association outside the Movement was prosecuted, tortured and even killed, and explained the large-scale outflow of thousands of Zairians who had left their country because they found it impossible to enjoy freedoms such as freedom of expression and education or to participate in development. Since Zaire was one of the world's richest countries in natural resources, both in its soil and subsoil, it was shameful that people should be dying of hunger in Zaire. He appealed to the Zairian authorities, through the Commission, to restore political, economic, cultural and social democracy; that was the only way to enable that great country in the heart of Africa to make progress.

47. The situation of political prisoners in Chile was a glaring example of the systematic policy of violation of the most elementary human rights pursued by General Pinochet's régime. The international community should be vigilant and not lose sight of the fate of those persons, who were veritable hostages of the military dictatorship. First of all, they were not recognized as political prisoners and were tried by military courts whose judges were accountable to the Commander-in-Chief of the Army, in other words, General Pinochet. That was a serious violation of the right to a defence, compounded by Chilean legislation, which allowed a prisoner to be sentenced solely on the strength of confessions obtained under torture on the secret premises of the CNI, the Chilean secret police. The Special Rapporteur, Mr. Volio Jiménez, described in his report (E/CN.4/1988/7) the constant threats to which the families of political detainees were exposed and the measures of protracted solitary confinement and other arbitrary acts to which they were subjected. The international community ought also to concern itself with the military régime's decision to carry out the death sentence pronounced against 14 Chilean political prisoners, which was contrary, inter alia, to the American Convention on Human Rights.
48. Mr. DUPUY (Indigenous World Association), speaking about the repression in Haiti, said that after the President-for-life, Jean-Claude Duvalier, had fled on 7 February 1986, Haitians had hoped for a new era, free from political repression and economic exploitation. However, the partisans of Duvalier, in collusion with the United States Embassy, had set in place a military junta, the National Council of Government (CNG), which had ruled for two years, pursuing a policy of "Duvalierism" without Duvalier. The army hierarchy, which had zealously served two Duvalier dictatorships, had neither been purged nor modified. On the contrary, its most infamous members, like Williams Regala, had been promoted or given powerful positions behind the scenes. Known criminals guilty of murder, torture and corruption under the Duvaliers had been sheltered, hidden or amnestied. At the same time, hundreds of Haitians seeking justice and true political change had been killed or had disappeared. Dozens of anti-CNG demonstrators had been shot dead by the army and thousands more had been wounded or beaten. Many others had "disappeared" or had been slain by soldiers or anonymous thugs whom the Government had not even attempted to apprehend.

49. The reign of terror in the countryside had surpassed anything seen hitherto, even under Duvalier. The "Tontons Macoutes" had taken over certain villages whose populations they had terrorized with total impunity. In March 1986, the army had shot 11 peasants who were trying to reclaim their stolen land; in April 1987, other soldiers had killed two peasants and wounded many others in similar circumstances. Three months later, over 300 peasants had been beaten to death by thugs employed by Duvalierist large landowners. Although the leader of the massacre had boasted on television of killing "1,042 Communists", the authorities had closed their eyes and made no arrests.

50. Soldiers and former "Tontons Macoutes" engaged in all kinds of harassment of outspoken critics of the régime or popular leaders, whether peasants, trade union members, clergymen or journalists. The violence had reached its crescendo on 29 November 1987, when armed bands and soldiers of the regular army had drowned in blood the national elections set for that date. In one polling place, 15 voters waiting in line had been killed by machetes and machine guns and other voting lines had been sprayed with gunfire from passing cars. That day there had been at least 34 deaths in Port-au-Prince and many more throughout the country.

51. After that bloodbath, the CNG had organized farcical elections, which had been ridiculed by the whole world. Less than 5 per cent of the electorate had participated in them. There had been many reports of fraud and, according to observers and participating candidates, the results had been blatantly rigged. The "winner" was Leslie P. Manigat, who had formed a cabinet that included many persons linked to the CNG. The post of Minister of Defence had been given to a former member of the junta, General Williams Regala. In response to the storm of anger raised by the appointment, Manigat had admitted making a deal with the army, and praised it for a job well done over the past two years "without a bloodbath, anarchy, chaos, civil war or military intervention". He had referred to the hundreds of Haitians arrested, tortured, missing or murdered during the CNG's reign as "a few minor errors".

52. The United States was reported to have concluded a secret agreement with the new Manigat régime. According to the Puerto Rican newspaper Claridad, the United States Embassy had agreed to back Manigat as the winner of the
elections if he pursued the policy of leaving Duvalier's governmental structures intact, not trying Duvalierists implicated in crimes, including corruption, establishing a special police corps to repress popular and democratic movements, viewed by Manigat as "subversive and Communist", increasing the armed forces from 8,000 to 50,000 men, and ceding to the Pentagon the deep-water harbour of Môle St. Nicolas for the establishment of a new North American base to replace the base in the Panama Canal Zone, which was to be returned to Panama in 1999.

53. The Secretary of State, George Shultz, had already endorsed the new régime. The United States Ambassador had attended Manigat's inauguration and President Reagan had sent a warm congratulatory telegram. The United States had in effect decided to give Manigat the benefit of the doubt. That tolerance was all the more hypocritical in view of the intransigence and pressure inflicted on other Governments in the region, such as those of Panama, Nicaragua or Cuba. Unfortunately, many European countries, which respected the rules of democracy and were independent in their foreign policy, had followed the lead of the United States in giving the successor of the CNG recognition and credibility. Since February 1986, the United States had been pushing for elections in Haiti that would prevent any change in the status quo. It was clear, however, after the tragedy of November 1987 and the farce of 15 January 1988, that no genuine elections were possible as long as the military controlled the country. That situation reflected other situations elsewhere in Latin America. Uruguay, Argentina, Guatemala, Brazil and Honduras, often with far more popular and representative civilian Governments, had not been able to rein in the military or to hold them accountable for their past crimes. The justification for that policy was said to be "social reconciliation", a theme often sounded by Manigat himself.

54. However, Manigat had also launched an offensive against those who advocated a break with the Duvalierist policy. He had warned the clergy that it had no business meddling in politics and that its mission should be purely "spiritual". That warning was aimed at the grass-roots movements headed by outspoken priests like Father Bertrand Aristide. The press had also been warned against being too "critical". Manigat had informed the population that he expected respect for the "republican order". That order had already forced two politicians into exile under his Government. The "death squads" continued to terrorize the towns, new paramilitary groups were murdering innocent people, and the repression continued unabated in the countryside. The Indigenous World Association requested those who had not already condemned the Manigat régime to watch its policy closely, as it could not but follow in the footsteps of its predecessors, the Duvalier régime and the CNG. However, it faced a major obstacle in the form of the popular movement which was growing steadily. Certain organizations, such as the National Popular Assembly, had continued their work of alerting, organizing and mobilizing the masses. They stressed the need for solutions involving genuine participation by the population, and were on the way to forming a new popular front that did not believe in fairy tales.

55. Mr. CASTILLO MONTALVO (World University Service), speaking under agenda item 12 in order to supplement the information furnished to the Commission by the Minister for Foreign Affairs of Guatemala in his statement of 3 March, said that the Minister had asserted that Guatemala had created legal bodies to regulate and monitor respect for norms, as in the case of the Human Rights
Commissioner (Procurador de los Derechos Humanos). However, in the first annual report submitted by the Commissioner a few days earlier to the Congress of the Republic, a document of about 100 pages, he declared, in a section entitled "Situation of human rights during the past year" and comprising a single paragraph, that since he had been in his post for only two and a half months, he had not been able to form an opinion on the subject, because economic constraints had prevented the necessary transfers from being made. The truth was that the Guatemalan State did not yet have a Human Rights Commissioner who was in a position to act, and act effectively, when the Cerezo Government was already half way through its term of office and there was a daily average of four extrajudicial executions and detentions or disappearances.

56. The Minister for Foreign Affairs of Guatemala had also stated that in 1987 the number of repatriants had been three times as great as in 1986, and 80 per cent of the 1987 figure had already been reached in 1988. If one referred to the actual figures, as communicated by UNHCR in February 1988, one saw that there had indeed been some 200 Guatemalan repatriants in 1986 and 823 in 1987, an increase of 300 per cent. However, during the first two years of the Christian Democratic Government's term of office, only 1,023 refugees had been repatriated, or, in relation to the number of Guatemalan refugees living in Mexico, the United States, Honduras and Belize, and estimated at 150,000 in all, only 0.6 per cent of the Guatemalans who were still not entitled to live in their country.

57. In 1987, President Cerezo himself had stated on three different occasions that the political exiles should not return to Guatemala because his Government could not guarantee their safety. Two weeks previously, his Ambassador to the United Nations Office at Geneva had invited all those who considered themselves as exiles to return to their country. On behalf of the members of the unitary representation of the Guatemalan opposition, he wished to inform President Cerezo publicly that he would return to his country with another exile provided that: first, the Government guaranteed them total freedom of action; second, the Government guaranteed them freedom of movement throughout the territory, including the so-called "zones of conflict", including the region of Ixcán; and, third, the Government agreed that exiles should be accompanied by members of the National Reconciliation Commission, established under the Esquipulas II agreements, members of the International Committee of the Red Cross, internationally known persons and groups of acknowledged authority, and Guatemalan and foreign journalists. He requested the Commission to guarantee the proper implementation of that decision, and also asked the Commission's Expert, Mr. Gross Espiell, to reflect the outcome in his report to the forty-fifth session.

58. Mr. Motta (World University Service), speaking under the same agenda item and on behalf of the same organization, referred to the situation in Colombia, where there had been 98 extrajudicial executions since the beginning of the year. At the very moment when the Colombian delegation had been telling the Commission what its Government was doing in the area of human rights, 36 Colombian trade-unionists in the banana-growing region of Urabá had been executed by firing squad without trial in front of their wives and children. Nor was that an isolated occurrence. Two weeks before, 13 peasants and an 11-year-old child had also been executed without trial for participating in a
collection organized by the Unión Patriótica party for the orphans of the "dirty war". There was a systematic campaign of extermination designed to stifle any democratic opposition in Colombia.

59. The Unión Patriótica, the third largest electoral political force in the country, a legally recognized party, had already been the subject of more than 1,000 attacks by the "death squads" and had lost 600 of its activists in less than three years of existence. Among those victims were four parliamentarians, 32 municipal councillors, two regional deputies, two mayors and the President of the Party and candidate for the Presidency of the Republic, ex-Magistrate Jaime Pardo Leal. In 1988, 58 of its activists had been executed without trial. Many political leaders of the Frente Popular, of "A luchar" had also been murdered, as well as liberals and progressive members of conservative parties.

60. In 1987 about 100 summary executions of trade-unionists had been recorded. Teachers, university professors and students had been killed. On 24 August, the President of the Antioquia Teachers' Association had been assassinated, and at his wake, two other teachers had been riddled with bullets; his successor had also been murdered. On 28 January 1988, the President of the Standing Committee on Human Rights of Cúcuta had been executed without trial. The violence increased from day to day, but those responsible for the crimes enjoyed complete impunity.

61. Under a decision taken in 1969, the Commander-General of the army had institutionalized the paramilitary vigilante groups called the "self-defence juntas". Those groups, which operated outside the law, were comprised of civilians chosen by the army and placed directly under its control. On 30 September 1987, during a parliamentary session, the minister concerned had revealed the existence of 138 paramilitary groups and their zones of operation. In January 1988, the Government had empowered the members of the military forces, the national police and the security forces, who did not belong to the judicial police, to gather evidence and carry out body searches and arrests without a warrant from the competent authority. It had also limited the right to information and freedom of the press and had rendered the remedy of habeas corpus ineffective. The enforced disappearances and summary executions would plunge Colombia into a veritable state of terrorism unless the Government seriously tackled human rights problems. The Commission must express its concern at that situation; it was a matter of life or death for the Colombians.

62. Mrs. ORMEÑO (Women's International League for Peace and Freedom) referred to the report submitted by Mr. Volio Jiménez, Special Rapporteur, on the human rights situation in Chile (E/CN.4/1988/7), which showed that human rights violations, including torture, were far from having disappeared in Chile, but that on the contrary the situation had worsened for the Chileans in various respects. The report limited itself to presenting the facts as such, without analysing the complex situation prevailing in Chile. The Special Rapporteur had overestimated the importance of the announced plebiscite, which he considered to be a substantial step forward, and had stated that Chile was advancing towards a democracy. But that statement was at variance with the frequent human rights violations, which took up 25 pages of the report, with no comment being made, except at times to cast doubt. For example, concerning ill-treatment the report stated: "These procedures seem to have some basis in fact" (para. 97).
63. That form of presentation, with human rights violations being mentioned on one side and the preparations for the plebiscite, considered to represent progress in human rights, on the other, placed the victims of the violations in question in an awkward situation. Not to complain of those violations now meant endorsing a pseudo-process of democratization in which respect for democratic freedoms and human rights was in no way guaranteed. Proof was provided by her own case, which she would describe to the members of the Commission to enable them to form an idea of how human rights were violated in Chile.

64. She, Mrs. Victoria del Tránsito Ormeño, was a 29-year-old Chilean, widowed with a 5-year-old child since her husband had been murdered by agents of the secret police, the CNI, at Santiago, Chile, during the night of 15/16 June 1987. She and her husband had requested political asylum in the German Democratic Republic in 1977. They had set up a home in that country, had had a child, and after living in exile for nine years, had felt the desire and need to return to Chile in 1986. Unfortunately, their long-awaited return had become an extremely difficult and dangerous ordeal, for refugees who returned to Chile were particularly vulnerable and exposed to the arbitrariness of the régime. During the night of 15/16 June 1987, after being wounded by gunfire from men in civilian clothing wearing what seemed to be badges of the Policía de Investigaciones in a private dwelling in the township of San Miguel and then left to his fate, Mrs. Ormeño's husband had been finished off by a second group of persons in civilian clothing. His body had been left next to a tree, in the street in front of the house in question, and had remained there all night. That Chilean, who had been a member of the Manuel Rodríguez Front, had died because the Chilean régime had so decided in the framework of an extermination operation called "Operación Albania" carried out on 15 and 16 June 1987. That type of political execution, used as a means of repression, had become common since the military coup d'état and had been practised for 15 years. Speaking on behalf of the victims of human rights violations in Chile, she wished to show that the Pinochet régime did not intend to respect rules guaranteeing the supreme authority of the law. Quite the contrary, it sought to hide the repression and the true situation that the dictatorship had created by institutionalizing the military régime. She called for an inquiry into her husband's assassination and the prosecution of the security service agents who had participated in it.

65. Mr. MARGOTTA (Andean Commission of Jurists) said he thought it necessary to recall the institutional legal background to the question of human rights in Chile. There was no democratic system in that country since there were no parliament or free elections. The authorities did not incur political or criminal responsibility for their acts, and freedom of opinion and information was severely limited, as was the right to participate in politics, which was recognized in the international instruments. In 1987 four secret laws had been adopted.

66. In his report to the General Assembly, Mr. Volio Jiménez mentioned two important rules which were publicly flouted. The new political laws introduced in Chile were contrary to the fundamental rights of the Chilean people. Thus, the Political Parties Organization Act infringed the right to freedom of association and was ideologically discriminatory in that it imposed a general restriction on party political activity. As for the Act regulating
the implementation of article 8 of the Constitution, it tended to strengthen the ideological exclusion of the main opposition groups. That Act had been severely condemned inter alia, by the Standing Committee of Chilean Bishops and by the Chilean Bar.

67. Three "states of emergency" had existed simultaneously in 1987: the state of siege declared in September 1986 and enforced until January 1987; the state of emergency, extended on 9 March, 6 June, 4 September and 8 December; and the state of danger of disturbance of law and order in force throughout the year. Emergency measures, which could be introduced in Chile with no political control whatsoever, were instruments of repression designed to defend not a democratic régime, but the principle of what was called "national security", the foundation of the authoritarian régime. The states of emergency granted the executive the most extensive powers that had been exercised in the history of Chile, and there was no political control or respect for the principle of proportionality, while the judiciary was allowed only a marginal role.

68. The fundamental rights of the Chilean people had been violated under the permanent military régime by the decree-law on amnesty of 1978, by the 1980 Constitution itself and by the Act governing states of emergency. Among the laws adopted in 1987 that had had a negative effect on respect for human rights, mention should be made of Act No. 18,063 on political parties, and the Act governing the implementation of article 8 of the Constitution, to which he had already referred, as well as Act No. 18,667, amending the Code of Military Justice and the Code of Criminal Procedure with regard to military secrets, in contravention of the most rudimentary legal principles. Owing to the latter Act, which restricted the powers of the judiciary, in the case of the three persons found with their throats cut in March 1985 (see E/CN.4/1988/7, para. 45) Inspecting Magistrate Canova had not been able to establish the identity of the crew members of the Carabineros helicopter which had flown over the place of the kidnapping, or to obtain other information concerning the DICOMCAR (Directorate of Communications of the Carabineros) which was essential for establishing criminal responsibility in that case.

69. The Chilean Government had signed the International Covenant on Civil and Political Rights, subsequently ratified by the National Congress. In 1972, under the last constitutional régime that Chile had known, it had deposited its instrument of ratification with the United Nations. But in 1974, the military junta had declared that in order to be valid the treaties had to be published. According to the Minister for Foreign Affairs, the Covenant had not been published because it was being carefully "studied". As a result, the Covenant had no force within the country and individuals could not avail themselves of the rights recognized therein. The situation was therefore a strange one in that the Government recognized the validity of the Covenant with respect to the outside world and submitted reports to the Human Rights Committee while at the same time denying the beneficiaries of the Covenant the rights which it granted them. The Chilean Supreme Court had approved the régime's decision. In addition, the Pinochet Government had not ratified the Inter-American Convention on Human Rights. Thus, for the military Government as for the Supreme Court, the rights set forth for individuals in international instruments came under the "special powers" of the Executive, and recognition of them therefore depended on the Executive's discretionary power.
70. In conclusion, the human rights situation in Chile, from the legal and institutional point of view, had worsened in 1987 through the continuation of the states of emergency, and especially through the implementation of new provisions contravening the fundamental rights of individuals. Specific cases of human rights violations during the same period had been made possible by the maintenance and refinement of that authoritarian system. The Andean Commission of Jurists urged the international community, and the Commission on Human Rights in particular, to take the necessary measures to help re-establish democracy and respect for human rights in Chile.

71. Mr. ROSSI (International Association for the Defence of Religious Liberty) said it was an inescapable fact that large-scale intolerance and discrimination based on religion continued to be rampant in some countries, without any appropriate measures being adopted or even considered by the competent authorities.

72. For more than 20 years, Albania had been experiencing a complete denial of the right to religious liberty, the exercise of which had been formally prohibited more than 10 years before by article 55 of the Constitution, placing fascist and religious organizations and activities on the same footing, which was above all an insult to the millions of victims of fascism. That article, which prohibited all religious organizations, activities and propaganda, was also an affront to the dignity of all persons sincerely professing a religious faith. His organization was not opposed to the régime apparently supported by the Albanian people, but it could not remain silent when freedom of conscience and religion in Albania were prohibited in theory and in practice. In a speech delivered at Tirana on 28 January 1987, the President of Albania had declared that, although Albania had formerly been the country of illiteracy, chronic illness and mass poverty, since the Party had come to power, the old ways had disappeared and the new socialist life was flourishing everywhere. The President had added that all members of the population possessed education and culture and that a new intelligentsia was contributing to the development of the economy and to cultural progress, achievements that were highly appreciated by a large number of Albania's foreign friends abroad who were capable of objectivity.

73. However, although the social advances of the new Albania were appreciated, the denial of freedom of religion did not give that country a reputation which was respected and honoured throughout the world. The President of Albania had also stated in his speech that the positive results achieved derived from the "Party's correct Marxist-Leninist line" but Marx and Engels had never advocated the forcible elimination of religion, and Lenin had considered that the State should not become involved in religion and that every person should be free to profess any faith or to be an atheist. The first Constitution of the Soviet Union had granted all citizens freedom to engage in anti-religious propaganda, but also freedom to engage in religious propaganda. Given that the Albanian Communist Party prided itself on following the correct Marxist-Leninist line, it should not prohibit freedom of religion by law, but on the contrary should respect it, especially since as a State Member of the United Nations, it had committed itself to respecting all human rights, including religious freedom.
74. The right to religious freedom was also openly violated in Saudi Arabia, where only Islam had the right to existence and where 250,000 Christian immigrant workers had no church available to them. Yet Islam, as it was presented in the Koran, was a religion that taught tolerance, liberty and respect for human dignity. The Koran was opposed to any form of constraint in the area of religion, and Muslim authors stated that the prophet Muhammed himself had set the example of respect for other religions during the drafting of the Constitution of the city-state of Medina, which recognized the right of Jews, Christians and other believers to practise their religion. Saudi Arabia, too, should therefore recognize the right of Christian immigrant workers and other non-Muslim believers to have places of worship and to profess and manifest their religion.

75. Those considerations were also valid, at least in part, for two other Islamic States, Iran and Pakistan. The Commission was well aware of the facts attesting to the concrete existence of forms of intolerance and discrimination against the Baha'is in Iran and the Ahmadis in Pakistan.

76. Those situations showed the need to combat atheistic and religious fanaticism and to educate the masses to be tolerant. The authorities of the countries concerned had a very specific responsibility in that educational effort and the Commission could help them to adopt the necessary measures. The case of Burundi had shown that pressure by the international community could make a real contribution towards positive results. In 1985 and 1986 the International Association for the Defence of Religious Liberty had described the violations of the right to religious freedom in the country at that time, statements that had been strongly contested by the Burundi delegation. However on 19 February 1988, the head of the Burundi delegation had described before the Commission a radical change in his country in the area of religious freedom following the installation of a new Government of the Third Republic and had confirmed that the Second Republic had in fact been characterized by religious intolerance. The new Government of Burundi should be warmly congratulated for those positive measures, and it was to be hoped that the other countries where problems of religious intolerance existed would follow its example without the need to use measures as extreme as in Burundi.

77. Mr. PARADA (International Union of Students) recalled that the human rights situation in Chile had been under review since 1974 by the Commission and by the General Assembly and that the Economic and Social Council and the Sub-Commission were also dealing with that problem. Information communicated in particular by the National Council of Student Federations of Chile (CONFECH) and by non-governmental organizations such as Amnesty International and the International Union of Students itself, a representative of which had made a three-week visit to Chile, indicated that the human rights situation in that country had worsened in 1987. The Chilean military Government continued to use every means to eliminate its opponents. Particular mention should be made of the tragic fate of five young Chileans who had been abducted between 7 and 10 September 1987 by agents of the Central Nacional de Informaciones (CNI) and whose fate was unknown. José Julian Peña Maltes had been kidnapped in Santiago on 8 September 1987 and nothing had been heard of him since. Manuel Sepúlveda Sánchez, 28 years old, had been abducted in Santiago on 9 September after going out to meet a friend. Alejandro Pinochet Arenas, 23 years of age, had been abducted in a Santiago street on 10 September 1987 by three armed men in civilian clothing, who had overpowered him and bundled
him into a van. Gonzalez Iván Fuenzalida Navarrete, 26 years of age, the brother of a political detainee, had been arrested in 1982 during a demonstration. On 3 September 1987, he had been arrested by members of the security forces at the home of his fiancée, who had also been arrested subsequently, on 4 October. The fiancée was still in prison.

Mr. Volio Jiménez's report to the Commission (E/CN.4/1988/7) indicated that applications for amparo had been submitted to the Santiago Court of Appeal on 21 September on behalf of those four young persons under reference No. 1082-87. The fifth person, Mr. Julio Muñoz Otarola, who had served a sentence of restricted residence in 1984, had also disappeared in September.

78. At the same time, there was an increase in the activities of clandestine groups linked to the official security services. Teachers, intellectuals, journalists, priests and political activists had recently received death threats. In early November, a group of 78 actors had received a message from a commando ordering them to leave the country on pain of assassination. Another threatening message dated 30 November, also contained the names of the five young people whose case he had just mentioned.

79. The Special Rapporteur's report also described cases of torture. Particular mention should be made of the case of a student of the Catholic University of Chile, Karin Eitel, who had been arrested on 2 November 1987 and tortured by the security services.

80. The Commission had been told of a so-called normalization of university life. However, contrary to the statements by the Chilean delegation, Chilean universities were still being deprived of their autonomy and the system of rectors appointed by the Pinochet Government remained in force. That situation had led the entire staff and student body of the University of Chile to begin a three-month strike at the end of 1987 to reject the appointment of a rector imposed by the dictatorship. In addition, the military Government did not recognize CONFECH and persecuted its leaders.

81. The Pinochet military régime was now pretending to respect human rights, and in order to remain in power, it was planning to organize a so-called plebiscite. However, considering the situation in Chile, it was impossible to undertake a genuine consultation of the people in that country. The Special Rapporteur of the Commission himself pointed out that political and civil rights must be faithfully respected before, during and after the plebiscite in order to guarantee public safety and the free participation of voters in the discussion of all matters concerning the nation's future (op cit., para. 127). Such an electoral process was not possible in a country which had been under repression for 15 years, where articles 8 and 9 of the Constitution restricted the exercise of human rights and fundamental freedoms, where the former Minister for Foreign Affairs was deprived of his civil rights for combating injustice, and where the torture, abduction and assassination of opponents of the régime were systematically practised. In a word, such a process was impossible in a Chile run by Pinochet. The effective re-establishment of rights and freedoms could be achieved only through a constitutional, legal and administrative restoration of the democratic order and its institutions, with the participation of all sectors of social and
political life. The secretariat of the International Union of Students, having considered Mr. Volio Jiménez's report and information from other sources and taking into consideration the resolutions already adopted on that question, urged the Commission to extend the Special Rapporteur's mandate for one year and to decide to consider the question of human rights in Chile at its forty-fifth session as a matter of the highest priority.

82. Mr. Delgado Barreto (Peru), Vice-Chairman, took the Chair.

The summary record of the second part of the meeting appears as document E/CN.4/1988/SR.54/Add.1.