COMMISSION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 41ST MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 1 March 1988, at 10 a.m.

Chairman: Mr. SENE (Senegal)

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(a) Question of human rights in Cyprus

* The summary record of the second part (closed) of the meeting appears as document E/CN.4/1988/SR.41/Add.1

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The meeting was called to order at 10.15 a.m.


1. Mr. TANIGUCHI (Japan) said that, in scientific and technological developments, due regard must be given to the relevance of international human-rights standards as set forth in the Universal Declaration of Human Rights. The developments should never be used to suppress human rights but only to promote and protect them.

2. The question of the impact of such developments on human rights had been raised for the first time during the International Conference on Human Rights held at Teheran in 1968. Pursuant to a recommendation made at that Conference, the United Nations had carried out a series of useful studies which had helped to alert the international community to the complex nature of scientific and technological developments and the areas in which they might violate human rights.

3. Because of the advances made during the last few decades, it was time to reappraise those studies and bring them up to date where necessary. Since the Commission's fortieth session, the Japanese and Yugoslav delegations had been calling for greater attention to the positive role of science and technology as a factor in the promotion of human rights.

4. The preliminary report submitted by the United Nations University (E/CN.4/1988/48), pursuant to Commission resolution 1986/9, represented a welcome study on the positive and negative impacts of scientific and technological developments on human rights and fundamental freedoms. The Steering Committee established by the University had suggested several interesting aspects, including information and educational and environmental problems, which it should examine further.

5. The subject needed, however, to be studied in greater detail, and it was to be hoped that the United Nations University would continue the studies and communicate its findings to the Commission at its forty-sixth session. To that end, the Japanese and Yugoslav delegations would jointly submit a draft resolution, which they hoped would be adopted by consensus.

6. Mrs. DJORDJEVIC (Yugoslavia) said that, since the introduction of the current topic into United Nations deliberations, the General Assembly, Commission and Sub-Commission had conducted many studies and submitted some valuable reports. The dynamic nature of developments constantly required new and updated studies; but the complexity of topics meant that advances could be measured only step by step.

7. The preliminary report of the United Nations University (E/CN.4/1988/48) should be viewed in that light. Her delegation welcomed the University's co-operation with the Commission and agreed with the general approach advocated in the course of the preliminary discussion of the group of eminent experts concerning the development of a conceptual framework to deal with positive and negative impacts alike, the identification of major issues for
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Further study and perhaps, at a final stage, an invitation to the Commission to address guidelines or policy recommendations to entities such as Governments, scientists, engineers and lawyers. Her delegation also endorsed the experts' view that they should tackle problems affecting the whole world, with special attention to those related to the developing countries.

8. Useful lines of inquiry additional to those proposed by the experts would be: the study of legislative and other measures to ensure that scientific and technological advances were used to promote the exercise of human rights; the link between such developments and certain human rights, including those already recognized in international instruments and widely accepted and emerging rights such as those to development and to popular participation; and measures to protect individuals and broad sectors of society, including disadvantaged groups, against social and material inequalities stemming from scientific and technological advances.

9. The ultimate aim of the studies, and of those called for by other relevant resolutions, was to secure recognition that human rights were an integral part of scientific and technological activities and policies, and vice versa, and to grasp the complexity of the relationship, with a view to applying science and technology wisely, for the benefit of mankind and the upholding of human rights.

10. Mr. FRAMBACH (German Democratic Republic) said that the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, adopted by the General Assembly in 1975, provided the major guidelines for efforts relating to the subject under discussion, and his delegation would support any moves towards its full implementation. The aim should be to achieve social progress and the welfare of the working masses; man must not be left out in the cold, as was often the case in highly industrialized capitalist countries, where scientific and technological innovation also generated unemployment and social insecurity.

11. Although such innovation could be used for human progress, there was also a potential risk of abuse. An example of the latter was the arms race spurred on by imperialism; as the Chairman of the Council of State of his country had recently said, the arms frenzy must be stopped if mankind was to survive and if détente, collaboration and peace were to be promoted. It was gratifying, therefore, to note that, as at previous sessions, a draft resolution was to be tabled to highlight the connection between steps towards disarmament and the promotion and safeguarding of human rights.

12. It was necessary to establish a new international economic order so as to ensure that the developing countries had access to scientific and technological achievements; the recent session of the United Nations Committee on Science and Technology had provided an impetus in that regard. That view had been endorsed in a document adopted by the Political Consultative Committee of States Parties to the Warsaw Treaty at its session in Berlin, and by proposals made at that session and later at the International Conference on the Relationship between Disarmament and Development. An approach along such lines would be the right one for the Organization to take; whilst not treating other aspects as of secondary importance, it should focus on priority issues.
13. Mr. CASTRIOTO de AZAMBuja (Brazil) said that the very presence of the current item on the Commission's agenda implied that not all the effects of scientific and technological innovation were consistent with basic human rights and freedoms, a fact that had been recognized in the Proclamation of Teheran and in subsequent studies by the Secretary-General, the Sub-Commission and the specialized agencies.

14. Trouble began when the discoveries of science came to be used in everyday life. Psychiatry was a well-known example: when behaviour was evaluated on the basis of scientific criteria - which could all too easily be manipulated - the use of science became an outstanding human-rights issue. His delegation accordingly attached great importance to the Commission's work in such fields, and particularly to the early completion of the draft body of guidelines, principles and guarantees of the rights of persons detained on grounds of mental ill-health or suffering from mental disorder, which was currently under preparation by a working group of the Sub-Commission.

15. The dizzy pace of technological change meant that new problems were constantly arising in the relationship between technology and human rights, and the Commission could provide a useful contribution towards standard-setting in such problem areas. At times there was an urgent need to ensure, whilst evaluating the impact of emerging trends in science and technology, that time-honoured values still made sense. The most striking examples were probably those relating to medical science, biotechnology and genetic engineering, where questions related not simply to improving standards of living but to the very concept of human life. The prospects were virtually unlimited, and the United Nations would be well-advised to keep track of developments and not wait for the wisdom of hindsight.

16. The protection of privacy from the consequences of developments in electronics was essential to freedom and democracy. The Sub-Commission had carried out some useful work in that regard and his delegation was looking forward to reading the final report on the study on the uses of computerized personal files.

17. In noting such concerns, however, the paramount importance of scientific and technological advances in fostering the exercise and observance of human rights should not be overlooked. The importance of such advances for development, and of international technical and scientific co-operation as a means for promoting development, had been recognized by the General Assembly in the Declaration on the Right to Development and the Declaration on Social Progress and Development, as well as in resolution 3384 (XXX).

18. It was no coincidence that the very concept of human rights should have been born in a century which had witnessed an uncommonly large series of major scientific discoveries and the beginning of the first industrial revolution. The right to development embraced human rights as well as the search for objective knowledge.

19. In that context, his delegation was pleased to note, in document E/CN.4/1988/48 the emphasis, laid by the Steering Committee appointed by the United Nations University, on the specific situation of developing countries. The right to freedom of information, referred to in paragraph 9 of that document, could provide a major avenue of research in the Committee's future
work on the subject. Some of the conclusions advanced in the report lacked precision—understandably so given their provisional nature. Thus, the statement in the first sentence of paragraph 15 could, if not qualified, be construed as a rationale for an anti-scientific stance, which presumably was not what the Committee had had in mind.

20. The remedy for possible harm resulting from science and technology was to be found not in ignorance but rather in greater sophistication, and in the improvement of national and international policy-making institutions. The Commission would be able to contribute, in that regard, to the extent that it showed itself forward-looking whilst upholding its ideals of progress and enlightenment.

21. Mr. ORLEY (World Health Organization) referring to the written statement his Organization had submitted (E/CN.4/1988/66), said that WHO had considerable experience with mental health care, having worked on a number of projects designed to enhance the care of the mentally ill and, in particular, on the organization of studies on mental health legislation. As a result of a number of informal consultations with non-governmental organizations, several points had come to the fore relating to the further development of principles, guidelines and guarantees.

22. In the first place, there should be some protection against neglect and abuse of the mentally ill, secondly it was desirable to treat mental illnesses in the same way as other illnesses and, thirdly, there was the problem of encompassing the needs of divergent groups around the world. The report of the Sub-Commission's Special Rapporteur entitled Principles, Guidelines and Guarantees for the Protection of Persons detained on Grounds of Mental Ill-health or Suffering from Mental Disorder (United Nations publication, Sales No. E.85.XIV.9) stated that not all guidelines were appropriate for all Member States at their current level of development. It was to be hoped that a set of ideals attainable by the maximum possible number of Member States could be developed, even if some specificity had to be sacrificed, so that all could meet the cost and administrative requirements. In addition, there was a need, before setting out more detailed guidelines, for prior agreement on a set of principles for protecting the mentally ill. A list of issues to be addressed was given in the WHO written statement (E/CN.4/1988/66).

23. WHO was currently considering all those issues within the framework of its activities and was ready to contribute further to the debates in the Sub-Commission's Working Group or to the Commission itself.

24. Mr. KHERAD (Observer for Afghanistan) said that science and technology were especially important for the developing countries, since they offered them the possibility of overcoming poverty, malnutrition, disease, illiteracy and economic underdevelopment. The Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, together with a series of Commission resolutions, contained guidelines applicable to international scientific and technological activities. The General Assembly had emphasized the importance of applying those guidelines and the consequent need to establish effective co-operation among nations by first strengthening international peace and security.
25. While science and technology offered new opportunities to meet the spiritual and material needs of individuals and peoples, progress in those fields did not automatically lead to economic, social and cultural progress. Despite the legitimate hopes and interests of peoples, scientific and technological progress was not always used to benefit mankind and, in recent years, it had been used instead to build increasing sophisticated weapons of mass destruction.

25. Despite some improvements in international relations, the danger of the destruction of life on earth still existed, necessitating the adoption of measures to prevent science and technology from being used for military purposes. In a world where poverty, privation and unemployment prevailed, and where one out of every three inhabitants was not receiving basic medical care, where one of every five was illiterate and where millions suffered from malnutrition, astronomical sums were being spent for military purposes. If those resources were used for peaceful purposes, all people would benefit, especially those in the developing countries. The misuse of modern knowledge, which could lead to the destruction of all civilization, was incompatible with respect for human rights.

27. The maintenance of peace was mankind's most pressing need. The world deserved better than to live in a climate of conflict and under the constant threat of the use of nuclear weapons. In that context, his delegation welcomed the signing of the Intermediate-range Nuclear Forces (INF) treaty as the first step towards the elimination of nuclear weapons entirely. It was high time that an endeavour were made to improve international relations further and to ensure respect for the most fundamental of human rights, the right to life.

28. Mrs. BALJINNYAM (Observer for Mongolia) said that the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind had proclaimed that all States should promote international co-operation to ensure that the results of scientific and technological developments were used in the interests of strengthening international peace and security and also for the purpose of the economic and social development of peoples. Those goals were far from being achieved. Millions of people throughout the world were hungry or unemployed, and more than 100 million were homeless. Meanwhile, vast sums were being squandered on the arms race.

29. The implementation of the Declaration would help to strengthen international co-operation in promoting human rights. Her delegation had been one of the sponsors of General Assembly resolution 41/115, which stressed the importance of the implementation by all States of the provisions and principles contained in the Declaration. The most important task of international politics was to save mankind from catastrophe.

30. The signing of the INF treaty was of particular significance in that it pointed the way towards further disarmament, and her delegation hoped that it would be quickly ratified. The socialist countries' proposal for a comprehensive system of international peace and security - introduced at the forty-first session of the General Assembly - would, if implemented, serve as a firm basis for a restructuring of relations among States and further co-operation in all fields.
31. Science and technology were playing an increasing role in improving the efficiency of Mongolia's economy and in solving its social problems. Moreover, the Council for Mutual Economic Assistance, of which Mongolia was an active member, had made provisions in its long-term plan for using science and technology to improve productivity in the member countries and strengthen the ties between the irrespective economic and social enterprises.

32. Mr. LEBAKINE (Observer for the Ukrainian Soviet Socialist Republic) said that the major obstacle to the implementation of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind was the military use to which the world's resources were being put. The accident near Chernobyl had shown the world how dangerous atomic energy could be. The arms race was an unforgivable waste of mankind's resources, which were needed to solve the acute economic, sociological and ecological problems of the contemporary world. Military spending and the channelling of workers into military occupations were hampering useful production. Moreover, the arms race was imperilling the prospects of solving the problems of the developing countries.

33. Scientific and technological discoveries should be closely monitored in terms of the social and moral consequences of their use. The assessment of those consequences should be both objective and responsible. The use of radio and television to sow hatred, for example, was not a case of scientific and technological progress, but rather a return to the thinking of the Stone Age. High-level scientific and technological development did not guarantee the just distribution of the fruits of that development. Science and technology should be helping to improve conditions on the planet. The implementation of the goals of the Declaration should be one of the underlying objectives of the Commission.

34. Mr. LITTMAN (World Union for Progressive Judaism), referring to the statement by the Under-Secretary-General for Human Rights on Human Rights Day in 1987 that the fortieth anniversary of the Universal Declaration of Human Rights was a springboard for fresh efforts to generate an awareness of fundamental rights and freedoms for all peoples, said that it was in that spirit of renewed awareness that he would speak.

35. The greatest obstacle to the examination of human rights in the field of scientific and technological development was the belief that States or Governments could resolve all problems. Responses at both the individual and collective levels should be based on universal, spiritual values. Without such values, a technician or a scientist would suffer from anguish and despair. Accordingly, the new Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) had stated in November that the highest priority for future activities should be given to literacy, and then to science and technology.

36. The other vital task which must be tackled urgently was to combat the world-wide epidemic of suicide. In the United States, for example, 500,000 young people attempted suicide every year, and 2 per cent of them succeeded. There was a similar trend in other Western countries and the same trend would probably be observable in the developing countries if more reliable statistics were available. It was high time that the rising suicide rate should be analysed by both UNESCO and the World Health Organization.
37. The French sociologist Friedmann had written that the victory of wisdom over power would be achieved at the collective level only when a great many citizens became aware that they could, as individuals, change their situation not only by creating rational institutions but also by changing themselves. As Confucius had said, learning without thinking was useless, but thinking without learning was dangerous.

38. Ms. SHERWOOD (International Commission of Jurists) said that her organization supported the proposals put forward by the World Health Organization (WHO) on the question of persons detained on the grounds of mental ill-health or suffering from mental disorders (E/CN.4/1988/66) particularly those regarding the formulation of a two-part document containing a set of principles and supporting guidelines.

39. Her organization was also concerned at the serious human-rights implications of certain reactions to the spread of acquired immune deficiency syndrome (AIDS). There continued to be great ignorance about the disease, and persons known to be infected were frequently treated as pariahs and discriminated against quite unnecessarily. The compulsory testing of all nationals returning to a certain Caribbean country from "endemic areas" was but one example of disturbing recent legislation.

40. The fears that provoked such reaction often revealed thinly disguised prejudices about national origin, race, religion or sexual orientation. Clear guidelines were needed on such issues as the testing procedures and the confidentiality of test results. WHO had stressed the need to keep victims integrated in society to the maximum extent possible, both for their own good and because society could not afford to lose the contribution of AIDS-infected persons. Moreover, society could not afford to drive the disease underground by discriminatory measures which would make it even more difficult to control.

41. Those concerns had recently been addressed by Council of Europe Recommendation No. R 87/25 of 26 November 1987, which recognized, inter alia, that AIDS might pose ethical, legal and social problems in terms of stigmatization and discrimination. The guidelines annexed to the Recommendation urged that there should be no compulsory screening of the general population or of particular population groups, and that public health regulatory measures should not, as a general rule, be introduced on a compulsory basis. Discriminatory measures such as control at borders and the exclusion of carriers from school, employment or housing were not justified either scientifically or ethically.

42. His delegation urged those States which had not already done so to contact WHO with a view to benefiting from the information and technical and financial assistance available under its AIDS programme.

43. Miss BOJKOVA (Bulgaria) said that many achievements in the fields of health services, food supply, education, information and culture owed their existence to scientific and technological progress. However, the misuse of scientific and technological developments had led to the threat of nuclear and ecological disaster. In the nuclear age, the common goal of mankind must be to safeguard the right to life in conditions of peace and international security.
44. No one should ignore the link between peace and human rights. The view that the right to peace did not belong with the "classical" human rights, was an echo of the old way of political thinking, which still looked upon human-rights questions as a battlefield rather than a field for co-operation. The problems facing the contemporary world were interdependent: freedom, peace, security and social justice were all equally indispensable for the enjoyment of human rights.

45. If scientific and technological progress was to benefit the cause of human rights, an objective and unbiased approach to the problem would be needed. Such an approach was to be found in the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind. On that basis, all member States could contribute to the understanding of the problem and share their experience and their proposals for joint action.

46. Mr. FLACHE (World Federation for Mental Health) said that the General Assembly had called for the completion, as soon as possible, of the body of principles, guidelines and guarantees on the question of persons detained on grounds of mental ill-health or suffering from mental disorder. Unfortunately, however, the Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities was making painfully slow progress in its work on the draft text. That lack of progress was no reflection on the competence of the Working Group, but was due to the lack of time available: the Working Group would need at least 10 meetings in 1988 if it was to make any real progress.

47. His organization noted with satisfaction that the World Health Organization had at last decided to participate in the activities of the Working Group. The approach outlined in the WHO written statement to the Commission (E/CN.4/1988/66) was an invaluable one. His organization welcomed, in particular, the emphasis on protection against neglect as well as protection against abuse and the view that the laws and regulations governing the administration of hospitals or parts of hospitals for the mentally ill in voluntary treatment should be no different from the laws and regulations governing any other hospital.

48. The 47 articles contained in annex 2 of the report by Mrs. Daes, the Special Rapporteur of the Sub-Commission (United Nations publication, Sales No. E.85.XIV.9), which dealt particularly with psychiatric abuses of a political or any other nature, would form an excellent basis for a final text divided into fundamental principles, detailed directives which Governments could adapt as necessary, and a set of guarantees. He hoped that everything possible would be done to enable the Working Group to proceed rapidly with its work.

49. Mr. RAJKUMAR (Pax Romana) said that his organization welcomed the information submitted by the Steering Committee of the United Nations University in document E/CN.4/1988/48. Among the items raised by the Committee were the right to freedom of information, environmental issues and the transfer of technology.

50. It had concluded that, as things stood, scientific and technological developments tended to aggravate inequality of decision-making power and the exercise of autonomy both within and among countries. Developing countries were frequently denied certain forms of technology or given useless
technologies instead. The explosion at the Union Carbide plant in Bhopal, India, had, in a sense, been the result of obsolescence, brought about by current models of science, technology and development.

51. At a recent colloquium organized by one of the specialized secretariats of his organization, the participants had discussed issues connected with information technology. The colloquium had noted that new techniques for processing, storing and transmitting data were responsible for the revolution in financial markets and the emergence of "geofinance". The technological revolution had reduced the autonomy of national markets, and the power of Governments and central banks was no longer sovereign.

52. All the nations of the world, regardless of their standard of living, economic systems or political régimes, belonged to the international financial network. A complex and interdependent society had been created, whose behaviour was more and more difficult to comprehend and forecast. The material economy - the production and distribution of goods and services - had been smothered. Information was neither a neutral, transparent object nor something available to all, and it was essential to waken the ethical conscience to an awareness of the new phenomena and the potential for development of technology and the economy.

53. His organization considered that everyone had the right to a healthy environment. The ecological balance of the world was threatened on every side by pollution, desertification, acid rain and genetic depletion or extinction. For instance, deforestation was thought to be responsible for the floods in Bangladesh in 1987 and the recent devastation at Rio de Janeiro, Brazil. In the same way, imprudent government policies had led to the destruction of forest cover in Borneo, which had helped to protect people from typhoons. The destruction of the earth's ozone layer by industrial waste gases from developed countries created meteorological and biospheric turbulence which affected all continents.

54. Although human-rights violations and environmental deterioration might seem to be very different issues, both had the same socio-economic and political background and both destroyed the resources common to all peoples. His organization considered that the United Nations human-rights machinery should devote its attention to the promotion and protection of the right to a healthy environment.

55. The CHAIRMAN said that the Commission had completed its consideration of agenda item 15.

QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (E/CN.4/1988/7 and 68; E/CN.4/1988/NGO/7, 9, 29 and 44; A/42/556 and Corr.1)


(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (E/CN.4/1988/27)

56. Mr. MARTENSON (Under-Secretary-General for Human Rights), introducing agenda item 5, said that the Commission had been considering the question of human rights in Chile since 1974. The Special Rapporteur, Mr. Volio Jiménez,
had submitted a preliminary report to the General Assembly at its forty-second session (A/42/556 and Corr.1). The Special Rapporteur's final report (E/CN.4/1988/7) was currently before the Commission.

57. Agenda item 12 dealt with the international community's reaction to the non-respect for human rights and fundamental freedoms. It was imperative that violations should be dealt with in a prompt and adequate manner. In considering the agenda item, the Commission had, in the past, dealt with both country situations and thematic issues.

58. A number of reports and documents were before the Commission, namely: a report by the Commission's Special Rapporteur on summary or arbitrary executions (E/CN.4/1988/22 and Add.1 and 2); a report by the Commission's Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1988/25); a report of the Commission's Special Representative on the situation of human rights in El Salvador (E/CN.4/1988/23); a report of the Commission's Special Representative on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1988/24); a report of the Secretary-General on the situation of human rights in southern Lebanon (A/42/504); and the report of the Working Group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1988/26).

59. In its resolution 42/144, the General Assembly had invited the Commission to keep the question of human rights and mass exoduses under review, with a view to making appropriate recommendations concerning further measures to be taken in that matter.

60. The Commission had been considering the question of human rights in Cyprus since 1976, and currently had before it the latest report of the Secretary-General on the subject (E/CN.4/1988/27).

61. Mr. PASTOR RÍDRUEJO (Special Representative on the situation of human rights in El Salvador), introducing his report (E/CN.4/1988/23), said that the signing of the Central American peace agreement, Esquipulas II, had raised real hopes in El Salvador that peace and respect for human rights could be achieved. Those hopes were reflected in the continued fall in the number of political prisoners and attacks on human life during 1987.

62. However, grave human-rights violations were still taking place in El Salvador, including summary executions and cases of forced disappearances. Some of the incidents were thought to be the work of the "death squads", which were presumably tolerated by State agencies or those connected with them, although he considered that the Government itself was doing all it could to control their activities.

63. There had been two particularly notable cases of summary execution in 1987. Mr. Anaya Sanabria, co-ordinator of the Salvadorian Human Rights Commission (non-governmental) had been assassinated in October 1987. His death had been variously attributed to the "death squads" and the Farabundo National Liberation Front (FMLN). The head of the San Miguel regional office of the Salvadorian Human Rights Commission (governmental), Mr. Cárdenas Vargas, had been murdered in December 1987,
allegedly by guerrilla forces, although that accusation had been firmly denied by the FMLN and the Democratic Revolutionary Front (FDR). Both cases showed an alarming trend towards the physical liquidation of those defending human rights.

64. There had been a drastic reduction in the number of political prisoners as a result of the streamlining of judicial procedures, the Amnesty Act and the humanitarian exchanges detailed in the report. During his visit to El Salvador, he had heard allegations that violence and inhuman psychological pressure had been used on detainees in an attempt to extract confessions; although it was difficult to estimate the extent of such practices, they did not seem to be systematic or universal. He had also received reports of the rape of one prisoner and the murder of another.

65. The attempts of the Salvadorian criminal justice system to punish serious human-rights violations had been unsatisfactory, although the action proposed and undertaken so far by the new Attorney-General, Mr. Girón Flores, gave some cause for hope.

66. He had received no information concerning mass killings by the Salvadorian army in 1987. It seemed that the regular army was attempting to act according to humanitarian principles. Although, there had still been occasional, unjustifiable civilian deaths.

67. The guerrilla organizations had continued to carry out summary executions (ajusticiamientos) and kidnappings. There was still an alarmingly high number of deaths and injuries among civilians as a result of contact mines laid by the guerrillas, although the number of victims had declined since 1986. The guerrillas had continued their systematic attacks on the economic infrastructure of the country, which threatened the current and future enjoyment of economic, social and cultural rights by Salvadorian citizens.

68. By signing the Esquipulas II treaty, the Government of El Salvador had committed itself to the principles of pluralist and participative democracy, national reconciliation, amnesty and respect for human rights. Those commitments were subject to the supervision of an International Verification and Follow-up Commission. However, it was regrettable that the dialogue entered into by the Government and the FMLN-FDR had been broken off by the latter after the assassination of Mr. Anaya Sanabria and the promulgation of the Amnesty Act.

69. The Amnesty Act, promulgated on 27 October 1987, covered all kinds of political offences, irrespective of their ideological motivation, with the exception of the persons involved in the murders of Monsignor Romero, Archbishop of San Salvador, in 1980 and Mr. Anaya Sanabria in 1987. That Amnesty had, however, given rise to deep concern in certain sectors. According to Americas Watch, an amnesty that pardoned the murders of non-combatants, whether the perpetrators were associated with the FMLN, the armed forces or the death squads, would not be conducive to implementation of the Esquipulas II Agreement. In his own opinion, the Amnesty Act would only make it more difficult to overcome the climate of lawlessness already prevailing in El Salvador. An appeal had already been submitted to the Supreme Court against the Amnesty Act on the grounds of unconstitutionality.
70. Another sign of the efforts being made to promote respect for human rights was the accession of El Salvador in October 1987 to the Inter-American Convention to Prevent and Punish Torture. It was to be hoped that the competent authorities in the country would respect scrupulously the provisions of that Convention.

71. Despite positive results in the period under consideration, serious abuses persisted, including the violation of the right to life, the Government still being unable to control all bodies within the State apparatus effectively. Such control was, however, essential if democracy was to be fully restored and if an end was to be put to human rights violations.

72. The FMLN-FDR had publicly announced its support for the Esquipulas II Agreement, thereby demonstrating an interest in peace and democratic normalcy in the country. It was essential to urge the Government of El Salvador and the FMLN-FDR to respect the Agreement scrupulously. The murders of Mr. Anaya Sanabria and Mr. Cárdenas Vargas should not prevent the opposing parties from continuing the dialogue and the search for national reconciliation.

73. Lastly, he wished to thank the Government of El Salvador and all the political and social forces in the country for having helped him once again to carry out his mandate. He also expressed his gratitude to the Centre for Human Rights for the quality of the assistance it had given him.

74. Mr. WAKO (Special Rapporteur on summary or arbitrary executions) said that, since he had finished compiling his report (E/CN.4/1988/22 and Add.1 and 2), he had received further communications from the Governments of Burma, Peru, Sri Lanka, Turkey and Uganda and he had met representatives of the Governments of Burma and Sri Lanka.

75. In reply to the allegations referred to in paragraph 67 of the report, the Government of Burma had sent him two communications, dated 11 February and 23 February 1988, stating that it was inconceivable that summary or arbitrary executions could take place in Burma, such practices not only being prohibited but also running counter to the tradition of the Burmese, whose tolerance and compassion were the hallmark of their culture. Any killings of innocent people must be blamed upon the Karen and Kachin insurgents.

76. It was also stated that allegations of excesses by the Burmese Army during the period 1986-87 could have stemmed only from the defamation campaign instigated by the insurgents. His attention was also drawn to the fact that the Government of Burma had recently taken ambassadors, military attachés and journalists on tours of Karen State and Kachin State in November 1987 and January 1988, tours which had allegedly confirmed that the situation was not as had been reported to him.

77. In a letter dated 6 February 1988, the Government of Peru, in response to the allegations referred to in paragraph 141 of the report, stated that the names of two of the four victims were not correct. However, bones discovered in the locality of Tánquihua might belong to two of the alleged victims. The matter was being investigated and the Government had promised to inform him of the results of the investigation as soon as they were received.
78. The Government of Sri Lanka had given him detailed explanations concerning 11 of the 15 cases of alleged killings by the security forces and had told him that investigation of the remaining four cases was still continuing, and that, as soon as it were completed, the results would be communicated to him. The detailed reply, which could be seen upon request, stated that the number of persons killed by security forces had not been as high as alleged and that most of those killed had, in fact, been terrorists, although a few civilians might have been killed in a cross-fire. The overwhelming majority of the civilians who had lost their lives had been killed by terrorists.

79. The permanent representative of Sri Lanka had also briefed him on the efforts being made to find a peaceful political settlement of the ethnic issues in the country. Particular mention had been made of the signing of the Indo-Sri Lanka Agreement of 29 July 1987 which had, in principle, been accepted by the militant groups other than the Liberation Tigers of Tamil Eelam, who continued to pursue their goals by violence directed at civilians, the Sri Lankan authorities and the Indian peace-keeping forces.

80. The Government of Uganda had also replied to the allegations referred to in paragraph 171 of the report. One of the alleged victims - Mr. John Omoya - was said to be alive although paralysed on the right side as a result of a stroke he had suffered in 1983. Investigations were still going on concerning the other five cases; the findings were expecting to be received by the end of March 1988, and the Government had promised to communicate them.

81. The Government of Turkey would like to make certain corrections to paragraph 170 of the report: in line 12 of the text, the words "Aggravated Felony" should be replaced by the words "High Criminal", while the words "at the military detention house of Diyarbakir Martial Law Command" should be deleted from the last line of the text on page 26 and the first line on page 27.

82. He was pleased to inform the Commission that valuable progress had been made, as could be seen from paragraphs 188 - 195 and 205, in drafting international standards designed to ensure proper investigation by appropriate authorities of all cases of suspicious death, including provisions for adequate autopsy. He appreciated the close collaboration that had been established with the United Nations Centre for Social Development and Humanitarian Affairs and the work that was being done by the Minnesota Lawyers International Human Rights Committee in that area. He urged Governments, international bodies and non-governmental organizations to support that standard-setting operation.

83. He had repeatedly emphasized the need to inculcate in law enforcement officers rules of decency and respect for the dignity of the individual and the right to life. Within the national context, law enforcement officers should not only be made aware of the provisions of international conventions on human rights but should also be made to realize that respect for those rights was an essential foundation for peace and orderly government in a civilized society. Although training within the national context was important, it was essential not to lose sight of the immense value of regional seminars organized for middle- and high-ranking officers. He therefore appealed to the Commission and to the Centre for Human Rights to pay particular attention to the recommendation contained in paragraph 207 (a) of his report and to organize at least one seminar.
84. He was pleased to note, in that connection, that the international community had provided bilateral and multilateral assistance to Uganda in its efforts to establish the rule of law.

85. He wished to thank the Government and the people of Suriname for the warm hospitality extended to him during his visit there, the details of which were contained in the annex to the report. He had also sent an urgent confidential report to the Secretary-General containing recommendations best implemented by the Secretary-General himself through his good offices, some of which had already borne fruit.

86. Since his visit, a referendum had been held which had overwhelmingly approved the new constitution, and a new Government had been elected. He urged the new Government of Suriname and the international community to implement the recommendations contained in paragraphs 102 to 107 of the annex to his report. The Commission should be at the disposal of the new Government if its assistance were required.

87. In 1985 and 1986, he had conducted joint hearings with the Ad hoc Working Group of Experts on Southern Africa in view of the continuous reports of killings in that part of the world. Unfortunately, during the period under review, it had not been possible to hold hearings, although the situation in southern Africa had continued to deteriorate.

88. Another area of deep concern was the increased number of killings by non-governmental groups, as reflected in paragraphs 182-187 of his report. Some such groups were committed to imposing their own solutions by violence even when genuine, peaceful and democratic alternatives existed.

89. He wished to express his gratitude to all those Governments which had co-operated with him during the period under review. He also thanked the non-governmental organizations and the staff of the United Nations Centre for Human Rights for their support and inspiration.

The public meeting rose at 12.50 p.m.