COMMISSION ON HUMAN RIGHTS
Forty-fourth session

SUMMARY RECORD OF THE 45th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 March 1988, at 10 a.m.

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

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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.
The meeting was called to order at 10.15 a.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF GUATEMALA

1. The CHAIRMAN said that the Commission was honoured by the presence of Mr. Cabrera Hidalgo, Minister for Foreign Affairs of Guatemala, whose visit to the Commission testified to Guatemala's commitment to reinforcing the principles and objectives set forth in the Universal Declaration of Human Rights. He had pleasure in inviting Mr. Cabrera Hidalgo to take the floor.

2. Mr. CABRERA HIDALGO (Minister for Foreign Affairs of Guatemala), having reaffirmed the confidence of his Government in the Commission on Human Rights as a valuable and appropriate instrument for helping countries which, like his own, were making efforts to achieve strict respect for human rights and to consolidate democracy, said that his Government intended to implement the commitments it had entered into with regard to the promotion of human rights. The degree of respect for human rights varied from country to country, depending upon democratic development. In Guatemala, as the democratization process was consolidated, so respect for human rights was increased.

3. That was, however, a dynamic process, and it was not reasonable to expect that a nation could become democratic overnight after 30 years of persecution and dictatorship. His Government was concerned that, whether for reasons of misinformation, lack of patience or bad faith, attempts were still being made in certain quarters to erode the democratization process in his country and disorient international public opinion. Nevertheless, the continuity of the existing freely elected Government and the consolidation of the democratization process were the best guarantee that the efforts to achieve full respect for human rights would be successful.

4. Mindful that peace was fundamental to making human rights a reality, his Government had also played a leading role in promoting a political and negotiated settlement of the Central American crisis.

5. As could be seen from the document his Government had submitted to the Commission, it had created legal bodies to regulate and monitor respect for human rights. Urban and rural development councils had been established to promote the participation in national life of those segments of the population that had been left out in the past.

6. Aware of the traditional discrimination against the indigenous majority, his Government had made a special effort to involve it in the process of change currently taking place in the country: the Constitution had been translated into the four Mayan languages, an academy of the Mayan language had been created, a commission of indigenous communities had been established, and a bilingual educational programme was being developed by the Ministry for Education.

7. In conjunction with the United Nations High Commissioner for Refugees (UNHCR), his Government had created a programme to receive all Guatemalan refugees in Mexico and other countries who wished to return home. The steady increase in the number of refugees returning was the best indication that the democratic process was being consolidated. In 1987, the number of refugees returning had been three times as great as in 1986, and 80 per cent of the 1987 figure had already been reached in the first two months of 1988.
8. In the coming years, a massive and continued effort would be made to promote respect for human rights in the population as a whole and in the national institutions. In that connection, his Government welcomed with enthusiasm the proposals made by the Expert, Mr. Gros Espiell, in his report on Guatemala (E/CN.4/1988/42) and intended to co-operate with him and with the Commission in implementing them; it had given the Expert all the assistance needed in carrying out his mandate, an attitude which also reflected Guatemala's identification with the work of the Commission.

9. On the basis of the conclusions contained in the report, the Commission should move on to the implementation of concrete measures to help his Government reinforce respect for human rights. The Expert had suggested several assistance measures which his Government regarded as positive.

10. The draft resolution submitted by the Latin American Group on human-rights assistance to Guatemala under agenda item 22 (E/CN.4/1988/L.40) demonstrated solidarity with the struggle to consolidate the democratic process in his country. It was also an expression of confidence in the political determination of his Government and an acknowledgment of its efforts to undertake concrete action to achieve peace and democracy.

11. His Government supported the condemnation of racial discrimination in all its forms. Guatemala, which was a melting pot of several races, could not but regard manifestations of racial discrimination such as apartheid with the utmost contempt.

12. The CHAIRMAN thanked the Minister for Foreign Affairs of Guatemala for his invaluable statement.
his report to the hostile, discourteous and unco-operative attitude of the Minister of Justice and the failure of representatives of the civil and military courts and the Director-General of the National Information Agency (CNI) to respond to his requests for interviews.

16. The prolongation of the two states of emergency gave rise to considerable human-rights violations. Under the current state of emergency, the authorities could prohibit entry into or departure from Chile, restrict freedom of movement and of opinion, suspend the right of assembly and censor correspondence. The declaration of the "state of danger of disturbance of law and order" allowed the President of the Republic to detain persons for up to five days in their homes or places other than prisons, restrict the rights of assembly and expression, prohibit the entry into Chile, or order the expulsion therefrom, of certain persons and banish persons to remote parts of the country.

17. Other laws, such as the Political Parties Act of March 1987 and Act No. 18,667, which amended the Codes of Military Justice and Penal Procedure, put further obstacles in the way of investigations by judges. In general, the constitutional and legal situation in Chile gave rise to a serious lack of security among ordinary citizens and made it easier for the authorities to commit acts contrary to human rights. He called upon the Chilean Government to relax the restrictive legal system which prevented the country's return to democracy and encouraged radicalization and political polarization.

18. His delegation welcomed the positive developments outlined in the Special Rapporteur's report: the willingness of the Government to increase political freedom, the decision to allow certain exiles to return to the country, the instructions issued to the police to cease maltreatment and torture of detainees, the inspection of police premises by the International Committee of the Red Cross and the appointment of civilian, rather than military, rectors in all but two universities.

19. Nevertheless, there were still numerous violations of the right to life and the right to physical and moral integrity, with numerous cases of torture, disappearances and political abductions by private gangs. There were still many reports of illegal detention, raids on shanty towns and the offices of trade unions and human-rights organizations and intimidation, coercion and threats.

20. His delegation was particularly concerned at the restrictions placed on the activities of the civil courts by restrictive laws and the lack of co-operation on the part of the police and security forces. The military justice system must allow the civil courts to act freely in cases of human-rights violations. Those responsible for such violations must be punished, particularly in the notorious cases of the three persons found with their throats cut in March 1985, the two persons burnt to death in July 1986, the alleged triple suicide in June 1986 and the four murders of September 1986, as well as the "Operation Albania" massacre of June 1987.

21. It was only by fulfilling its obligations under international human-rights instruments and ensuring the freedom of action of the courts that the Chilean Government would be able to safeguard human rights and put an end to allegations of the type described in the Special Rapporteur's report.
22. Mr. MADAR (Somalia) said that the Somali legal system and its implementation upheld the principle of respect for human rights. In the international arena, his Government attached particular importance to co-operation within the framework of the United Nations in order to promote the struggle against human rights violations in general and apartheid in particular. The Universal Declaration of Human Rights and other generally-accepted standards were recognized in the Somali Constitution. One of the main priorities of his Government had been the guarantee of justice for all.

23. For two decades, the people of the Arab territories occupied by Israel had suffered the deprivation and indignity of foreign domination. The human-rights violations suffered by those peoples were the result of Israel's illegal occupation of the territories, its expansionist policies and its adamant denial of the Palestinians' rights. In South Africa, too, human rights were under an ever-increasing threat. Condemnation alone would not overcome the intransigence of the Pretoria régime; the international community must impose mandatory and comprehensive economic sanctions against South Africa and co-operate in the implementation of measures to establish a just society in South Africa and gain freedom and independence for Namibia.

24. The accession to independence and statehood of former colonial peoples was one of the outstanding achievements of the international community in the past three decades. Nevertheless, millions of people were still denied their inalienable right to self-determination because of military aggression, foreign occupation, alien domination and the refusal to begin the decolonization process. Whenever the right to self-determination was denied, human-rights violations inevitably followed.

25. Mr. ELIAV (Observer for Israel) said that Jews in the Soviet Union were denied the religious, cultural and linguistic rights granted to other nationalities and denominations in that country, and yet they were not allowed to leave the country freely in order to return to their historical and national home, Israel. Although the number of Jews allowed to leave the USSR in 1987 had risen to just over 8,000, it still bore no relation to the number who wished to leave, which was currently estimated at at least 375,000. In 1979, 51,000 Jews had been allowed to leave that country.

26. Soviet regulations governing eligibility to apply for an exit visa on the basis of kinship had been enforced more rigidly up to February 1988. Affidavits on financial matters were still required from relatives remaining behind. As a result, the majority of Soviet Jews were prevented from even applying to emigrate. Another excuse - the alleged possession of secret information - had kept some "refuseniks" waiting for exit visas for many years, while others had been told that they would never obtain permission to leave. Such harsh and unjustified limitations denied the right of every Jew to go to his homeland, whether he had close relatives there or not. There had been recent reports concerning developments in the regulations concerning the emigration of Soviet Jews. His Government would monitor the situation closely, seeking evidence of a new approach.

27. He had received an appeal from a Jewish family in the Moldavian Soviet Socialist Republic, which had been refused an exit visa for the last 10 years on the grounds of "régime considerations". The parents' main objective in life, as they stated, was to live in Israel, bring up their children in the
spirit of Jewishness and instil in them a feeling of national self-awareness, without subjecting them to the kind of double life which was unavoidable in the USSR. Their children were expected to know about Moldavian poets and Russian scientists, but were forbidden to learn about a single Jewish scientist, philosopher or fighter for national freedom.

28. They belonged to a nation which had been dispersed all over the world by the forces of history. They were citizens of the USSR, and they carried out the duties inherent in that status, but they were also Jews, and they wished to link their future with that of their national homeland. The only solution to their problem was to remove all the obstacles in the way of those who wished to be repatriated to Israel.

29. Like the Jews in the Soviet Union, the small Jewish community in Syria was consistently denied the right to emigrate. It was even difficult for Syrian Jews to obtain temporary exit visas for medical purposes. If they were granted exit visas, they were obliged to travel without their families or deposit a sum of money as a guarantee that they intended to return. Their passports bore a special stamp indicating that they were Jews. He particularly wished to draw attention to the anguish of the hundreds of Jewish girls in that country who were unable to find Jewish husbands. The situation of the Jewish community in Syria had been the subject of a resolution of the European Parliament, adopted in April 1987, which called upon the Syrian Government to allow any Jew who so requested to leave the country freely and unconditionally.

30. His country wished to express its concern for the small Jewish community remaining in Ethiopia, an ancient and traditional group which wished to return to its ancestral land. He appealed to the goodwill of the Government of Ethiopia to permit the Jews to join their families in Israel on purely humanitarian grounds.

31. Mr. S.O. LEE (Observer for the Republic of Korea) said that the people, press and Government of his country were earnestly committed to the cause of human rights. The recently elected President had made it clear that human rights would not be neglected in the name of economic growth or national security.

32. He wished to bring to the attention of the Commission a tragic incident that had claimed a large number of innocent human lives. In November 1987, a Korean civilian airliner had crashed into the Andaman Sea near Burma, killing all the 115 passengers and members of the crew on board. A man and a woman - who had left the aircraft during an earlier stopover - were subsequently arrested in Bahrain. The woman later confessed that she and her companion had planted a time bomb on the aircraft on the direct orders of the Government of the Peoples Democratic Republic of Korea.

33. Such an inhuman act was a flagrant violation of the right to life and contravened many international conventions. More than 70 countries and a number of international bodies had strongly condemned the attack. He took the opportunity to thank the Governments of Bahrain, Japan, Austria and other countries for their assistance during the investigation.

34. As the Special Rapporteur on summary or arbitrary executions had stated in his report (E/CN.4/1988/22), indiscriminate killing could not and must not
be justified morally, legally or politically, and he called upon all peace-loving peoples and their Governments to condemn the attack in the strongest possible terms and to engage in joint efforts to prevent any repetition of such crimes.

35. Mr. Delgado Barreto (Peru) took the Chair.

36. Mrs. PARDO LEAL (International Association of Democratic Lawyers) said she wished to give a brief account of her late husband's life. Jaime Pardo Leal had been a judge of the Supreme Court of Colombia. He had organized a national trade union of employees in the legal field (ASONA JUDICIAL) and had become its President, as a result of which he had immediately been denied re-election as judge. He had then decided to enter politics and, in 1986, had become the presidential candidate of a vast popular movement (the Unión Patriótica). Although he had not won, he had received more votes than any other candidate from among the people.

37. That took place during a period in which the number of murders carried out by paid assassins had been increasing dramatically. There had been thousands of victims, and people of all ages, even children, had been persecuted for their political convictions or for those of their relatives. As a professor of criminal law, Jaime Pardo Leal found it strange that hired assassins could carry fire-arms and move freely about in territories carefully patrolled by the armed forces. He had publicly denounced those who had continued to murder with impunity and who had clearly not been alien to certain governmental services and bodies. A black list of the names of persons to be assassinated had begun circulating with his name on it. Six months later, Jaime Pardo Leal had been murdered.

38. She wished to speak on behalf of all those who had become widows or orphans and of those parents who had lost their children in the repression in Colombia. Her husband had been convinced that international solidarity could help check the wave of assassinations. For that reason, she called upon the Commission on Human Rights to include in its next activities an examination of the tragic situation in her country.

39. Mrs. BRIDEL (International Association of Democratic Lawyers) said that, at a meeting of the Arab Lawyers' Union, held in Kuwait in April 1987, reference had been made to the cases of three Syrian lawyers who had been held without trial since April 1980. In a resolution adopted on 12 February 1988 at Brussels, the European Parliament had also referred to the same cases.

40. Mr. WIPFLER (Commission of the Churches on International Affairs) said that, in the course of 1987, his organization had received an ever-increasing volume of documentation from Colombia concerning the gross violation of human rights by security forces and paramilitary groups. In October 1987, the Colombian Congress had been informed by the Minister for the Interior that 140 death squads had been functioning throughout the country. An incomplete tally for 1987 documented over 1,200 murders attributed to those groups. In spite of protestations by Colombian military officials that the squads were unrelated to the armed forces, it had been shown that on several occasions, members of death squads had taken refuge in police stations or military barracks after an "operation".
41. El Salvador was a situation of particular concern to his organization not only because of the high level of human-rights violations there but also because of frequent acts of intimidation, harassment and violence against religious personnel and others involved in the defence of human rights. In the six months since the signing of the Esquipulas II Peace Agreement, police and military authorities had initiated defamatory campaigns against the non-governmental Human Rights Commission, the Committee of Mothers of the Disappeared, co-operative movements organized by the church and the humanitarian work of the church. After receiving death threats, the co-ordinator of the Human Rights Commission had been assassinated in October 1987. Both the Roman Catholic Archbishop and the Lutheran Bishop had recently received similar death threats.

42. The armed forces had unleashed a media attack against the churches and other organizations involved in relocating and assisting refugees and displaced persons, and the armed forces had attempted to limit the assistance and personnel that could be utilized by the churches in their humanitarian work. In August 1987, a powerful explosion had been detonated at a Lutheran refugee camp, and in January 1988, soldiers had attacked refugees in a Roman Catholic centre. Those and numerous other actions against the churches in El Salvador and the people in their care could not be treated lightly by the international community, and the mandate of the Special Representative must be extended.

43. The consistent pattern of human-rights violations in Paraguay apparently remained unabated. Hundreds of persons had been imprisoned during 1987, and many, both political prisoners and common prisoners, had been subjected to torture or other serious physical abuse. The rights of association and assembly had frequently been abrogated as a result of direct police interference. The Commission must continue to demand that Paraguay fulfil international human rights standards. His organization recommended that, three years of consideration of Paraguay under the procedure of Council resolution 1503 (XVIII) having elapsed, a special rapporteur should be appointed for that country and the situation there should be given public consideration under agenda item 12 of the Commission.

44. The recent elections in Haiti had been seriously flawed by direct military intervention in the constitutional process. Both the military structures of the Duvalier tyranny and the organization of the feared paramilitary group, the "tontons macoutes", had remained substantially intact. As a result, serious human-rights violations had continued, and the newly elected Government might have difficulty in protecting human rights.

45. During 1987, his organization had received documented evidence from church sources in the Philippines that indicated an ongoing deterioration in the human-rights situation there. In spite of the new constitutional proscription of private armies and other armed groups, armed vigilante groups sponsored by local military commanders and encouraged by the Government had increased in number and continued to be a major cause of the growing incidence of gross violations of human rights. A second serious factor has been the massive military escalation of what had been officially called a state of undeclared war. The new Government's acceptance of the demands by the armed forces for complete control of military policy had resulted in an unbroken trend of repression which, in some regions, had escalated beyond the repression of the past régime.
46. His organization had noted with satisfaction that the Government of the Republic of Korea had granted an amnesty to a number of political prisoners, but, according to its sources, several hundred such persons still remained in prison. The Government of the Republic of Korea had been severely criticized by Korean church leaders for the violence with which demonstrations, rallies and other peaceful gatherings had been broken up by police and for the inhumane use of tear gas at those events. Although some changes had been made in the labour code, the Government continued to interfere with the rights of the workers to organize and had, on a number of occasions, violently denied them the right to strike.

47. All the situations to which his organization had referred required the serious attention of the Commission. There was, however, only a limited number of instruments available to assure effective treatment: the procedure under Council resolution 1503 (XXVIII), the appointment and support of special rapporteurs, investigations and activities by working groups and the indispensable work of the staff of the Centre for Human Rights. His organization once again appealed to the Commission not to diminish or undermine a single one of those instruments.

48. Mr. SENE (Senegal) resumed the Chair.

49. Ms. FRYBORTOVA (World Federation of Trade Unions) said that, on the eve of the fortieth anniversary of the Universal Declaration of Human Rights, the persistent gross violation of the most fundamental human and trade-union rights in many parts of the world called for an urgent strengthening of international machinery. Her Federation was increasingly concerned at the growth of repressive policies aimed at the restriction, even the destruction, of trade unions. It had taken an active part in efforts to follow up the recommendations of the Eleventh World Trade-Union Congress, having established an International Centre for the Defence of Trade Union Rights.

50. The most serious violations occurred in developing countries, especially in Latin America and Asia. Colombia had been the scene of terrible bloodshed; a permanent state of emergency allowed the Government to deny the most fundamental trade-union rights and civil liberties. Acts of repression, including summary death sentences, were carried out with impunity by paramilitary groups and the armed forces.

51. The Islamic Republic of Iran had been repeatedly denounced in the Commission and international labour conferences for its violation of conventions on enforced labour and discrimination. Islamic labour councils refused workers their rights freely to elect their representatives and establish trade-union organizations without prior authorization.

52. In Asia and the Pacific there had been instances of large-scale violation of human and trade-union rights, including arrests and dismissals of trade-union leaders and activists, especially in Bangladesh, Pakistan, India and Malaysia.

53. In Indonesia, Mohammad Munir, a former trade-union leader and vice-president of WFTU, had been executed together with 13 other trade-union figures, and many trade unionists had been in prison for up to 20 years or more, awaiting the same fate. The Indonesian Government had recently taken further restrictive steps against trade unions.
54. In the Philippines, trade unionists had been ill-treated and even killed by so-called vigilante groups, which were in fact paramilitary organizations encouraged by employers.

55. In Turkey, a number of legal measures based on the 1982 Constitution considerably restricted trade-union rights; the military régime did not recognize freedom of expression or association, and the national trade-union confederation and its affiliated organizations had been suspended for over seven years, their leaders having been detained for four years without any legal judgement. In one politically-motivated court case, which had lasted over five years, 264 trade-union leaders had been sentenced to prison terms of up to 15 years without right of appeal; such arbitrary procedure violated the Universal Declaration, the International Convenants and relevant ILO conventions.

56. WFTU had made representations to the Government of the Federal Republic of Germany in respect of the discriminatory Berufsverbote (work bans) applied against over 10,000 public-service employees. An independent commission of inquiry appointed by the ILO Governing Body had ruled that the policy contravened ILO Convention No. 111. Since, however, the authorities continued to implement the bans, WFTU proposed that the Commission should take appropriate steps with a view to halting the practice immediately.

57. The cases mentioned were but fragments of a world-wide pattern calling for internationally concerted efforts, in which WFTU was fully prepared to take an active part, to prevent further deterioration of the respect for the most fundamental human and trade-union rights.

58. Mr. HILL ARBOLEDA (World Peace Council) said that, in Turkey, there were some 700 political detainees facing a possible death sentence, in addition to 28 already sentenced. The inhuman conditions endured by thousands of political prisoners included the systematic use of torture. On 16 November 1987 the Secretaries-General of the Turkish Communist Party and Turkish Workers Party had been arrested on their return to the country, interrogated for 19 days without being brought before the courts, denied legal counsel and tortured to such an extent that one had suffered a heart attack. Repression carried out against the Kurdish people and the Turkish peace movement likewise caused concern.

59. In Pakistan, there had been 1,112 political prisoners in December 1987; 628 persons had been killed in confrontations with the police, and other atrocities had been committed. Political prisoners were tried under martial law and denied the right of appeal; the leader of the Let Sind movement was one of those who had suffered arbitrary arrest under the repressive regulations. In addition, many children in that country were subjected to inhuman exploitation and trafficking.

60. His organization was particularly concerned about violations of the rights of peace activists in the United States and elsewhere. In the occupied Arab territories, the Israeli authorities' police and military forces continued their acts of repression, including the use of tear-gas and live ammunition, against civilian demonstrators; dozens of persons had been killed, and hundreds injured, as a result. In the Federal Republic of Germany, the continued imposition of work bans was preventing many people from exercising their profession.
61. In recent months, the human-rights situation in El Salvador had deteriorated. The military and security forces persisted in their practice of torture, abduction and political assassination, several recent cases, of which he cited. The perpetrators of human-rights violations were the ones who had benefited most from the amnesty decreed by the Government. With regard to the situation in Honduras, the death threats against Dr. Custodio López, President of the Commission for the Defence of Human Rights in Central America and a member of the presiding body of the World Peace Council, was a cause for great concern; the threat seemingly stemmed from the Army High Commands of Honduras and El Salvador.

62. On the question of human rights in Chile, allegations reported by the Chilean Commission on Human Rights, the Vicaría de la Solidaridad and the Catholic Church concerning the first 11 months of 1987 included 43 killings, 118 cases of torture of political prisoners, 581 of cruel, inhuman or degrading treatment, 126 disappearances, 1,033 cases of threats of death or other reprisals and over 3,500 arbitrary arrests. The figures eloquently refuted the Pinochet Government's propaganda. The so-called plebiscite was meaningless in a climate in which citizens were exposed to threats and dangers of all sorts, nationals living abroad were forbidden to return and the Constitution outlawed political opposition. The Constitution gave power to military courts, allowed states of emergency to be constantly imposed and sanctioned terrorist acts by paramilitary gangs.

63. That the Pinochet Government should seek to divert attention by making false accusations against the Cuban people came as no surprise. Cuba suffered not only from the current unjust international economic order but from an economic and trade blockade imposed in violation of the Charter and international law. The question arose why those who opposed sanctions against the Pinochet and Pretoria régimes on the grounds that ordinary citizens would suffer most thereby, did not consider the Cuban people's equal right to be spared such suffering. World public opinion called for condemnation and sanctions against the Pinochet Government. Only under democracy, for which the Chilean people was struggling heroically, could human rights be restored there.

64. Mr. GARCIA SAYAN (Andean Commission of Jurists) said that the instances of summary or arbitrary executions recorded in the report by the Special Rapporteur (E/CN.4/1988/22) were alarming not only because the practice was so widespread but because the perpetrators seemed to be able to act with impunity. Most Latin America countries had Constitutional Governments and the rule of law was thus, in theory, guaranteed, but the practice of summary execution persisted and was even increasing in places, the perpetrators often being closely connected with the security and other state services. In many instances, of course, those responsible had nothing to do with such services; but it was the Commission's task to focus on the extent to which States complied with their international undertakings to uphold and respect the right to life.

65. In El Salvador, the Legal Trusteeship Office of the Archbishopric of San Salvador had documented 102 cases of summary executions attributed to security forces between January and November 1987; 47 others had been documented by the non-governmental Human Rights Commission. The Archbishopric had also reported, on 7 February 1988, the summary execution, by uniformed army personnel, of three peasants including a minor. It was disquieting that
the country's judicial machinery had failed to investigate and punish those responsible for the hundreds of summary executions attributed to the security forces.

66. In Colombia, hundreds of political and trade-union figures had been the victims of systematic violation of the right to life. A government minister had said, during 1987, that 138 paramilitary groups were active in the country. Members of the armed forces, had been named by the Office of the Attorney-General as implicated; far from being punished however, many of them remained in high office. Many police and military officials accused of involvement in cruel or degrading treatment and enforced disappearances had been absolved under military penal law. Paradoxically, although the Council of State had recently ruled that the Ministry of Defence was answerable before the civilian courts for certain crimes against civilians, those responsible had been exonerated by the military courts. The situation cast doubts on the credibility of the institutions and the state of law in that country.

67. As for Peru, although there had been documented reports of repeated cases of extrajudicial executions committed since 1983 by members of the armed forces, in no case had any member of the military been punished. In only two cases, involving the police exclusively, had those responsible been convicted. The most conservative estimates indicated that about 3,000 persons had been victims of extrajudicial executions over the past five years.

68. The number of killings of civilians by security forces had declined under the existing Administration, but some serious cases had occurred, one of the worst of which had been the murder in 1986 of 250 prisoners accused of terrorism. Although there had been a number of domestic and international reports on the events, no official or member of the security forces had been punished. In particular, no member of the Navy - which had put down the riot at El Frontón prison - was being prosecuted, although it had been 20 months since the events, nearly 100 prisoners had died there and the report by a Congressional Commission on the events had revealed the persons who were directly responsible.

69. Unfortunately, the weakness of certain civilian institutions in Latin America had made the armed forces the major arbiters and centres of real power, many times stronger than the civilian authorities. Whether because they had abdicated their democratic authority or because of the finite limits of their scope of action, the civilian authorities appeared, in many countries, to be unable to exercise their functions fully and effectively. As a result, a common feature in those countries was the failure to punish members of the military who were guilty of extrajudicial executions.

70. The international community must become aware that the militarization of society in the framework of constitutional régimes was a grave and serious trend which must be confronted, and all the machinery available to international law should be used to urge the civilian officials to exercise their constitutional authority. The presence of militarism under the formal rule of law might be considered by the international community as a topic especially relevant to promoting respect for human rights and might be given special attention by the Special Rapporteur, on summary or arbitrary executions.
71. In the case of Paraguay, his delegation was concerned at the tendentious orientation of the programme prepared under the direct supervision of the Ministry of Education and Worship in connection with the Pope's forthcoming visit to that country. For so-called "reasons of security", His Holiness would be unable to visit the diocese of Concepción, which was largely made up of poor peasants. Meanwhile, visits were being planned to places such as the military zone of Mariscal Estigarribia. It was to be hoped that any obstacles preventing the Pope from making real contact with the people would be removed.

72. Mr. TABORGA (International Commission of Jurists) said that, over the past year, the human-rights situation in Chile had been aggravated by the reappearance of extremely cruel means of repression, such as detention followed by disappearance, the use of animals for purposes of torture, and some particularly sadistic forms of intimidation. Since there had been no large-scale social mobilization and national protests, he wondered how the authorities would explain the 8,188 serious violations of the life, integrity and security of persons.

73. The democratic system in Chile had been replaced by a politico-institutional system created by the military régime which did not comply with Chile's international obligations to protect and promote human rights and fundamental freedoms. The permanent provisions of the Constitution structurally violated human rights and fundamental freedoms. The system denied the principles of the sovereignty of the people and the right to self-determination, rejected ideological pluralism, and significantly reduced the importance of Congress.

74. On the other hand, the powers of the Executive were enormously strengthened. Political parties were subjected to all kinds of impediments and prohibitions, and civilian society was subordinated to the military. The armed forces had become arbiters of national politics and guarantors not only of security but also of domestic order, through the National Security Council. Moreover, the successive states of emergency permanently in force for over 14 years were also a violation of international law.

75. The situation had reached such an extreme that the exercise of fundamental human rights was being punished, as had occurred in the case of the former Vice-President and Minister for Foreign Affairs, Clodomiro Almeyda. He had been stripped of all his civil and political rights for 10 years as a punishment for entering Chile, his native land. Ironically he was the man who had signed, on behalf of the Chilean people and Government, the International Covenant on Civil and Political Rights.

76. Article 9 of the Constitution authorized direct military operations for the "preventive" extermination of persons accused of alleged terrorism, such as the 12 murders committed by the National Information Agency (CNI) in June 1987. Nor did the judicial power protect the human rights of Chilean citizens. It did not even have enough independence to prevent the intimidation of judges, defence lawyers and witnesses. Another support for the dictatorship was the National Security Council, composed mainly of members of the armed forces and officials appointed by them.

77. Citing record figures of human-rights violations in 1987 compared with the previous five years, he noted, lastly, that representatives of all sectors
of society and political parties had signed a Human Rights Declaration and Agreement, defining the democracy for which they longed. In January, 15 political parties had agreed to take a united position with regard to the forthcoming plebiscite and to vote against the continuation of the régime. His delegation trusted that the case of Chile would continue to have high priority on the Commission's agenda and that the Special Rapporteur's mandate would be extended.

78. Ms. CODRIGNANI (International League for the Rights and Liberation of Peoples) said that human-rights violations in Chile had increased during 1987. Extremely serious practices had been resumed, including at least five cases of enforced disappearances, and practically all social categories had been victims of violations of their rights. The poor lived in constant terror of sudden raids in which all the men were detained and the women and children were beaten while their meagre belongings were destroyed.

79. During the Pope's visit to Chile, men, women and young people had publicly denounced the violence of the régime. One man who had done so had been found several days later beaten and wounded in the street.

80. Other rights violated by the Chilean régime were those of ethnic minorities, especially the Mapuche people. When they tried to resist the law which denied them the status of a people, their settlements were raided and their crops destroyed.

81. The so-called "Legislative Power", composed of four generals, had promulgated acts institutionalizing human-rights violations. Penal procedure had been modified to confer inappropriate competence on the military courts. Nearly all the 500 political prisoners were being tried for crimes which under no system of law would be within the jurisdiction of the military courts.

82. The legislation violating human rights had attained its maximum expression in the act regulating the application of article 8 of the so-called Constitution. That act opened the way to the repression of all kinds of ideas. The punishments which it established were serious violations of human rights and could result in nothing less than the civil death of a person.

83. In 1987, the Chilean people had decided to demonstrate, by various means, that the vast majority of them wanted no more of the present régime. Their greatest hope was for free elections. However, the enactment of so-called political laws, not inspired by any body in which the people had a voice, could not be considered as steps towards the return of democracy.

84. The plebiscite provided for in the 1980 Constitution - to be held in 1988 - was a formula conceived by the Government to consolidate and perpetuate an authoritarian régime irrespective of the views of the majority. A wide publicity campaign had been launched by the Government, which controlled nearly all the press, radio and television. In any case, it was difficult to believe that, in a country where opposition leaders continued to be detained, where there was press censorship and where people were being tortured and killed, there could be an act of true public expression such as a plebiscite or an election.

85. There was urgent need for an investigation into the fate of the political detainees who had later disappeared and to put an end to, and punish, the
activities of groups - whether private or related to the security forces - responsible for, inter alia, abductions, searches, interrogations and torture. He called upon the members of the Commission to adopt a resolution condemning the Government of Chile for its repeated, systematic and serious violations of human rights.

86. Mr. TABIBI (World Muslim Congress) said that the report of the Special Rapporteur on the human rights situation in Afghanistan (E/CN.4/1988/25) and the reports by Amnesty International and the Independent Council on Human Rights clearly showed the gravity of the situation in that country and the suffering of the Afghan people over the past eight years. Not since the Second World War had genocide taken place on such a large scale.

87. As a result of daily bombing and strafing, no city, village or field had remained safe and no bridge, hospital or road had escaped destruction. Children had had their tiny hands and feet blown off by booby-trapped toys. All that had happened in a friendly and peaceful country which had followed a policy of peaceful co-operation with all nations, and especially with its neighbours.

88. Despite all the destruction, his delegation gave a cautious welcome to the latest announcement by Mr. Gorbachev that Soviet forces were to be withdrawn from Afghanistan. The sincerity of the announcement would be put to the test during the indirect talks being held at Geneva.

89. In a statement issued on 23 February 1988, the Afghan Mujahidin had proposed that a transitional Government should be set up to ensure a cease-fire and that a provisional council should administer the provinces in order to permit the safe and complete withdrawal of Soviet forces. The proposed transitional Government would sign the accords in Geneva and undertake responsibility for their implementation. It would pursue an independent, non-aligned foreign policy. The Mujahidin had requested all countries of the world, in particular the Soviet Union, to participate generously in the rebuilding of Afghanistan's infrastructure and economy.

90. The statement in question was a sign of good faith and magnanimity. Afghans both inside and outside Afghanistan expected the alliance of the Afghan Mujahidin to fulfill their real hopes; they expected the Soviet Union, which needed peace along its southern border, to fulfill its commitment to peace; and they expected the United Nations to carry out its obligation to bring peace to Afghanistan. The world was waiting for a sober, practical and final decision at Geneva.

The meeting rose at 12.55 p.m.